



# Land Registration Act 1925

## 1925 CHAPTER 21

### PART XII

#### ADMINISTRATIVE AND JUDICIAL PROVISIONS.

##### *Description and Powers of the Court.*

#### **138 Jurisdiction of High Court and county courts.**

- (1) For the purposes of this Act, " the court " means the High Court and also the Court of Chancery of the County Palatine of Lancaster or the Court of Chancery of the County Palatine of Durham or the county court, where those courts respectively have jurisdiction, according as the one or other of such courts may be prescribed by the general rules made for carrying this Act into effect.
- (2) All matters within the jurisdiction of the High Court under this Act shall, subject to the enactments for the time being in force, relating to the Supreme Court of Judicature, be assigned to the Chancery Division of the court; and every application to the court under this Act shall, except where it is otherwise expressed and subject to any rules of court to the contrary, be by summons at chambers.
- (3) The county court shall, in cases where it has jurisdiction under this Act, have, for all the purposes of such jurisdiction, all the powers of the High Court.
- (4) The court shall have full power and discretion to make such order as it thinks fit respecting the costs, charges and expenses of all or any of the parties to any application.
- (5) The Lord Chancellor may from time to time assign the duties vested in the High Court in relation to all or any matters under this Act, including appeals from the county court, to any particular judge or judges of that court.

#### **139 Powers of court in action for specific performance.**

- (1) Where an action is instituted for the specific performance of a contract relating to registered land, or a registered charge, the court having cognizance of the action may,

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*Status: This is the original version (as it was originally enacted).*

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by summons, or by such other mode as it deems expedient, cause all or any parties who have registered interests or rights in the registered land or charge, or have entered up notices, cautions, restrictions, or inhibitions against the same to appear in such action, and show cause why such contract should not be specifically performed, and the court may direct that any order made by the court in the action shall be binding on such parties or any of them.

- (2) All costs incurred by any parties so appearing in an action to enforce against a vendor specific performance of his contract to sell any registered land or charge shall be taxed as between solicitor and client, and, unless the court otherwise orders, be paid by the vendor.

#### **140 Power of Registrar to state case for the court.**

- (1) Whenever, upon the examination of the title to any interest in land, the registrar entertains a doubt as to any matter of law or fact arising upon such title, he may (whether or not the matter has been referred to a conveyancing counsel in the prescribed manner), upon the application of any party interested in such land—
  - (a) refer a case for the opinion of the High Court and the court may direct an issue to be tried before a jury for the purpose of determining any fact;
  - (b) name the parties to such case;
  - (c) give directions as to the manner in which proceedings in relation thereto are to be brought before the court.
- (2) The opinion of any court to whom any case is referred by the registrar shall be conclusive on all the parties to the case, unless the court permits an appeal.

#### **141 Intervention of court in case of persons under disability.**

Where a person under disability, or person outside the jurisdiction of the High Court, or person yet unborn, is interested in the land in respect of the title to which any question arises as aforesaid, any other person interested in such land may apply to the court for a direction that the opinion of the court shall be conclusively binding on the person under (Usability, person outside the jurisdiction, or unborn person).

#### **142 Power for court to bind interests of persons under disability.**

- (1) The court shall hear the allegations of all parties appearing.
- (2) The court may disapprove altogether or may approve, either with or without modification, of the directions of the registrar respecting any case referred to the court.
- (3) The court may, if necessary, appoint a guardian, next friend or other person to appear on behalf of any person under disability, person outside the jurisdiction, or unborn person.
- (4) If the court is satisfied that the interest of any person under disability, outside the jurisdiction, or unborn, will be sufficiently represented in any case, it shall make an order declaring that all persons, with the exceptions, if any, named in the order, are to be conclusively bound, and thereupon all persons, with such exceptions, if any, as aforesaid, shall be conclusively bound by any decision of the court in which any such person is concerned.

### **143 Appeals.**

- (1) Any person aggrieved by any order of a judge of a county court may, within the prescribed time and in the prescribed manner, appeal to the High Court.
- (2) The court on hearing such appeal may give judgment affirming, reversing, or modifying the order appealed from, and may finally decide thereon, and make such order as to costs in the court below and of the appeal as may be agreeable to justice; and if the court alter or modify the order, the order so altered or modified shall be of the like effect as if it were the order of the county court. The High Court may also, in cases where the court thinks it expedient so to do, instead of making a final order, remit the case, with such directions as the court may think fit, to the court below.
- (3) Any person aggrieved by an order made under this Act by the High Court otherwise than on appeal from a county court, or by the Court of Chancery of Lancaster or Durham, may appeal within the prescribed time in the same manner and with the same incidents in and with which orders made by the High Court or such Court of Chancery respectively in cases within the ordinary jurisdiction of such court may be appealed from.