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STATUTORY INSTRUMENTS

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**2008 No. 2872**

**LAND REGISTRATION, ENGLAND AND WALES**

**The Land Registration Act 2002 (Amendment) Order 2008**

*Made* - - - - - *6th November 2008*  
*Laid before Parliament* *10th November 2008*  
*Coming into force* - - - *6th April 2009*

The Lord Chancellor makes the following Order in exercise of the powers conferred on him by section 5(1) of the Land Registration Act 2002(1).

In accordance with section 5(4) of that Act, he has consulted such persons as he considers appropriate.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Land Registration Act 2002 (Amendment) Order 2008 and shall come into force on 6 April 2009.

(2) In this Order, “the Act” means the Land Registration Act 2002.

**Amendment of section 4 of the Act**

2.—(1) In section 4 of the Act (when title must be registered), subsection (1) is amended as follows.

(2) In paragraph (a), omit the “or” preceding sub-paragraph (ii), and after that sub-paragraph insert—

“or

(iii) giving effect to a partition of land subject to a trust of land;”.

(3) After paragraph (a) insert—

“(aa) the transfer of a qualifying estate—

(i) by a deed that appoints, or by virtue of section 83 of the Charities Act 1993 has effect as if it appointed, a new trustee or is made in consequence of the appointment of a new trustee, or

(ii) by a vesting order under section 44 of the Trustee Act 1925 that is consequential on the appointment of a new trustee;”.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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**Amendment of section 7 of the Act**

**3.** In section 7 of the Act (effect of non-compliance with section 6), in subsection (2), before the “and “ at the end of paragraph (a) insert—

“(aa) in a case falling within section 4(1)(aa), the title to the legal estate reverts to the person in whom it was vested immediately before the transfer,”

Signed by the authority of the Lord Chancellor

6th November 2008

*Michael Wills*  
Minister of State  
Ministry of Justice

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Land Registration Act 2002 (c.9) ('the Act') by adding two new events to those that trigger compulsory first registration of title.

Article 2 provides that the requirement of registration in section 4 of the Act also applies on a transfer of a qualifying estate:

- (a) giving effect to a partition of land subject to a trust of land, or
- (b) on or in consequence of the appointment of a new trustee in the circumstances set out in that article.

Article 3 amends section 7 of Act by adding the sanction that will apply when a transfer of a qualifying estate of a kind described in new section 4(1)(aa) becomes void, because the duty to apply for registration in section 6 has not been complied with.

An Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Land Registry, 32 Lincoln's Inn Fields, London WC2A 3PH.