



Isle of Man

Ellan Vannin

AT 7 of 1982

LAND REGISTRATION ACT 1982



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Ellan Vannin

LAND REGISTRATION ACT 1982

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Passed: 19 October 1982

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AN ACT to provide for the registration of the title to land, and for connected purposes.

GENERAL NOTE: The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

PART I – THE LAND REGISTRY

1 The Land Registry

- (1) The Registrar General shall maintain, the land registry (referred to in this Act as “**the Land Registry**”) formerly maintained by the Chief Registrar under this section as originally enacted.
- (2) The Land Registry forms part of the Central Registry,
- (3) The Public Services Commission, the Department for Enterprise and the Registrar General must secure that the employees of the Commission assigned to the Land Registry include at least one person qualified to act as an advocate, barrister or solicitor in one of the jurisdictions of the Commonwealth (such a person being referred to as a “**Land Registrar**”).
- (4) In performing functions of a judicial or quasi-judicial nature under this or any other Act a Land Registrar must act independently and is not subject to the direction of the Registrar General.¹

2 The Land Commissioner

- (1) The Council of Ministers shall appoint a person who is or has been, or appears to the Council of Ministers to be qualified to be, a judge of the High Court to be Land Commissioner.²

- (2) The Land Commissioner shall, for the purposes of this Act, have all the powers, immunities and privileges of a Deemster acting as a judge of the High Court and shall exercise such functions as may be conferred on him by this Act or by Land Registry Rules.
- (3) The practice and procedure in proceedings before the Land Commissioner shall be such as may be prescribed.

3 Powers of Registrar to summon witnesses

[NI/1970/18/2]

- (1) The Registrar may, by summons under the Registrar's seal, require the attendance of any person whom he may consider to be necessary, in connection with any matter relating to registration under this Act, for examination under this section and may, by like summons, require any person to produce for his inspection any document in his custody or under his control relating to that matter.³
- (2) The Registrar may, by like summons, require any person having the custody of any map, survey, record or book made or kept in pursuance of any enactment to produce the map, survey, record or book for his inspection.
- (3) The Registrar may examine on oath or otherwise any person appearing before him, and may accordingly administer an oath.
- (4) The Registrar may allow any person summoned by him pursuant to subsection (1) or (2) the reasonable expenses of his attendance.
- (5) Any expenses allowed pursuant to subsection (4) shall be deemed to be costs incurred in or about proceedings for registration, and may be dealt with in such manner as may be prescribed.
- (6) Any person who, after being served with a summons under subsection (1) or (2) or with a copy thereof, and after having had tender made to him of the travelling and subsistence expenses, if any, to which he is entitled, wilfully neglects or refuses —
 - (a) to attend, or to produce any document, in pursuance of the summons under subsection (1); or
 - (b) to produce any map, survey, record or book which he may be required to produce pursuant to the summons under subsection (2); or
 - (c) to answer on oath or otherwise any questions lawfully put to him by the Registrar,shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £2,500.

3A Use of live links for proceedings before the Land Commissioner and the

Land Registrar

- (1) No enactment or other rule of law is to be taken to prevent the relevant officer from using a live video link or live audio link if the relevant officer considers it appropriate to do so for the purposes of proceedings before the relevant officer.
- (2) In deciding whether it is appropriate to use a live audio link or a live video link, the relevant officer must have regard to all the circumstances and in particular whether it is necessary or desirable for securing the just expeditious and economical disposal of proceedings to use such a link.
- (3) A person who participates in proceedings under this Act by means of a live video link or live audio link is to be regarded for all purposes as being present and appearing at the hearing.
- (4) In this section —
“live audio link”, in relation to a person (“P”) taking part in proceedings means a live telephone link or other arrangement which —
 - (a) enables P to hear all other persons taking part in the proceedings who are not in the same location as P; and
 - (b) enables all other persons taking part in the proceedings who are not in the same location as P to hear P; and“live video link” in relation to a person (“P”) taking part in proceedings, means a live television link or other arrangement which —
 - (a) enables P to see and hear all other persons taking part in the proceedings who are not in the same location as P; and
 - (b) enables all other persons taking part in the proceedings who are not in the same location as P to see and hear P;“relevant officer” means the Land Commissioner or the Land Registrar (as the case requires).
- (5) For the purposes of subsection (4) disregard —
 - (a) the extent (if any) to which a person is unable to —
 - (i) see by reason of any impairment of eyesight; or
 - (ii) hear by reason of any impairment of hearing;
 - (b) the effect of any direction or order which provides for one person taking part in proceedings to be prevented by means of a screen or other arrangement from seeing another person taking part in the proceedings.⁴

4 Indemnity of Land Registry officials

[NI/1970/18/3]

The Registrar shall not, nor shall any officer or person acting pursuant to any authority conferred by or under this Act or any other statutory provision, be liable

to any action, suit or proceedings for, or in respect of, any act or matter done or omitted to be done in good faith in the exercise, or purported exercise, of the functions conferred by or under this Act or any other statutory provision.⁵

PART II – JURISDICTION IN LAND REGISTRATION MATTERS

5 Power of High Court in actions for specific performance

[NI/1970/18/5]

Where an action is instituted for the specific performance of a contract relating to registered land, the High Court may cause all or any parties who have registrable rights in the land, or have entered cautions or inhibitions against the same, to appear in the action and show cause why the contract should not be specifically performed, and the order of the Court in the action shall be binding on those parties or any of them.

6 Appeal and reference to Land Commissioner

[NI/1970/18/6]

- (1) Any person aggrieved by any order or decision of the Registrar may appeal to the Land Commissioner and the Land Commissioner may annul or confirm, with or without modification, the order or decision.
- (2) Whenever the Registrar entertains a doubt as to any question of law or of fact arising in the course of registration under this Act, he may make an order referring the question to the Land Commissioner.
- (3) Save as is otherwise provided by section 56 of this Act, the Land Commissioner, in any proceeding under this section, shall, if so requested by the Registrar, and may in any case, if necessary, appoint, for the purposes of that proceeding, a guardian or other person to represent any minor, person of unsound mind, person absent from the Island, unborn person or person as to whom it is not known whether he is dead or alive.
- (4) The Land Commissioner may, if he is satisfied that the interests of any person represented as is mentioned in subsection (3) are sufficiently protected by the representation, make an order declaring that that person shall be conclusively bound by the decision of the Land Commissioner, and, thereupon, that person shall, subject to section 7, be bound accordingly as if he were a party.

7 Appeal from the Land Commissioner

[NI/1970/18/7]

Any decision of the Land Commissioner under this Act shall be final and conclusive on all the parties except that an appeal shall lie, in accordance with rules of court, to the Staff of Government Division —

- (a) where the decision involves any question of law;
- (b) in any other case, with the leave of the Land Commissioner or the Staff of Government Division.

8 Enforcement by Land Commissioner of orders of Registrar

[NI/1970/18/8]

If any person disobeys an order of the Registrar made in pursuance of this Act or Land Registry Rules, the Registrar may certify the disobedience to the Land Commissioner, and thereupon, the person guilty of the disobedience may, subject to his right of appeal to the Land Commissioner from that order, be punished as a contempt of court by the Land Commissioner as if the order of the Registrar were the order of the Land Commissioner.

9 Registrar to obey orders of Land Commissioner and courts

[NI/1970/18/9]

- (1) The Registrar shall obey every order of the Land Commissioner and of any court of competent jurisdiction in relation to registered land on being served with the order or an office copy thereof.
- (2) The Registrar may, where he considers it necessary, apply personally and without notice or formality to the Land Commissioner or, as the case may require, the court which has made such an order either to vary the same or to give directions as to the mode in which it is to be obeyed, and, thereupon, the Land Commissioner or, as the case may be, that court may, after such notice, if any, as he or, as the case may be, it may direct. vary the order in such manner, or make such new order, or give such directions, as he or, as the case may be, it may think fit.

PART III – REGISTRATION OF OWNERSHIP

The registers

10 The title register

- (1) There shall be maintained by or on behalf of the Registrar in accordance with the provisions of this Act and of Land Registry Rules a register of title to —
 - (a) freehold estates in land;
 - (b) leasehold estates in land;
 - (c) land comprising incorporeal rights held in gross;
 - (d) such other rights in land as may be prescribed.

- (2) The references to estates in subsection (1)(a) and (b) exclude rights such as are mentioned in subsection (1)(c); and “leasehold estates” in subsection (1)(b) excludes a leasehold estate for a term of 21 years or less.⁶

11 Conclusiveness of registers

[NI/1970/18/11]

- (1) Save as is otherwise provided by or under this Act, the title register shall be conclusive evidence of the titles shown on that register and of any right, privilege, appurtenance or burden as shown thereon, and the title of any person shown thereon shall not, in the absence of actual fraud, be in any way affected in consequence of his having notice of any deed, document or matter relating to or affecting the title so shown.⁷
- (2) [Repealed]⁸
- (3) Subject to any entry to the contrary on the title register, any disposition of registered land for valuable consideration shall operate in like manner as if the transferor or grantor were —
- (a) entitled to the land for his own benefit;
 - (b) not under any disability; and
 - (c) entitled to deal with the land without obtaining any such consent or complying with any such requirement as is mentioned in section 64;

notwithstanding any enactment (other than an enactment contained in this Act or, in the case of a limited owner, the *Settled Land Act*) or rule of law to the contrary.⁹

Owners and classes of title

12 Classes of owners who may be registered

[NI/1970/18/12]

Subject to the provisions of section 55 regarding minors, a person may be registered in accordance with Land Registry Rules —

- (a) in the case of a freehold estate, as owner in fee simple (in this Act referred to as the “**full owner**” of that estate); or
- (b) in the case of a settled freehold estate, if he —
 - (i) is a tenant for life; or
 - (ii) has under the *Settled Land Act* the powers of a tenant for life, as the limited owner of that estate; or
- (c) in the case of a leasehold estate, as the person in whom the leasehold estate is vested in possession (in this Act referred to as the “**full owner**” of that estate); or

- (d) in the case of a settled leasehold estate, if he is either a tenant for life or has under the *Settled Land Act* the powers of a tenant for life, as the limited owner of that estate.

13 Classes of title with which owners may be registered

[NI/1970/18/13]

- (1) On first registration of the ownership of a freehold estate, a person may be registered with —
 - (a) an absolute title; or
 - (b) a possessory title; or
 - (c) a qualified title.
- (2) On first registration of the ownership of a leasehold estate, a person may be registered with —
 - (a) an absolute title; or
 - (b) a good leasehold title; or
 - (c) a possessory title; or
 - (d) a qualified title.
- (3) It shall not be necessary for the Registrar to approve any title which is proposed to be registered under this Act, but he shall be entitled to withhold registration until he has received such information and documents as he considers necessary to justify him in registering the title applied for.¹⁰

Freehold estates

14 Application for first registration of freehold estate

[NI/1970/18/14]

- (1) An application for first registration of the ownership of a freehold estate may be made by —
 - (a) the owner of an estate in fee simple in the land (including a personal representative, but excluding a mortgagee where there is a subsisting right of redemption); or
 - (b) a tenant for life, or a person who has under the *Settled Land Act* the powers of a tenant for life; or
 - (c) any other person authorised in that behalf by any statutory provision;whether or not the estate is subject to incumbrances.¹¹
- (2) An application under subsection (1) shall be made for registration with —
 - (a) an absolute title;
 - (b) a possessory title; or

- (c) a qualified title.¹²
- (3) and (4) [Repealed]¹³
- (5) A person shall not be registered under this section with an absolute title under this section until his right to be so registered has been shown to the satisfaction of the Registrar.¹⁴
- (6) If, on an application for first registration as an owner of a freehold estate with one of the classes of title specified in subsection (2), the Registrar decides that the person to be registered as the owner of the estate should be registered with a title of another of those classes, the Registrar may, subject to such conditions as may be prescribed, register that person accordingly.

15 Effect of first registration of freehold estate with absolute title

[NI/1970/18/15]

- (1) On first registration of a person as full owner of a freehold estate with an absolute title, an estate in fee simple in the land shall, subject to subsections (3) and (4), vest in the person so registered, whether or not it was theretofore vested in him.
- (2) On first registration of a person as limited owner of a freehold estate with an absolute title, the person so registered shall, subject to subsections (3) and (4), be, in respect of that land —
 - (a) a tenant for life; or
 - (b) a person having under the *Settled Land Act* the powers of a tenant for life;and that land shall be subject to the settlement in respect of which that person is registered as limited owner.
- (3) In either of the cases specified in subsections (1) and (2), the estate of the registered owner shall be subject to —
 - (a) any registered burdens affecting the estate;
 - (b) any other matters appearing from the register to affect the estate; and
 - (c) unless the contrary is expressed in the register, any Schedule 5 burdens affecting the estate;but shall be free from all other rights, including rights of the Crown.
- (4) If, on first registration, the registered owner holds the estate as trustee, nothing in this section shall affect his duties and liabilities as such trustee.

16 Effect of first registration of freehold estate with possessory title

[NI/1970/18/17]

- (1) On first registration of a person as full or limited owner of a freehold estate with a possessory title, the person so registered shall, save as is otherwise provided by subsection (2), have the same estate as if he had been registered as full or, as the case may be, limited owner of that estate with an absolute title.
- (2) The first registration of a person as full or limited owner of a freehold estate with a possessory title shall not prejudice or affect the enforcement of any right adverse to, or in derogation of, the title of that person (or, in the case of a limited owner, of that person and of any other person entitled under the settlement in respect of which the first-mentioned person is registered as limited owner) and subsisting or capable of arising at the time of first registration of the title so registered.

17 Qualified title to freehold estate

[NI/1970/18/18]

- (1) If, on an application for first registration of any person as full or limited owner of a freehold estate, it appears to the Registrar that the title can be established only for a limited period, or only subject to certain qualifications, the Registrar may, by an entry made on the register, except from the effect of registration any estate —
 - (a) arising before a specified date; or
 - (b) arising under a specified document; or
 - (c) otherwise particularly described in the register;and a title registered subject to any such exception shall be called a “qualified title”.¹⁵
- (2) The first registration of a person as full or limited owner of a freehold estate with a qualified title shall have the same effect as first registration with an absolute title, save that first registration with a qualified title shall not prejudice or affect the enforcement of any estate appearing from the register to be excepted.

*Leasehold estates***18 Application for first registration of leasehold estate**

[NI/1970/18/19]

- (1) An application for first registration of the ownership of a leasehold estate may be made by —
 - (a) the owner of a leasehold estate (including a personal representative but excluding a mortgagee where there is a subsisting right of redemption); or

- (b) a tenant for life, or a person who has under the *Settled Land Act* the powers of a tenant for life: or
 - (c) any other person authorised in that behalf by any enactment, whether or not such an estate is subject to incumbrances.
- (2) An application under subsection (1) shall be made for registration with —
 - (a) an absolute title;
 - (b) a good leasehold title;
 - (c) a possessory title; or
 - (d) a qualified title.¹⁶
- (3) and (4) [Repealed]¹⁷
- (5) A person shall not be registered as an owner with an absolute title under this section until he has produced such evidence of title to —
 - (a) the leasehold estate;
 - (b) the freehold estate; and
 - (c) any intermediate estate which may exist,as the Registrar considers necessary to justify registration with the proposed class of title.¹⁸
- (6) A person shall not be registered under this section with a good leasehold title under this section unless his right to be so registered has been shown to the satisfaction of the Registrar.¹⁹
- (7) If, on application for first registration as owner of a leasehold estate with one of the classes of title specified in subsection (2), the Registrar decides that the person to be registered as owner of the estate should be registered with a title of another of those classes, he may, subject to such conditions as may be prescribed, register that person accordingly.

19 Effect of first registration of leasehold estate with absolute title

[NI/1970/18/20]

- (1) On first registration of a person as full owner of a leasehold estate with an absolute title, the leasehold estate shall, subject to subsections (3) and (4), vest in the person so registered, whether or not it was theretofore vested in him.
- (2) On first registration of a person as limited owner of a leasehold estate with an absolute title, the person so registered shall, subject to subsections (3) and (4), be, in respect of that land, a tenant for life or, as the case may require, a person having under the *Settled Land Act* the powers of a tenant for life. and that land shall be subject to the settlement in respect of which that person is registered as limited owner.
- (3) In either of the cases specified in subsections (1) and (2), the estate of the registered owner shall be subject to —

- (a) any registered burdens affecting the estate;
 - (b) any other matters appearing from the register to affect the estate; and
 - (c) unless the contrary is expressed in the register, any Schedule 5 burdens affecting the estate, but shall be free from all other rights, including rights of the Crown.
- (4) If, on first registration, the registered owner holds the estate as trustee, nothing in this section shall affect his duties and liabilities as such trustee.

20 Effect of first registration of leasehold estate with good leasehold title

[NI/1970/18/21]

- (1) On first registration of a person as full or limited owner of a leasehold estate with a good leasehold title, the person so registered shall, save as is otherwise provided by subsection (2), have the same estate as if he had been registered as full or, as the case may be, limited owner of that leasehold estate with an absolute title.
- (2) The first registration of a person as full or limited owner of a leasehold estate with a good leasehold title shall not prejudice or affect the enforcement of any right adverse to, or in derogation of, the title of the lessor to grant the lease.

21 Effect of first registration of leasehold estate with possessory title

[NI/1970/18/22]

- (1) On first registration of a person as full or limited owner of a leasehold estate with a possessory title, the person so registered shall, save as is otherwise provided by subsection (2), have the same estate as if he had been registered as full or, as the case may be, limited owner of that leasehold estate with an absolute title.
- (2) The first registration of a person as full or limited owner of a leasehold estate with a possessory title shall not prejudice or affect the enforcement of any right (whether in respect of the lessor's title or otherwise) adverse to, or in derogation of, the title of that person (or, in the case of a limited owner, of that person and of any other person entitled under the settlement in respect of which the first-mentioned person is registered as limited owner) and subsisting or capable of arising at the time of first registration.

22 Qualified title to leasehold estate

[NI/1970/18/23]

- (1) If, on an application for first registration of any person as full or limited owner of a leasehold estate, it appears to the Registrar that the title, either of the lessor to the reversion or of the lessee to the leasehold estate can be established only for a limited period, or only subject to certain

qualifications, the Registrar may, by an entry made on the register, except from the effect of registration any estate —

- (a) arising before a specified date; or
- (b) arising under a specified document; or
- (c) otherwise particularly described in the register,

and a title registered subject to any such exception shall be called a “**qualified title**”.²⁰

- (2) The first registration of a person as full or limited owner of a leasehold estate with a qualified title shall have the same effect as first registration with an absolute title or, as the case may be, with a good leasehold title, save that first registration with a qualified title shall not prejudice or affect the enforcement of any estate appearing from the register to be excepted.

Compulsory first registration

23 Compulsory first registration

[NI/1970/18/24; N1992/7/10]

- (1) The first registration of the ownership of any land shall be compulsory in the cases specified in column 1 of Part I of Schedule 2.
- (2) In any case where the first registration of any land is compulsory, the effect of non-registration shall be as specified, in respect of that case, in column 2 of Part I of Schedule 2.
- (3) The provision of Part II of Schedule 2 shall apply for the purpose of extending in certain cases, the period under Part I of that Schedule within which an application must be made for registration.
- (4) The provisions of Part III of Schedule 2 shall have effect for the purpose of interpreting the provisions of Part I of that Schedule.
- (5) Pending the registration of a leasehold estate the title to which is required to be registered under subsection (1) and entry 4 in Part I of Schedule 2, the estate shall, for the purposes of sections 67 and 68 (exemption from registration of deeds), be deemed to be registered land as from the time when the lease is granted.²¹

24 Extension of compulsory registration

[NI/1970/18/25]

- (1) The Treasury, may by order declare that any area specified in the order shall be a compulsory registration area, for the purposes of entry 1 in Part I of Schedule 2, from such day as may be specified in the order, not being a day earlier than six months after the making of the order.²²
- (2) An order under subsection (1) shall not have effect until it has been approved by Tynwald.

24A First registration of land of public bodies

- (1) The Council of Ministers may direct any body to which this section applies to make an application for first registration of the body's title to any land, and for that purpose to supply the Registrar with such evidence of and information concerning the land vested in or held or occupied by the body as the Registrar may require.
- (2) A direction under this section may be expressed to relate to any land or to such land, or land of such a description, as may be specified in the direction.
- (3) It shall be the duty of a body to which this section applies to comply with a direction under this section.
- (4) This section applies to —
 - (a) a Department;
 - (b) a Statutory Board;
 - (c) the Manx Museum and National Trust;
 - (d) a local authority;
 - (e) a joint board (within the meaning of the *Local Government Act 1985*.)²³

*Reclassification of title***25 Reclassification of registered titles**

[NI/1970/18/26]

The title to any registered land may be reclassified subject to and in accordance with the provisions of Schedule 3.

*Extinguishment of leasehold estates***26 Extinguishment of leasehold estates**

[N/1992/7/13]

- (1) Where a registered leasehold estate becomes merged in the freehold or in a superior leasehold or has otherwise been extinguished, the Registrar shall, on application in such manner and subject to such conditions as may be prescribed, and on production of such evidence of the title as the Registrar considers necessary —
 - (a) cancel the entry in the register relating to the estate which has been so merged or extinguished;
 - (b) if a superior title has been acquired in circumstances where this subsection applies but has not been registered, register that title in the title register with such class of title as appears to the Registrar to be appropriate; and

- (c) where a superior title is registered, make such alterations in any entry relating to the land in question in the title register as appear to the Registrar to be appropriate.²⁴
- (2) Until the entry in the title register has been cancelled pursuant to subsection (1)(a) and, where necessary, until the superior title has been registered pursuant to subsection (1)(b) the owner of the superior estate shall not, under the provisions of this Act, have any further or other title to the land than he would have had if the leasehold estate had not been merged or extinguished.²⁵

Examination of title

27 Examination of title

[NI/1970/18/28]

Subject to the following provisions, where the examination of title is required under this Act or is necessary to facilitate any registration, such examination shall be conducted by such person and in such manner as may be prescribed —

- (a) due notice shall be given, where the giving of such notice is prescribed, and where notice is given, an opportunity shall be afforded to any person desirous of objecting to submit his objections to the Registrar;
- (b) the Registrar shall have jurisdiction to hear and determine any such objection;
- (c) if the Registrar, on examination of any title, is of the opinion that the title is,

notwithstanding a defect therein, a title the holding under which will not be disturbed, he may in his discretion, register the title, or may require the applicant to apply to the Land Commissioner, upon a statement signed by the Registrar, for his sanction to the registration.²⁶

28 Affidavit required before registration

[NI/1970/18/29]

- (1) Before the completion of the registration of any person as owner of any land in respect of which an examination of title is required, the applicant for registration or his advocate shall, if so required by the Registrar, make an affidavit that, to the best of his knowledge and belief —
 - (a) all deeds, wills and other documents of title affecting the title the subject of the application;
 - (b) all incumbrances affecting such title; and
 - (c) all facts material to such title,have been disclosed in the documentation lodged in connection with the particular application.²⁷

- (2) The Registrar may require any person making an affidavit in pursuance of subsection (1) to state in his affidavit what means he has had of becoming acquainted with the several matters referred to in that subsection.
- (3) Without prejudice to subsections (1) and (2), the Registrar may, if he is of the opinion that any further or other evidence is necessary or desirable before completing the registration, refuse to complete the registration until such further or other evidence is provided.

28A Restrictions affecting land

- (1) If the Registrar is satisfied, on an application for first registration of the ownership of any land, that a covenant or condition which might be registered as a Schedule 6 burden pursuant to entry 10 in Part I of that Schedule does not run with the land or is not capable of being enforced against the owner of the land, he may direct that no notice or entry of the covenant or condition shall be entered on the title register.
- (2) A direction under subsection (1) shall not be given except in pursuance of an order of the Land Commissioner unless the covenant or condition was imposed by or arose by virtue of an instrument made more than 80 years before the date of the direction.²⁸

PART IV – DEALINGS WITH REGISTERED LAND

General provisions

29 Dealings with registered land

[NI/1970/18/31]

- (1) Save as is otherwise provided by or under this Act or by any other enactment, the registered owner of any land shall alone be entitled to deal with that land by registered disposition.
- (2) Except as provided by this subsection, nothing in this Act shall prevent a person from creating any estate in any registered land as if that land had been unregistered land; but —
 - (a) all estates in registered land shall be subject to the provisions of this Act; and
 - (b) without prejudice to paragraph 1 of Part I of Schedule 7, a mortgage or other deed of charge, in whatever form expressed shall, in so far as it relates to registered land, operate only to create a charge and not to vest any freehold or leasehold estate (whether or not subject to defeasance) in the land in the person in whose favour the mortgage or other deed of charge is created.

30 Powers of person entitled to be registered

[NI/1970/18/33]

- (1) Where a person who has become entitled to be registered as owner of any registered land, either on transmission on the death of a registered owner or in consequence of a disposition by a registered owner, wishes to deal with the land, he may, subject to subsections (2) and (3), do so in such manner and subject to such conditions as may be prescribed.
- (2) Any dealing by a person entitled to be so registered shall, subject to such modifications as may be necessary to define clearly the land, be in the same form as is required for such a dealing by a registered owner, but registration of any such dealing shall not be made until the person executing the document has been registered as owner, or until his right to be so registered has been shown to the satisfaction of the Registrar.
- (3) Subject to the provisions of this Act with regard to registered dealings for valuable consideration, registration of a dealing by a person entitled to be so registered before he is registered shall have the same effect as if he had been so registered.

31 Transfer of registered land

[NI/1970/18/34]

- (1) Save as is otherwise provided by or under this Act and subject, in the case of a limited owner, to the *Settled Land Act*, a registered owner of any land may transfer the land, or any part thereof.
- (2) There shall be executed on any such transfer a document in the prescribed form.
- (3) Any such transfer shall be completed by the registration of the transferee as owner of the land, but until such registration, the document shall not operate to transfer the land.
- (4) On registration of a transferee of any land as full owner of the land, the document of transfer shall operate as a conveyance by deed and there shall be vested in the registered transferee the land transferred, subject —
 - (a) to all registered burdens and to all other matters appearing from the register to affect the land;
 - (b) unless the contrary is expressed in the register, to any Schedule 5 burdens affecting the land;
 - (c) if the transfer is made without valuable consideration, to subsection (5); and
 - (d) if the transferee holds the land as a trustee, to his liabilities and duties as such, but free from all other rights, including rights of the Crown.
- (5) Where such a transfer is made without valuable consideration, it shall, so far as concerns the transferee and persons claiming under him otherwise

than for valuable consideration be subject to all unregistered rights subject to which the transferor held the land transferred.

- (6) The registration of a transferee as limited owner of any land shall have the same effect as registration of him as a full owner thereof, except that —
 - (a) in the case of a transfer of a freehold estate, the fee simple; and
 - (b) in the case of a transfer of a leasehold estate, the leasehold estate,shall be vested in the transferee and the other persons entitled under the settlement in respect of which the transferee is registered as limited owner.
- (7) [Repealed]²⁹
- (8) Land Registry Rules may provide for the modification of the provisions of this section in its application to the transfer of charges.

32 Words of transfer

[NI/1970/18/35]

Subject to section 31(3) —

- (a) a document of transfer of a registered freehold estate without words of limitation shall be construed as passing the fee simple, or other the whole estate which the transferor had power to transfer, unless a contrary intention appears in the document of transfer;
- (b) a document of transfer of a registered freehold estate to a corporation sole by his corporate designation without the word “successors” shall be construed as passing the fee simple, or other the whole estate which the transferor had power to transfer, unless a contrary intention appears in the document of transfer;
- (c) in a document of transfer of any registered land, a resulting use or trust for the transferor shall not be implied merely by reason that the property is not expressed to be transferred to the use or benefit of the transferee; and
- (d) a registered owner of a freehold estate may transfer estates therein to several persons in succession, including himself, and co-registered owners of a freehold estate may transfer estates therein to themselves, without the necessity of the creation of a trust for that purpose.

33 Defeasance of registered owner’s estate

[NI/1970/18/36]

- (1) In any of the following cases of defeasance of the estate of a registered owner, that is to say, —
 - (a) under a sale in execution of the judgment of any court;
 - (b) under a power of appointment;
 - (c) under a vesting order;

- (d) under a deed executed pursuant to any provision of the *Acquisition of Land Act 1984* or any other enactment to the like effect;³⁰
- (e) pursuant to an order under paragraph (a) of section 53 of the *Trustee Act 1961*;
- (f) pursuant to an order under section 4 of the *Partition Act 1931*;
- (g) under any other enactment;
- (h) in any other case which may be prescribed;

the ownership of the estate passes to another person otherwise than by transfer from the registered owner or his personal representatives, then, subject as may be prescribed and subject to subsections (2) and (3), the Registrar shall, on the application of that person and on production of such evidence as may be prescribed, register him as owner of the estate.³¹

- (2) Where it appears to the Registrar that the application may have been made without the knowledge of the registered owner, the Registrar may, before registering the applicant as owner of the estate, send notice of the application to the registered owner.³²
- (3) The Registrar may, if he thinks fit, decline to register the applicant as owner except in pursuance of an order of the Land Commissioner.³³

34 Transmission of registered land

[NI/1970/18/37]

The provisions of Schedule 4 shall have effect in relation to the transmission of registered land on the death of a registered full owner and on the determination of the estate of a registered limited owner.

Burdens generally

35 Matters which are burdens affecting registered land without registration

[NI/1970/18/38]

- (1) Notice of the existence of any of the burdens specified in Part I of Schedule 5, as for the time being subsist, may, subject to such conditions as may be prescribed, be entered on the title register, but every such burden shall, unless under the provisions of Part II of that Schedule the contrary is expressed on that register, affect the land whether or not such notice is so entered.³⁴
- (2) The provisions of Part II of Schedule 5 shall apply in relation to Schedule 5 burdens.

36 Registration of certain burdens

[NI/1970/18/39]

- (1) Any of the matters specified in Part I of Schedule 6 may be entered as burdens on the title register.³⁵
- (2) The provisions of Part II of Schedule 6 shall apply in relation to the registration of Schedule 6 burdens.
- (3) Land Registry Rules, —
 - (a) may amend Part I of Schedule 6; and
 - (b) make such other amendments, modifications and repeals of other provisions of any Act relating to land as appear to the Department for Enterprise to be necessary or expedient in consequence of provision made under paragraph (a).³⁶

37 Priority of registered burdens

[NI/1970/18/40]

Save as otherwise provided by this Act or by any other enactment and subject to any entry to the contrary contained in the title register, registered burdens affecting the same land shall, if created or arising since the first registration of the land, rank according to the order in which they are entered on the register and shall rank in priority to any other burden (not being a Schedule 5 burden) affecting the land and created or arising since the first registration of the land.³⁷

Money burdens

38 Creation and effect of charges on registered land

[NI/1970/18/41]

- (1) A registered owner of land may, subject to the provisions of this Act, charge the land with the payment of money either with or without interest, and either by way of annuity or otherwise.
- (2) A charge under subsection (1) may be created by deed or by will and, subject to subsection (3), the Registrar shall, on registering such a charge as a burden, register the ownership of that charge in the title register.³⁸
- (3) Where a charge created by will does not expressly charge any registered land with payment to a specified person of a specified sum, with or without interest, or of an annuity, the Registrar shall not, unless the Land Commissioner otherwise directs, be obliged to register the ownership of that charge in the title register.³⁹
- (4) Any power, howsoever conferred, to borrow or lend money on the security of a mortgage shall be construed as including power to do so on the security of a registered charge.

- (5) Part I of Schedule 7 shall apply in relation to the registration and effect of charges created by registered full owners of land and registered limited owners of land and by persons having the like power to create such charges.
- (6) Part II of Schedule 7 shall apply in relation to the creation and effect of charges by registered limited owners of land acting in conjunction with all other persons entitled under the settlement.

39 Exercise of power of charging registered land

[NI/1970/18/42]

(1) Where —

- (a) a power to charge registered land; or
- (b) a trust for securing money on registered land,

is registered as a Schedule 6 burden, it may be exercised or executed by the creation of a charge and not otherwise, and the person empowered under any such power or trust to charge the registered land with the payment of any money shall have the like power to create a charge on the land for that money as the registered owner of that land, and the charge shall, subject to subsection (2), be entered on the title register in its proper priority.⁴⁰

(2) In the absence of any agreement to the contrary made by the persons entitled to make such agreement, a charge created under a registered power shall be entered on the register as of the same priority as that power.

40 Priority of registered charge for future advances

[NI/1970/18/43; N1992/7/22]

(1) Where —

- (a) a deed or other instrument creating a registered charge states that the charge is created for the purpose of securing future advances (whether with or without present advances), and
- (b) the entry in the title register relating to the charge —
 - (i) contains a statement similar to that in paragraph (a); or
 - (ii) otherwise refers to money secured by the charge without specifying the amount secured,

the registered owner of the charge shall be entitled in priority to any subsequent charge to the payment of any sum due to him in respect of such future advances, except any advances which may have been made after the date of, and with express notice in writing of, the subsequent charge.⁴¹

- (2) Where the registered owner of a charge is under an obligation, noted on the register, to make any future advances, a subsequent registered charge shall take effect subject to any advance made pursuant to that obligation.
- (3) In this section “future advances” includes sums from time to time due on an account current and all sums which by agreement or the course of business between the parties are considered to be advances on the security of the charge.

41 Term of years vested in trustee for raising money out of registered land

[NI/1970/18/45]

Where a term of years is vested, whether before or after the commencement of this Act, in a trustee or other person for the purpose of raising money out of registered land, such vesting shall operate as a trust for securing money on such registered land or, as the case may be, as a power to charge that registered land and, accordingly, the trust or power may be registered as a Schedule 6 burden.

42 Term of years vested in trustee for raising money etc prior to first registration

[NI/1970/18/46]

- (1) Where, prior to the first registration of any land, a term of years is vested in a trustee or other person for the purpose of raising money out of that land, such vesting shall, on the first registration of the land, operate as a trust for securing money on that land or, as the case may be, as a power to charge that land and, accordingly, the trust or power may be registered as a Schedule 6 burden.
- (2) Where, immediately prior to first registration, any land is subject to any mortgage, or to any term of years to secure money actually raised, the mortgage or term of years shall operate as a charge on the land, and shall be registered as a charge thereon and not otherwise, and the provisions of Part I of Schedule 7 shall have effect accordingly.

Modification and discharge of burdens

43 Modification and discharge of burdens other than charges

[NI/1970/18/48]

- (1) A covenant or condition registered as a Schedule 6 burden pursuant to entry 10 in Part I of that Schedule may be modified or discharged —
 - (a) by the Registrar or the Land Commissioner, with the consent of the persons concerned; or
 - (b) by the Land Commissioner, on being satisfied that —

- (i) the covenant or condition does not run with the land or is not capable of being enforced against the owner of the land; or
 - (ii) the modification or discharge of the covenant or condition will be beneficial to the persons principally interested in the enforcement thereof; or
 - (c) by the Registrar, on being satisfied as mentioned in paragraph (b)(i) in the case of a covenant or condition imposed by or arising by virtue of an instrument made more than 80 years before the date of the modification or discharge.⁴²
- (2) The Registrar may, on the production of such evidence and subject to such conditions as may be prescribed, modify or cancel any entry in the title register of any burden, being neither a charge nor a covenant or condition to which subsection (1) applies.⁴³

44 Discharge etc of registered charges

[NI/1970/18/49]

- (1) The Registrar shall —
- (a) at the request or with the concurrence of the registered owner of the charge; or
 - (b) on proof in the manner specified in subsection (2) or in such other manner as may be prescribed,
note on the title register —
 - (i) the satisfaction of a registered charge or of any part thereof;
 - (ii) the release of any part of registered land from a registered charge;

and, thereupon, the charge shall, to the extent so noted, cease to operate.⁴⁴

- (2) For the purposes of subsection (1), the receipt of the registered owner of a charge shall be sufficient proof of the satisfaction of the charge or, as the case may be, of the part thereof, and a release signed by the registered owner of a charge, or, where the registered owner is a body corporate, executed as a deed by the body corporate, shall be sufficient proof of the release of any part of registered land subject to that charge.⁴⁵
- (3) Where a dispute or difficulty arises as to —
- (a) the person entitled to receive payment of any sum secured by a registered charge or to give a receipt or release therefor, or
 - (b) any matter arising out of or in connection with such a receipt or release,

any person entitled to or interested in the land or the charge may apply to the High Court for an order that a note be made under subsection (1) on the title register.⁴⁶

- (4) On an application under subsection (3) the High Court may make such order as it thinks fit (including an order that such a note be made after payment into court of the sum or part of the sum secured by the charge).⁴⁷

Executions

45 Executions affecting registered land

[NI/1970/18/51]

Schedule 2 to the *Administration of Justice Act 1981* has effect in relation to registered land as it has effect in relation to unregistered land.

PART V – GENERAL PROVISIONS AS TO REGISTRATION

46 Entry of rights appurtenant to land

[NI/1970/18/51]

Where, on an application by the registered owner or other person entitled, the title to any right, privilege or appurtenance belonging, appurtenant or attached to any registered land is proved to the satisfaction of the Registrar, he shall make an entry in the title register showing the existence of such right, privilege or appurtenance.

47 [Repealed]⁴⁸

48 Acquisition of title by possession

[NI/1970/18/53]

- (1) Subject to the provisions of this section, the *Limitation Act 1984* shall apply to registered land as it applies to unregistered land.⁴⁹
- (2) Where there has been a defeasance of an estate in any registered land in consequence of any of the provisions of the said Act and –
- (a) a person claims to have acquired a right by possession to be registered as owner of an estate in that land; or
 - (b) the personal representatives of a deceased person claim that the deceased or such representatives in right of the estate of the deceased had acquired such a right, the person so claiming or, as the case may be, the personal representatives may apply to the Registrar,

in such manner as may be prescribed, for registration of the title to that estate.⁵⁰

- (3) Without prejudice to section 6(2), the Registrar may, and shall if requested to do so by the applicant or by any other person who has lodged an

objection to the application, refer the application for decision to the Land Commissioner.

- (4) On any application under this section, where the Registrar or, as the case may be, the Land Commissioner decides that a title has been acquired by the applicant or, where the application is made by the personal representative of a deceased person, by the deceased or by such representatives in right of the estate of the deceased, the registration of that title shall be effected in such manner as the Registrar may think proper, but not so as to prejudice any estate of any other person in the land to which the application relates, being an estate which is not extinguished by the operation of the said Act.⁵¹

49 Notice of trusts

[NI/1970/18/54]

- (1) Save as is expressly provided by this Act, notice of a trust shall not be entered on the title register.⁵²
- (2) None of the following persons shall, by reason merely of the receipt by the Registrar of a document for the purpose of registration, be affected by notice of any trust contained in, or arising out of matters contained in such document —
 - (a) the Registrar;
 - (b) a registered transferee for valuable consideration of the land;
 - (c) a registered owner of a burden for valuable consideration on the land;
 - (d) a person claiming an estate created for valuable consideration in a registered burden on the land.
- (3) In this section, “trust” includes express, implied and constructive trusts.

50 Undivided shares and co-owners

[NI/1970/18/55]

- (1) The owner of any shares in any land shall, for the purpose of showing the share which he holds in the land, be registered with the addition of such entries in the title register as may be prescribed.⁵³
- (2) Two or more persons may, in such manner and subject to such conditions as may be prescribed, be registered as owners of the same land, and, where two or more persons are so registered, they shall be deemed to be tenants in common in equal shares unless there is any entry to the contrary in the title register.⁵⁴
- (3) On the registration of two or more persons as owners of the same land, an entry may, with their consent, be made on the title register to the effect that, when the numbers of those owners is reduced below a certain specified number, a disposition of the land shall not be registered except

under an order of the Land Commissioner, or of the Registrar made after due examination of the title.⁵⁵

- (4) On the registration of two or more persons as owners of the same land, if the Registrar decides that any number of those owners less than the whole is entitled to make a registered disposition of the land, he shall make an entry on the title register to that effect, and, notwithstanding anything contained in this section, that number of those owners shall have power to make a registered disposition of the land without an order of the Land Commissioner or Registrar.⁵⁶

51 Special provisions applicable to settled land

[NI/1970/18/56]

The provisions of Schedule 8 shall apply to settlements affecting any registered land.

52 Power to apply to Land Commissioner for directions

[NI/1970/18/57]

- (1) Where a trustee or other person acting in a fiduciary capacity is in doubt as to the person who ought to be registered pursuant to this Act, or as to any other matter with respect to which he is required or authorised to act by or under this Act, he may apply to the Land Commissioner for directions.
- (2) The costs properly incurred by a trustee or other person acting in a fiduciary capacity (including a limited owner exercising powers conferred on him by or under the *Settled Land Act* or this Act) in, or in connection with, any proceedings or application required or authorised by or under this Act shall be costs properly incurred by him in the execution of his trust or duty, and may, in the case of a proceeding before, or an application to, the Registrar be ascertained and decided by the Registrar.

53 Provisions as to incumbrances created or issued by a body corporate which are not registered or protected

[NI/1970/18/58]

Where a body corporate incorporated under any enactment is registered under this Act as owner of any registered land, the Registrar shall not be concerned with, and a person claiming under a registered dealing for valuable consideration shall not be affected by, any mortgage, charge, debenture, debenture stock, trust deed or other incumbrance created or issued by the body corporate, whether or not registered or recorded under any other enactment, unless such incumbrance is registered as a burden or is protected by the entry in the title register of a caution, an inhibition or a notice.⁵⁷

54 Effect of bankruptcy etc of registered owners

[NI/1970/18/59]

- (1) If a petition of bankruptcy is presented by or against, or a petition is presented under section 82 of the *Bankruptcy Code 1892* in respect of a deed of arrangement relating to, the registered owner of any land, notice of the presenting of the petition shall thereupon be entered on the title register.⁵⁸
- (2) Where notice of the presenting of a petition has been entered on the title register under subsection (1) and the registered owner is adjudicated a bankrupt, section 32 of the said Code (which relates to the protection of bona fide transactions without notice) shall, in its application to registered dealings with the land, have effect as if the date of the entry of the notice were substituted for the date of the filing of the petition.⁵⁹
- (3) From and after the entry of a notice of the presenting of a petition on the title register under subsection (1) (but without prejudice to dealings with or in right of estates superior to the estate of the owner in respect of whose land the notice has been entered), a dealing affecting the land of such registered owner shall not, unless and until the entry is cancelled pursuant to subsection (4) or (6), be entered on the register without the leave of the Land Commissioner.⁶⁰
- (4) Where notice of the presenting of a petition has been entered in the title register under subsection (1) and —
 - (a) the petition is afterwards dismissed; or
 - (b) the registered owner is adjudicated a bankrupt and the adjudication is afterwards annulled,the Registrar shall thereupon cancel any entry made under subsection (1).⁶¹
- (5) If a registered owner of any land is adjudicated a bankrupt or has had the appointment of trustees under a deed of arrangement confirmed by the court under section 82 of the said Code and the land thereby becomes vested in assignees or trustees for the benefit of creditors of the registered owner, the assignees or trustees under the bankruptcy or, as the case may be, the arrangement shall be entitled to be registered as owners of the land in the place of the bankrupt or, as the case may be, the arranging debtor, or, in the case of settled land, as his assignees.
- (6) On the registration of any assignees or trustees under subsection (5), the Registrar shall cancel any entry on the title register made under subsection (1).⁶²
- (7) The provisions of this section shall apply, with any necessary modifications, to a petition for the administration in bankruptcy of the estate of a person dying insolvent and to an order for the administration of such an estate as it applies to a petition of bankruptcy and to an adjudication of bankruptcy.

55 Minors

- (1) Where a person who would, apart from this section and section 49 of the *Settled Land Act*, be entitled to be registered as owner of any land is a minor, he shall not be registered as owner but his interest shall be noted in the title register in such manner as may be prescribed.⁶³
- (2) Where the interest of a minor is noted in the title register pursuant to subsection (1), he may on ceasing to be a minor apply, in such manner as may be prescribed, to be registered as owner of the land.⁶⁴
- (3) Without prejudice to section 6(3), a minor may, for all or any of the purposes of this Act, be represented by such person as may be prescribed or by such person as the Land Commissioner may appoint; and section 6(4) applies to a minor represented under this subsection as it applies to a person represented under section 6(3).

56 Persons suffering from mental disorder

[P1925/21/111(5) and (6)]

- (1) Where the owner of any registered land is incapable, by reason of mental disorder within the meaning of the *Mental Health Act 1998*, of managing and administering his property and affairs, his receiver or (if no receiver is acting for him) any person authorised in that behalf, may, under an order of a Deemster having jurisdiction under Part VII of that Act, or of the Land Commissioner, or under any statutory power, exercise, in the name and behalf of the owner, all the powers which the owner could have exercised under this Act if free from disability; and a copy of every such order shall be filed with the Registrar and may be referred to in the title register.⁶⁵
- (2) All the provisions of the *Trustee Act 1961* and of Part 7 of the said Act of 1998 shall apply to registered land to which subsection (1) above applies, subject to the express provisions of this Act and to Land Registry Rules.⁶⁶

PART VI – MAPS AND BOUNDARIES**57 The Registry map**

[N1992/7/28]

- (1) There shall be maintained by or on behalf of the Registrar a series of maps (in this Act referred to as “**the registry map**”), based on –
 - (a) maps prepared pursuant to the *Isle of Man Survey Act 1992*; or
 - (b) where no suitable maps so prepared exist, Ordnance Survey maps.
- (2) On the registry map there shall be marked or defined, in such manner as may be prescribed, the land the title to which has been registered under this Act.

- (3) The Registry map shall be open to public inspection during the hours referred to in section 73(1).
- (4) In this section, “ordnance survey maps” means maps made under the powers under the *Ordnance Survey Act 1841* or the *Boundary Survey (Ireland) Act 1854* (both of Parliament).^{67 68}

58 Description of registered land

- (1) Registered land may be described in the title register —
 - (a) by means of a verbal description and a reference to the registry map;
 - (b) by means of a verbal description and a filed plan, based on a map of a kind specified in section 57(1); or
 - (c) in such other manner as, in the opinion of the Registrar, secures accuracy.
- (2) The description of land in the title register need not include its area.⁶⁹

59 Effect of description of registered land

[NI/1970/18/64]

- (1) Except as provided by this Act, the description of any land in the title register shall not be conclusive as to the boundaries or extent of the land.⁷⁰
- (2) The Registrar may at any time, on the application of the registered owners of adjoining registered lands or of the registered owner of any registered land and of the owner of any adjoining unregistered land, and on the prescribed conditions being complied with, settle and enter on the title register as conclusive the boundaries between those lands or any part thereof, with such alterations, if any, as may from time to time be agreed upon.⁷¹
- (3) For the purposes of subsection (2), an entry in the title register made pursuant to an application under that subsection shall be conclusive only as between the parties to the application and their respective successors in title, and shall not operate to confirm the title to the lands the boundaries whereof are settled.⁷²
- (4) On the transfer of part of any registered land, the Registrar, on the prescribed conditions being complied with may enter on the title register as conclusive the boundaries between the part transferred and the part not transferred.⁷³
- (5) If, on the transfer of any registered land, any question arises as to the boundaries or extent of the land, the Registrar shall, on the application of the transferor or of the transferee, have jurisdiction to decide the question as between them, and, for that purpose, the Registrar may, if he thinks fit, adopt the decision of any person agreed on by them or appointed by him.

PART VII – CAUTIONS, INHIBITIONS AND RESTRICTIONS

60 Cautions against first registration

[NI/1970/18/65]

- (1) Any person claiming —
 - (a) such an interest in unregistered land as entitles him to object to a dealing therewith being made without his consent; or
 - (b) to be an incumbrancer on unregistered land;may —
 - (i) if he claims otherwise than under a document registered under the 1961 Act; or⁷⁴
 - (ii) if he claims under a document registered under the 1961 Act but satisfies the Registrar that such registration does not adequately protect that person's interest;⁷⁵

on producing an affidavit in such form as may be prescribed of his interest, lodge a caution with the Registrar to the effect that the cautioner is entitled to notice of any application that may be made for registration of an owner of the land.

- (2) Upon the lodgement of a caution under subsection (1), application for first registration shall not be determined until notice has been served on the cautioner to appear and oppose, if he thinks fit, the registration, and —
 - (a) such time as may be prescribed has elapsed since the date of the service of the notice; or
 - (b) the cautioner has entered an appearance,whichever first happens.
- (3) If any person lodges a caution under this section without reasonable cause, he shall be liable to make compensation, recoverable as a simple contract debt, to any person damaged thereby.

61 Cautions against registered dispositions

[NI/1970/18/66]

- (1) Any person interested in any registered land and any such other person as may be prescribed, may, on producing an affidavit in such form as may be prescribed specifying his estate in the land, lodge a caution with the Registrar to the effect that no dealing with the land on the part of the registered owner should be registered until notice has been served on the cautioner.
- (2) Schedule 9 shall have effect in relation to cautions under subsection (1) above and to the other matters mentioned in that Schedule.

- (3) Land Registry Rules may provide for the application, subject to such modifications as may be prescribed, of the provisions of subsections (1) and (2) and of Schedule 9 to cautions against reclassification of any registered land.

61A Rights of pre-emption

P2002/9/115

- (1) A right of pre-emption in relation to land has effect from the time of creation as an interest capable of binding successors in title (subject to the rules about the effect of dispositions on priority).
- (2) This section has effect in relation to rights of pre-emption created on or after the day on which this section comes into operation.⁷⁶

62 Inhibitions of registered dealings

[NI/1970/18/67]

- (1) The Registrar or the Land Commissioner may —
- (a) on the application of any person interested in any registered land; and
 - (b) after receiving the consent of the persons concerned or after directing such inquiries if any, to be made and such notices to be given, and upon hearing such persons, as he may think fit,
- make an entry, or, as the case may be, order the Registrar to make an entry, inhibiting —
- (i) for a specified time; or
 - (ii) until the occurrence of an event to be named; or
 - (iii) except with the consent of, or after notice to, some specified person; or
 - (iv) generally until further entry or, as the case may be, further order;
- any dealing with the land.
- (2) The Registrar or the Land Commissioner may —
- (a) annex to any such entry such terms and conditions as he may think fit;
 - (b) discharge any such order or cancel any such entry;
 - (c) generally exercise such powers as he may think fit, but, except as provided by subsection (4), nothing in this subsection shall empower the Registrar to discharge an entry made pursuant to an order of the Land Commissioner unless the order has authorised him to do so.

- (3) Nothing in this section shall authorise any restrictions to be imposed on the powers under the *Settled Land Act* of a tenant for life or a person having the power of a tenant for life.
- (4) Any entry made pursuant to this section may be withdrawn or modified at the request or with the agreement of all the persons for the time being appearing from the register to be interested therein or of such other persons as may be prescribed.

63 Inhibitions in consequence of discovery of error

[NI/1970/18/68]

- (1) Whenever it appears to the Registrar that any error which may be capable of rectification has been made in registration, he may enter on the title register such inhibitions against dealings with the land affected by such error as he may think fit for the purpose of protecting the General Revenue against any claim for compensation in respect of any loss occasioned by any registration made after such error is discovered and before it is rectified and of giving notice to all persons who may thereafter be affected thereby.⁷⁷
- (2) An inhibition entered on the title register pursuant to this section shall not —
 - (a) affect any registration which is actually pending in the Land Registry; or
 - (b) prevent the completion of any such registration.⁷⁸
- (3) Whenever the Registrar enters an inhibition on the title register pursuant to this section, he shall send notice of such inhibition, and short particulars of the error because of which it was entered, to —
 - (a) all persons who appear from that register to be affected by such error; and
 - (b) such other persons, if any, as he may think proper.⁷⁹

64 Restrictions

Where it appears to the Registrar that the registered owner of any land is, by any enactment or rule of law, precluded from conveying or creating any estate in the land, either generally or in any particular case, —

- (a) without the consent of Tynwald, or of a court of competent jurisdiction, or of any public authority or other person or body; or
- (b) without complying with the requirements of an enactment;

the Registrar shall, after giving such notices as may be prescribed, make an entry on the register in the prescribed form, or in such other form as appears to him to be appropriate in the circumstances of the case.

PART VIII - RECTIFICATION AND INDEMNITY

65 Rectification of errors

[NI/1970/18/69]

- (1) Subject to subsection (3), where any error (whether of misstatement, misdescription, omission or otherwise) occurs in the title register, the Land Commissioner, upon such application and in such manner as may be prescribed and after such notices, if any, as he may direct, may order such error to be rectified upon such terms as to costs or otherwise as he may think fit.⁸⁰
- (2) Where an incorrect entry in, or omission from the register is of a formal or trivial nature, the Registrar may, after making such enquiries (if any) and serving such notices (if any) as he considers necessary, rectify the register.⁸¹
- (2A) The Registrar may in his discretion, after making such enquiries (if any), serving such notices (if any) and obtaining such consents (if any) as he considers necessary, amend any mistake in, or omission from, any document presented to the Land Registry, if in his opinion the mistake or omission is of a clerical nature.⁸²
- (2B) The Registrar may, after making such enquiries (if any) and serving such notices (if any) as he considers necessary, order the rectification of the register where all persons interested —
 - (a) consent to the rectification, or
 - (b) do not, within such time as may be prescribed after being served with notice of the Registrar's intention to order the rectification, notify the Registrar in writing that they object to the proposed rectification.⁸³
- (2C) Where the Registrar exercises the power conferred by subsection (2) or (2B) he may make such order as to the costs of rectification as the persons interested may in writing agree.⁸⁴
- (3) The title register shall not be rectified under subsection (1) to affect the title of a registered owner, unless such rectification can be made without loss or damage to any person claiming for valuable consideration and in good faith through such registered owner and unless —
 - (a) the registered owner or, as the case may be, a person claiming as aforesaid through the registered owner or anyone acting on behalf of either has, by fraud or lack of proper care on his part, been in any way responsible for, or has contributed to, the error; or
 - (b) in the case of an error made before such registered owner was so registered, he was in fact, aware of the error at the time of his registration as owner; or

- (c) in the case of an error made after such registered owner was so registered, he or an advocate acting on his behalf became aware of the error at a time when the error was capable of being rectified without causing loss or damage to any person except the expense of such rectification; or
 - (d) the immediate disposition to such registered owner, or the disposition to any person through whom he claims otherwise than for valuable consideration, was void; or
 - (e) such registered owner acquired the land otherwise than for valuable consideration and rectification of the error could have been made against the person through whom he claims if such person had been the registered owner; or
 - (f) the registered owner consents to rectification;
- but so that this subsection shall —
- (i) limit the power of the Land Commissioner to rectify the title register only where the registered owner of the land is in possession thereof; and⁸⁵
 - (ii) not limit the power of the Land Commissioner to rectify the title register in any particular case if he is satisfied that it would be unjust not to rectify the title register against the registered owner.⁸⁶
- (4) The provisions of subsections (1) and (3) shall extend, with any necessary modifications, to the rectification of the title register by order of a court of competent jurisdiction, exercising any jurisdiction based on the ground of fraud or mistake, in like manner as those subsections apply to the rectification of errors by order of the Land Commissioner.⁸⁷

66 Claims for compensation

[NI/1970/18/71]

- (1) Claims for compensation for any loss arising from any matter specified in paragraph 1(1) of Schedule 10, may be made in accordance with the provisions of that Schedule.
- (2) Where any such claim for compensation is allowed, it shall be paid out of the General Revenue.
- (3) Subject to subsections (3A), (3B) and (3C), where any such compensation is paid by the Treasury, the Treasury shall be entitled to recover the amount so paid from all or any of the following persons —
 - (a) any person who caused or substantially contributed to the loss in question;
 - (b) any person who has, directly or indirectly, derived title or any other advantage —
 - (i) from such a person as is mentioned in paragraph (a), or

- (ii) by reason of an error or omission giving rise to the loss;
- and, without prejudice to the generality of the foregoing provision, the Treasury may enforce any express or implied covenant or other right which the person receiving the compensation would have been entitled to enforce in relation to the matter in respect of which the compensation is paid.⁸⁸
- (3A) A person shall not be treated for the purposes of subsection (3)(a) or (b)(i) or Schedule 10 as having caused or substantially contributed to a loss unless he has done so by his fraud or lack of proper care; and where a person substantially contributed to the loss (but did not cause it completely), the amount recoverable under subsection (3) from him or from any person who has derived title or other advantage from him shall be such amount as is just.⁸⁹
- (3B) The Treasury is not entitled under subsection (3) to recover any amount from a person by reason only of his derivation of title or advantage as is mentioned in subsection (3)(b) where that person has derived the title or other advantage for valuable consideration and he has not caused or contributed to the loss by fraud.⁹⁰
- (3C) There the Treasury is entitled to recover an amount under subsection (3)(b) from a person who did not cause or substantially contribute to the loss, that amount shall not exceed the value, immediately before the Treasury gives notice to that person of its intention to recover an amount from him under subsection (3), of the advantage obtained by him.⁹¹
- (4) Any moneys recoverable by the Treasury under subsection (3) –
- (a) shall be recoverable as a debt to the Treasury; or⁹²
 - (b) if not so recovered, may be recovered by deduction from any sum payable out of money provided by Tynwald to the person from whom the amount is due, and that sum shall be abated accordingly.⁹³

PART IX – MISCELLANEOUS PROVISIONS

67 Exemption from registration under 1961 Act

[NI/1970/18/72]

- (1) The registration under this Act of the ownership of any estate in land shall, on and after the date of registration, exempt that estate, and, if a person is registered as limited owner thereof, any estate expectant on the determination of his ownership, from the provisions of the *Registration of Deeds Act 1961*, and subject to subsection (2), a document relating to any such estate and executed or coming into operation after that date shall not,

unless it also relates to unregistered land, be registrable under the 1961 Act.⁹⁴

- (2) The registration under this Act of the ownership of any estate in land shall not have the effect of exempting from registration under the 1961 Act any document relating to the title to any other estate in the land (other than a deed creating such estate), unless the title to such other estate is otherwise required to be registered or is registered under this Act.⁹⁵
- (3) Where any freehold estate, or any leasehold estate created by a lease granted out of unregistered land, is first registered under this Act, a notice of the registration, in such form as may be prescribed, shall be recorded by the Registrar in accordance with the 1961 Act, without the payment of any fee for doing so.⁹⁶

68 Exemption from registration in the Central Registry of documents relating to burdens⁹⁷

[NI/1970/18/73]

- (1) Subject to subsection (2), registration of a burden under this Act shall have the same effect as, and make unnecessary registration in the Central Registry in pursuance of any other enactment of any document relating to such burden.⁹⁸
- (2) Subsection (1) does not apply to the registration of a charge, or of property acquired subject to a charge, in accordance with Part III of the *Companies Act 1931*.

69 Execution of documents containing reservations

[NI/1970/18/74]

- (1) In any document relating exclusively to registered land, a reservation of an estate shall operate at law without —
 - (a) any execution of the document by the grantee of the estate out of which the reservation is made; or
 - (b) any regrant by such grantee of the estate so reserved;so as to create the estate so reserved and so as to vest the same in possession in the person (whether or not he is the grantor) for whom the benefit of the reservation is made.
- (2) For the purposes of subsection (1), a conveyance of an estate expressed to be made subject to another estate not in existence immediately before the date of the conveyance, shall operate as a reservation, unless a contrary intention appears.

70 Avoidance of stipulations in documents precluding registration of title

[NI/1970/18/75]

Any stipulation in any document relating to any estate in land capable of registration under this Act whereby any person is precluded from making an application to register his title to that estate shall be void.

71 Avoidance of certain stipulations in contracts for transfer of or charge on registered land

[NI/1970/18/76]

Any stipulation in a contract for the transfer or charge of any registered land whereby any party to the contract is precluded from making requisitions as to burdens generally, or as to any particular Schedule 5 burden, which may affect the land shall be void.

72 Certified copies of entries in registers

[NI/1970/18/79; N1992/7/33]

- (1) Land Registry Rules shall provide for the preparation and issue of office copies, authenticated in such manner as may be prescribed, of —
 - (a) any entries in the title register; and
 - (b) any document retained in the Land Registry in connection with an application for registration under this Act or a registration under this Act.⁹⁹
- (2) Land Registry Rules may provide generally for matters relating to the office copies referred to in subsection (1) and, in particular, may —
 - (a) specify the evidential value, in any proceedings before the Land Commissioner or in any court, of the contents of any such copy;
 - (b) provide for the endorsement or rectification of such copies;
 - (c) specify the circumstances in which a new office copy may be issued, and provide for the issue of such new copies.

73 Searches

[NI/1970/18/81]

- (1) The title register must, so far as practicable, be available for public inspection —
 - (a) online at any time;
 - (b) at the Principal Registry, at any time when that office is open for the transaction of public business.^{100 101}
- (1A) Any document referred to in section 72(1)(b) —
 - (a) may be made available online; and

- (b) must be available for public inspection at the Principal Registry, at any time when that office is open for the transaction of public business.¹⁰²
- (1B) Any person is entitled, on making application to the Registrar in the prescribed form, to receive copies of, or extracts from so much of the register or any relevant document as relates to the land specified in the application.¹⁰³
- (1C) Subsections (1A) and (1B) are subject to any provision made by Land Registry Rules.¹⁰⁴
- (2) Land Registry Rules may provide for applications to the Registrar for official searches in the title register, for the carrying out of such searches, for the provision of information by certificate or otherwise regarding the result of such searches and for matters connected therewith.¹⁰⁵
- (2A) Without prejudice to the generality of subsection (2), Land Registry Rules may make provision with respect to applications for searches in the title register, and the provision of information, by telephone or other automated means.¹⁰⁶
- (3) Where the Registrar is satisfied that a person to whom a certificate of the result of an official search is issued intends to purchase, take a lease of or lend money on the security of a charge on the land to which the certificate relates, the Registrar shall make an entry in the title register in such manner as may be prescribed.¹⁰⁷
- (4) If, in any case referred to in subsection (3), an application for registration of the relevant transfer, lease or charge, as the case may be, is made within the prescribed period after the date of issue of the certificate, the application shall rank in priority before any other application for registration made in respect of the land within that period.
- (5) Land Registry Rules shall make provision for —
- (a) the maintenance by the Registrar of a register of transactions by virtue of which the estate conveyed or created is subject to compulsory first registration by virtue of paragraph 1 of Part I of Schedule 2;
 - (b) the making and cancellation of entries in that register relating to such transactions, the effect of such entries and applications for such entries;
 - (c) searches in that register and the issue and effect of certificates of search;
 - (d) the making and cancellation of entries in that register or in the title register, or in both, denoting the issue of such certificates.¹⁰⁸

74 Penalties for fraud

[NI/1970/18/82]

- (1) Any person who —
- (a) in the course of any proceedings before the Registrar or the Land Commissioner in pursuance of this Act, with intent to conceal the title or claim of any person, or to substantiate a false claim, suppresses, attempts to suppress or is privy to the suppression of any document or fact; or
 - (b) fraudulently procures, attempts to procure fraudulently or is privy to the fraudulent procurement of any entry, erasure or alteration in the title register or any other register kept in pursuance of Land Registry Rules,¹⁰⁹

shall be guilty of an offence and shall be liable on conviction on information to imprisonment for a term not exceeding two years or to a fine, or to both.

- (2) A proceeding or conviction for any offence under subsection (1) above shall not affect any remedy to which any person aggrieved by the offence may be entitled.
- (3) Nothing in this Act shall entitle any person to refuse to make a complete discovery in any legal proceeding, or to answer any question or interrogatory in any civil proceeding, but such a discovery or answer shall not be admissible in evidence against that person, or the spouse or civil partner of that person, in any criminal proceeding under this Act.¹¹⁰

75 Effect of fraudulent dispositions and fraudulent acts

[NI/1970/18/83]

- (1) Subject to the provisions of this Act with respect to compensation and to registered dispositions for valuable consideration, any dealing with any registered land which, if unregistered, would be fraudulent and void shall, notwithstanding registration, be fraudulent and void in like manner.
- (2) If any person —
- (a) fraudulently procures; or
 - (b) is privy to the fraudulent procurement of,
- any entry on, erasure from or alteration of the title register or an office copy of an entry in the title register, any entry, erasure or alteration so made by fraud shall be void as between all persons who are parties or privy to the fraud.¹¹¹

76 Fees

[NI/1970/18/84]

- (1) The Treasury may, by order prescribe the fees to be taken in the Land Registry for the purposes of this Act, and the manner in which such fees shall be paid.¹¹²
- (2) An order under subsection (1) shall not have effect until it has been approved by Tynwald.
- (3) Any provision in, or prescribed under, this Act requiring or authorising anything to be done, or any certificate or other document to be issued by, the Registrar, or in or from the Land Registry, shall be construed as requiring or authorising the same on payment of such fees as may be prescribed by order under subsection (1) above.
- (4) Nothing in this Act shall make it obligatory for any act to be done in the Land Registry, or for that Registry to permit any act to be done in that Registry, in respect of which a fee is payable, except on payment of that fee or on arrangements being made, in accordance with an order under subsection (1), for the payment of that fee.

77 Land Registry Rules

[NI/1970/18/85]

- (1) and (2) [Repealed]¹¹³
- (3) The Department for Enterprise may make rules providing for the practice and procedure to be followed in the Land Registry and generally for giving effect to this Act and, in particular and without prejudice to the generality of the foregoing, may make rules with respect to all or any of the matters specified in Parts I and II of Schedule 11.¹¹⁴
- (4) Part III of Schedule 11 shall have effect for the purpose of interpreting Part II of that Schedule.
- (4A) For the avoidance of doubt, Land Registry Rules may make provision —
 - (a) for the extension of any period specified in or by virtue of the Rules, notwithstanding that the period has already expired;
 - (b) for the rectification of irregularities in procedure;
 - (c) authorising the Registrar to disregard any failure to comply with a provision of the Rules relating to procedure.¹¹⁵
- (5) Land Registry Rules shall not have effect until they have been approved by Tynwald.

77A Documents and records

[N1992/7/36]

- (1) Any reference in this Act to a document includes a reference to information recorded in such non-legible form as may be prescribed.

- (2) Records required or authorised to be kept under this Act by or on behalf of the Registrar may be kept in any form the Registrar thinks fit, if it is possible to inspect the information contained in them and to obtain a copy of it in legible form.
- (3) Where a document has been recorded in a prescribed non-legible form, any reference in this Act to inspection of it, or obtaining a copy of or extract from it, shall be construed as a reference to inspection of the record, or obtaining a copy of or extract from that record, in legible form.
- (4) Where any provision of this Act provides for a document to be given to or by the Land Registry or the Registrar, Land Registry Rules may make further provision in relation to the application of that provision to instantaneous forms of communication.
- (5) Land Registry Rules may authorise documents to be used for the purposes of this Act if they satisfy any prescribed conditions, notwithstanding that they are not original documents.
- (6) If a document to which this Act relates —
 - (a) is sealed with the Registrar’s seal; and
 - (b) is a copy of another document, or a copy in legible form of a record kept in non-legible form;the copy shall be admissible in the same way and to the same extent as the original document or record.¹¹⁶
- (7) In this section —

“document” includes information recorded in any form;

“legible” means capable of being read with the naked eye;

“record” includes a register, a map and an index.¹¹⁷

PART X – SUPPLEMENTARY

78 Financial provisions

[NI/1970/18/93]

Such expenses incurred by, through or on behalf of the Land Registry in the operation of this Act shall be defrayed out of money provided by Tynwald.

79 Interpretation

[NI/1970/18/94]

(1) In this Act, unless the context otherwise requires —

“**the 1961 Act**” means the *Registration of Deeds Act 1961*;¹¹⁸

“**compulsory registration area**” means any area declared to be such by an order under section 24;

- “**the Conveyancing Acts**” means the *Conveyancing Acts* 1908 to 1963;
- “**estate**”, when used with reference to land, includes any legal or equitable estate or interest, easement, right, title, claim, demand, charge, lien or incumbrance in, over, to or in respect of the land;
- “**freehold estate**” means any legal estate in land (whether of freehold or customary freehold tenure) other than a leasehold estate or a term for securing money;
- “**full owner**” has the meaning assigned to it by section 12(a) and (c);
- “**judgment**” includes decree and order;
- “**land**”, without prejudice to the definition thereof in Part 1 of the Schedule to the *Interpretation Act 2015* (definitions for all Manx legislation), includes –
- (a) a charge; and
 - (b) land covered by water;
- but excludes any mines or minerals;¹¹⁹
- “**the Land Commissioner**” means the person appointed to that office under section 2;
- “**the Land Registry**” means the registry maintained under section 1(1);¹²⁰
- “**Land Registry Rules**” means rules under section 77(3);
- “**lease**” includes an under-lease and any tenancy or an agreement for a lease, under-lease or tenancy;
- “**leasehold estate**” means an estate in land under a lease, not being a term for securing money, with or without a covenant for renewal, and includes such an estate held at a rent under a lease for a life or lives, or determinable on a life or lives, and, where a lease in possession and a reversionary lease to take effect in possession upon the expiry of the lease in possession are so held that the estate under both leases belongs to the same person otherwise than in different capacities, such leases, so far as they relate to land comprised in both leases, shall for the purposes of this Act be treated as creating one continuous term in possession;
- “**limited owner**”, in relation to registered land, means a person registrable under section 12(b) or (d) as a limited owner;
- “**mortgage**” has the same meaning as in the *Conveyancing Acts*;
- “**pending action**” means any action or proceeding, relating to any registered land pending in any court and any proceeding pending before the Land Commissioner;
- “**personal representatives**” means the executors or executor, original or by representation, or the administrators or administrator for the time being of a deceased person;

“**possession**” includes the receipt of the rents and profits or the right to receive the same, if any;

“**prescribed**” means prescribed by Land Registry Rules;

“**public authority**” means —

- (a) any Department or Statutory Board or any committee or sub-committee of any such Board;
- (b) any local authority;
- (c) any Government Department;
- (d) any public officer;¹²¹

“**register**” [Repealed]

“**the register of freeholders**” [Repealed]

“**the register of leaseholders**” [Repealed]

“**the register of subsidiary interests**” [Repealed]¹²²

“**registered burden**” means a Schedule 6 burden which has been registered in the title register;¹²³

“**registered charge**” means a charge which has been registered in the title register;¹²⁴

“**registered land**” means land the title to which is registered under this Act;

“**the Registrar**” means the Registrar General;¹²⁵

“**registry map**” has the meaning assigned to it by section 57(2);

“**Schedule 5 burden**” means a burden specified in Part I of Schedule 5;

“**Schedule 6 burden**” means a burden specified in Part I of Schedule 6;

“**the Settled Land Act**” means the *Settled Land Act 1891*;

“**settlement**”, “**settled land**”, “**tenant for life**” and “**trustees of the settlement**” have respectively the same meanings as in the *Settled Land Act*;

“**the title register**” means the register maintained pursuant to section 10;¹²⁶

“**unregistered land**” means land the title to which is not registered under this Act;

“**words of limitation**” includes any words which operate as words of limitation.

- (2) Any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the date on which that provision takes effect.

80 Application to the Crown

Subject to the provisions of this Act, this Act shall be binding on the Crown.

81 Amendment of enactments

- (1) The Treasury may, by order repeal or amend any provision of the *Registration of Deeds Act 1961* appearing to the Treasury to be inconsistent with, or to have become unnecessary or to require modification in consequence of, this Act.¹²⁷
- (2) An order under subsection (1) shall not have effect until it has been approved by Tynwald.
- (3) The enactments specified in Schedule 12 shall have effect subject to the amendments specified in that Schedule.

82 Short title and commencement

- (1) This Act may be cited as the Land Registration Act 1982.
- (2) This Act shall come into operation on such day or days as the Department of Local Government and the Environment, with the concurrence of the Treasury, may by order appoint, and different days may be so appointed for different purposes.^{128 129}

SCHEDULE 1¹³⁰

SCHEDULE 2

COMPULSORY REGISTRATION

Sections 23 and 24(1) [NI/1970/18/Sch 2]

PART I – COMPULSORY REGISTRATION AND EFFECT OF
NON-REGISTRATION*Land subject to compulsory registration*

1. Any freehold or leasehold estate, where the estate (not being an interest or falling within section 10(1)(c) or (d) and not being a mortgage) is acquired in respect of land situate in a compulsory registration area —

- (a) in the case of a freehold estate, upon a conveyance on sale; or
- (b) in the case of a leasehold estate —
 - (i) on the grant of such an estate, where the term granted exceeds twenty-one years; or
 - (ii) on the assignment on sale of such an estate, where the residue of the term granted exceeds, at the date of assignment, twenty-one years. ¹³¹

2. [Repealed] ¹³²

3. A lease referred to in entry 6 in Part I of Schedule 6, where such lease is made after the commencement of this Act and after the first registration of the land out of which the lease is granted. ¹³³

4. Any right in land prescribed under section 10(b).

5. Any estate in land required by any other enactment to be registered in the Land Registry.

Effect of non-registration

Subject to Part II, the conveyance on sale of the freehold estate or the grant or assignment on sale of the leasehold estate shall become void on the expiration of three months from the date of execution thereof unless, within that period, application is made, in such manner as may be prescribed, for registration in the title register of the person entitled to be registered as owner by virtue of the conveyance, grant or assignment, or of his successor in title.

Subject to Part II, the lease shall so far as it affects any registered land, become void on the expiration of three months from the date thereof unless, within that period, application is made, in such manner as may be prescribed, for —

- (a) entry as a Schedule 6 burden on the title register of the lease; and
- (b) registration in the title register of the person entitled to be registered as owner by virtue of the lease, or of his successor in title. As is prescribed.

As is provided by that enactment.

PART II – POWER TO EXTEND TIME FOR FIRST COMPULSORY REGISTRATION

Notwithstanding the period of three months referred to in column 2 in respect of entries 1 and 3 in Part I, the Registrar may, on the application of any person interested in any particular case to which that period applies and in which the Registrar is satisfied that the application for registration —

- (a) cannot be made within that period, or can only be made within that period by incurring unreasonable expense; or
- (b) has not been made within that period by reason of some accident or other sufficient cause;

make an order extending that period; and, if such an order is made, then, upon the registration of the owner, or, as the case may be, of his successor in title, a note of the order shall be endorsed on the relevant document.

PART III – INTERPRETATION OF PART I

In Part I —

“**assignment on sale**” means an assurance on sale by virtue whereof there is conferred or completed a title under which an application for registration as owner of a leasehold estate may be made, and includes an assignment by way of exchange, but does not include an assignment or surrender of a lease to the owner of the immediate reversion containing a declaration that the term is to merge in such reversion;

“**conveyance on sale**” means an assurance made on sale by virtue whereof there is conferred or completed a title under which an application for registration as owner of a freehold estate may be made and includes a conveyance by way of exchange.

SCHEDULE 3**RECLASSIFICATION OF TITLE**

Section 25 [NI/1970/18/Sch 3]

Reclassification of titles on effluxion of time

1. Subject to paragraph 3, where a person is registered with a possessory title to any estate in registered land and an application is made for registration of a transfer of that estate for valuable consideration, the Registrar may —

- (a) on the application of the registered owner or the transferee;
- (b) if satisfied that twenty-one years have elapsed since the first registration of the estate and the registered owner was, immediately prior to the transfer, in possession of the estate; and
- (c) after giving such notices as may be prescribed;

register the transferee —

- (i) in the case of a freehold estate, with an absolute title; or
- (ii) in the case of a leasehold estate, with a good leasehold title.

Reclassification of titles in other cases

2. Subject to paragraphs 3 and 4, where any person is registered with a title to any estate in registered land other than an absolute title, the Registrar may —

- (a) on his own initiative or on the application, in such manner as may be prescribed, of the registered owner of the estate or of some other person claiming to be entitled thereto; and
- (b) after such examination of the title as the Registrar considers necessary;¹³⁴

register the registered owner or such other person as he is satisfied is entitled to be registered as such —

- (i) if the existing registration is with a good leasehold title, with an absolute title; or
- (ii) if the existing registration is with a possessory title or a qualified title, with an absolute title or a good leasehold title, as the case may require.

Adverse claims

3. If any claim adverse to the title of the registered owner is made, the Registrar shall not reclassify the title under this Schedule until the claim has been disposed of.

Evidence of title and notices

4. In any case to which paragraph 2 applies, an applicant for reclassification shall produce such evidence of title as the Registrar may require, and the Registrar shall not reclassify the title until —
- (a) that evidence of title has been furnished to him; and
 - (b) such notices, if any, as may be prescribed, or as he may require to be given, have been given.

SCHEDULE 4**TRANSMISSION OF REGISTERED LAND**

Section 34 [NI/1970/18/Sch 4]

Transmission on death of a full owner in respect of deaths after commencement of Act

1. (1) Without prejudice to the rights of the owner of any registered burden, on the death of a registered full owner of any land, not being a joint tenant whose interest ceased at death, the personal representatives of the deceased owner shall alone be recognised by the Registrar as having any right to deal with the estate of the deceased owner in the land, and any dispositions by them (where they are not the registered owner, shall have the same effect as if they were the registered owner.¹³⁵
- (2) [Repealed]¹³⁶
- 2 to 4. [Repealed]¹³⁷
5. Where any land becomes vested in the personal representatives of a deceased person, the production of an assent or transfer in the prescribed form from the personal representatives shall authorise the Registrar to register the person named in such assent or transfer as full owner or limited owner of the land, as the case may be, and to register any burdens specified in the assent or transfer and the ownership of such burdens, where so specified.¹³⁸
6. Where the registered owner of any land has died intestate or partially intestate, the Land Commissioner may, on an application being made to him in the prescribed manner by a person claiming under the intestacy or partial intestacy of the deceased, and notwithstanding anything contained in any enactment or order that the applicant be registered as owner of the land.
7. The Land Commissioner shall not exercise his powers under paragraph 6 without giving notice to the personal representatives, unless he is satisfied that —
- (a) at least six years have elapsed since the death of the deceased owner; and
 - (b) the personal representatives are dead or out of the jurisdiction.

Transmission of estate of limited owner on death, in respect of deaths after commencement of Act, or otherwise

8. (1) On the determination of the estate of a limited owner of registered land, the Registrar shall, on application in such manner as may be prescribed, register as owner the person entitled to be registered as such.

(2) Where a person has been registered as limited owner by virtue of paragraph 5 and the estate (“the relevant estate”) of that person determines, the assent or transfer mentioned in paragraph 4 shall, on application in such manner as may be prescribed, authorise the Registrar —

- (a) to register as full or limited owner (as the case may be) the person named in the assent or transfer (or his successor in title) as the person entitled to the land on the determination of the relevant estate; and
- (b) to register any burdens specified in the assent or transfer and, where the ownership of such burdens is specified in the assent or transfer, the owner so specified or his successor in title.¹³⁹

Functions of Registrar in relation to assents etc.

9. Where an application for registration is made for the purposes of paragraph 5 or 8(2), the Registrar —

- (a) shall not call for information as to why the assent or transfer was made; and
- (b) shall assume that the personal representatives are or were acting correctly, and within their powers, in relation to the assent or transfer and that the assent or transfer is complete and accurate in all its details.¹⁴⁰

SCHEDULE 5

BURDENS WHICH AFFECT REGISTERED LAND WITHOUT REGISTRATION

Section 35 [[NI/1970/18/Sch 5]

PART I - LIST OF BURDENS WHICH AFFECT REGISTERED LAND WITHOUT REGISTRATION

1. In the case of a registered leasehold estate, all express and implied covenants, conditions and liabilities incident to the lease under which the estate is held.
2. Rights of the public or of any class of the public.

3. Customary rights.
4. (1) Easements and profits à prendre unless they are —
 - (a) created by express grant or reservation after 31st December 1911; or
 - (b) are referred to in any document of title recorded after that date in the office for the time being responsible for the recording of such documents.

(2) In sub-paragraph (1)(b) the reference to the office for the time being responsible for the recording of such documents is a reference to the Rolls Office, the Deeds Registry, the General Registry or the Central Registry as the case requires.¹⁴¹
5. All such powers of working, wayleaves or rights of way and rights of water and drainage, and other powers, easements, rights and privileges for, or incident to or connected with, mining purposes, as are for the time being subsisting over the land and are not created by express grant or reservation after the first registration of the land.¹⁴²
6. Any lease for a term not exceeding 21 years.
7. In the case of any land in respect of which the owner is registered with a title other than an absolute title, all rights excepted from the effect of first registration.
8. Subject to the provisions of this Act, all rights acquired, or in course of being acquired, consequent on the *Limitation Act 1984*.¹⁴³
9. The right of every person in actual and apparent occupation of the land at the date of the relevant disposition, save where —
 - (a) upon inquiry made of that person, the right is not disclosed; or
 - (b) the right is a burden mentioned in Part I of Schedule 6.
10. Any rights to or in relation to mines and minerals or petroleum vested in any statutory body by virtue of any statutory provision.
11. Any order or scheme under section 7, 11 or 16 of the *Manx Museum and National Trust Act 1959*.
- 11A. A right falling within paragraph 2(1) of Schedule 5 (the electronic communications code) to the *Communications Act 2021*.¹⁴⁴
- 11B. Designated FRM works or a designated watercourse under the *Flood Risk Management Act 2013* relating to the land, and the Manx Utilities Authority's powers under that Act for the works or watercourse.¹⁴⁵
12. Any expenses, or sums apportioned in respect of any expenses, incurred by a public authority in carrying out works, which by virtue of any enactment are recoverable from the owner for the time being of the land, or are a charge on the land.

13. Any prohibition or restriction on the use of land imposed by a public authority (including any prohibition or restriction embodied in any condition attached to a permission, consent, approval or licence granted by a public authority) under any enactment and enforceable against successive owners of the land.

14. Any notice, resolution, order, scheme, development plan, registration, rate, byelaw, regulation or other public document affecting or relating to land and served, passed or made by Tynwald or a public authority under any enactment.¹⁴⁶

PART II – PROVISIONS AFFECTING SCHEDULE 5 BURDENS¹⁴⁷

Where it is proved to the satisfaction of the Registrar that any land registered or about to be registered is exempt from, or has ceased to be subject to, any burden specified in Part I, he may enter notice of the fact on the title register.

SCHEDULE 6

REGISTRATION OF CERTAIN BURDENS

Section 36 [NI/1970/18/Sch 6]

PART I - LIST OF BURDENS TO WHICH SECTION 36 APPLIES

1. Any charge on the land whether created before or after the first registration of the land other than a charge referred to in entry 12 of Part I of Schedule 5.
2. Any rent-charge or perpetual rent issuing out of the land, whether created before or after the first registration of the land.
3. Any power to charge the land with the payment of money, whether created or arising before or after the first registration of the land.
4. Any trust for securing money on the land, whether created or arising before or after the first registration of the land.
5. Any lien on the land for unpaid purchase money, whether existing before or after the first registration of the land.
6. Any lease of the land where the term granted –
 - (a) is for a life or lives or is determinable on a life or lives; or
 - (b) exceeds 21 years,

whether granted before or after the first registration of the land.

7. Any judgment or order of a court, affecting the land, whether given or made before or after the first registration of the land.

8. Any pending action relating to the land or, without prejudice to paragraph 1, a charge affecting the land by virtue of paragraph 3 of Schedule 2 to the *Administration of Justice Act 1981*, whether existing before or after the first registration of the land.
9. Any easement or profit à prendre affecting the land, other than one falling within entry 4 in Part I of Schedule 5.
- 9A. A drainage approval deed under the *Flood Risk Management Act 2013* relating to the land if, under that Act, the land is servient land for the drain the subject of the deed.¹⁴⁸
10. Any covenant or condition relating to the use or enjoyment of the land, whether created before or after the first registration of the land, not being a covenant or condition referred to in entry 1 in Part I of Schedule 5.
11. Any tenancy by the curtesy or estate in dower affecting the land arising before the 5th July 1961.
12. Any other matter affecting the land which may be prescribed pursuant to Land Registry Rules.

PART II – PROVISIONS AFFECTING REGISTRATION OF SCHEDULE 6 BURDENS

Registration of burdens

1. The ownership of Schedule 6 burdens may, and shall if so required by section 38 or Schedule 2 be registered in accordance with Land Registry Rules.
2. A Schedule 6 burden shall be entered as a burden on the title register on the application of the registered owner of the land or of any other person entitled to or interested in the burden, and, for the purposes of this Part, an application by any person for the first registration of any land shall be treated as if it were also an application by that person as registered owner of that land for the registration of every Schedule 6 burden affecting that land.¹⁴⁹
- 3 and 4. [Repealed]¹⁵⁰

Registration of pending actions to lapse after five years

5. The registration of a pending action shall cease to have effect at the expiration of five years from the date of registration, but may be renewed from time to time, and, if renewed, shall have effect for five years from the date of renewal.

SCHEDULE 7

PROVISIONS RELATING TO CHARGES ON REGISTERED LAND

Section 38(5) and (6) [NI/1970/18/Sch 7]

PART I - GENERAL PROVISIONS

Registration of charges

1. Subject to paragraphs 2 and 3, every deed of charge by a registered owner shall be in the prescribed form or in such other form, not being a purported conveyance or demise (whether or not subject to defeasance) of a freehold or leasehold estate by way of mortgage, as shall sufficiently charge the land and as shall not be calculated to mislead.
2. The registered land comprised in a charge created by deed after the commencement of this Act shall be described by reference to the title register or in any other manner sufficient to enable the Registrar to identify the same.¹⁵¹
3. A deed of charge shall not refer to any other burden affecting the land which would have priority over the charge unless such burden is —
 - (a) entered on the title register; or¹⁵²
 - (b) a Schedule 5 burden.
4. When it is expressed in a deed of charge that any person covenants for payment of the principal sum charged, there shall, unless provision to the contrary is contained in the deed of charge, be implied a covenant by that person with the registered owner for the time being of the charge —
 - (a) to pay the principal sum charged and interest, if any, at the time and rate specified in the deed of charge; and
 - (b) if the principal sum, or any part thereof, is unpaid at the time so specified, to pay interest half-yearly at the rate so specified on so much of the principal sum as for the time being remains unpaid.

Effect of registration of ownership of charge

5. On registration of an owner of a charge on registered land for the payment of any principal sum of money, with or without interest, execution may be granted for the principal, interest (if any), costs and charges, and the owner shall be entitled to obtain possession of the land, in respect of the charge in like manner as in respect of a deed of bond and security relating to unregistered land.¹⁵³
6. On a sale by a Coroner in execution of a charge on land pursuant to Schedule 2 to the *Administration of Justice Act 1981*, the transferee shall be registered as owner of the land, and thereupon the registration shall have the same effect as registration of a transfer for valuable consideration by a registered owner.

7. When a transferee is registered under paragraph 6 as owner of the land, the charge and all estates inferior thereto shall be discharged.

8. On registration of the owner of a charge by way of annuity, the owner of the charge shall have the like powers and remedies for recovering and compelling payment of the annuity as if it had been secured against unregistered land.

PART II – SPECIAL PROVISIONS RELATING TO CERTAIN CHARGES IN RESPECT OF SETTLED LAND

9. A registered limited owner of registered land may, in conjunction with all other persons entitled under the settlement (if such owner and all such other persons are of full age and capacity), charge that land with the payment of money in like manner as if such owner and such other persons were registered as full owners of the land.

SCHEDULE 8

SPECIAL PROVISIONS RELATING TO SETTLED LAND

Section 51 [NI/1970/18/Sch 8]

1. The Registrar may register in respect of any settled land –
 - (a) the owner of the particular estate in such land, as limited owner thereof; or
 - (b) any trustees in whom that land is vested, as full owners thereof.
2. Where a person is registered as limited owner under a settlement, the names of the trustees of the settlement, if any, shall be entered in the title register.¹⁵⁴
3. The registration of a person as limited owner of settled land in pursuance of this Act shall not –
 - (a) confer on the person so registered, as against any person claiming under the settlement, any greater powers of dealing with the land than those of a tenant for life under the *Settled Land Act*;
 - (b) confer on the assignee, trustee in bankruptcy, devisee or personal representatives of the limited owner any greater estate than he would otherwise have;
 - (c) take away from any trustee under the settlement any powers of dealing with the land which he would otherwise have.
4. (1) Where a person is, by operation of law or otherwise, assignee of a person registered as limited owner of any land, the name of the assignee shall, on his application, be entered on the register with the addition of the word “assignee”, or of such other words as may be prescribed.

(2) In default of an entry made pursuant to subparagraph (1), the registration of the limited owner shall continue to have effect as if there had been no assignment.

5. Where a new trustee of a settlement to which paragraph 2 relates is appointed, the Registrar shall, on application and on production of the prescribed evidence, enter his name accordingly.

6. A person shall not be affected by notice of the trusts of any settlement by reason of any person being registered as limited owner under the settlement or by reason of any reference to the settlement being entered on the register.

7. Where the interest of a minor in registered land is noted in the title register pursuant to section 55(1) —

- (a) the trustees of the settlement, if any; or
- (b) any person appointed by order of the court under section 50 of the *Settled Land Act*;

shall be registered as limited owner thereof.¹⁵⁵

SCHEDULE 9

CAUTIONS AGAINST REGISTERED DISPOSITIONS

Section 61(2)

[NI/1970/18/66(2)]

1. Upon the lodgment of a caution under section 61(1), the Registrar shall not, without the consent of the cautioner, register any dealing on the part of the registered owner of the estate until the Registrar has served notice on the cautioner warning him that his caution will lapse after the expiration of such time as may be prescribed (in this Schedule referred to as “**the prescribed time**”).

[NI/1970/18/66(3)]

2. On the application in writing, at any time, by the registered owner of the estate to which a caution relates, or when a dealing affecting that estate is brought in for registration without the consent of the cautioner, the notice under paragraph 1 shall be served on the cautioner.

[NI/1970/18/66(4)]

3. After the expiration of the prescribed time, a caution to this Schedule applies shall lapse unless an order to the contrary is made by the Registrar; and, on the caution so lapsing, the dealing may be registered as if the caution had not been lodged.

[NI/1970/18/66(5)]

4. If, before the expiration of the prescribed time, the cautioner or some other person on his behalf, appears and gives, if so required by the Registrar, sufficient security to indemnify every person against any damage that may be sustained by reason of the

dealing being delayed, the Registrar shall refer the matter to the Land Commissioner under section 6(2), and shall delay registering any dealing until the matter has been determined.

5. If any person lodges a caution to which this Schedule applies without reasonable cause, he shall be liable to pay compensation, recoverable as a simple contract debt, to any person damaged thereby.

6. Where a caution to which this Schedule applies is lodged by a public authority, the Registrar may accept a certificate, in such form as may be prescribed, instead of the affidavit mentioned in section 61(1).

SCHEDULE 10**COMPENSATION PAYABLE UNDER THE ACT**

Section 66(1) [NI/1970/18/Sch 9]

Right to compensation

1. (1) Subject to paragraphs 2, 3, 4 and 5, compensation shall be payable to any person who has sustained any loss by reason of —
 - (a) the rectification of a register pursuant to section 65, or
 - (b) an error in, or omission from, a register whether or not rectified pursuant to section 65, or¹⁵⁶
 - (bb) the loss or destruction by the Land Registry of any document lodged at the registry for inspection or safe keeping, other than a document destroyed in accordance with Land Registry Rules; or¹⁵⁷
 - (c) a copying error made in a certified copy of, or a certified extract from, a register or document, where the copy or extract is provided in accordance with Land Registry Rules; or
 - (d) an error in or omission from a filed copy of, or an error in a filed extract from, a document referred to in the title register, where the error or omission was made in preparing the copy or the error was made in preparing the extract.¹⁵⁸
- (2) A person deriving title from a person to whom compensation is payable under sub-paragraph (1), shall be entitled to such compensation in the place of the person from whom he so derived title.
2. Subject to paragraphs 3, 4 and 5, the owner of any land claiming in good faith under a forged disposition shall, where the title register is rectified, be deemed, for the purposes of paragraph 1(1)(a), to have suffered loss by reason of such rectification.
3. Compensation shall not be payable —
 - (a) where the claimant has himself or by his agent caused or substantially contributed to the loss by his act or omission; or¹⁵⁹
 - (aa) where the claimant has himself or by his agent contributed to the loss by his fraudulent act or fraudulent omission;¹⁶⁰
 - (ab) where the claimant derives title (otherwise than under a registered disposition taken by him in good faith for valuable consideration) from a person to whom sub-paragraph (a) or (aa) applies; or¹⁶¹
 - (ac) where the error or omission which gave rise to the loss was occasioned by an error in or omission from an assent or transfer on the correctness of which the Registrar is required to rely in

pursuance of paragraph 9 of Schedule 4 or Land Registry Rules;
or¹⁶²

- (b) by reason of a purchaser acquiring any interest under a registered disposition from a body corporate referred to in section 53 free from any such incumbrances as are mentioned in that section which are not registered or protected as required by that section.

3A. Where lack of proper care on the part of the claimant or his agent has contributed to the loss, the amount of the compensation to which he would have entitled had he or his agent not so contributed to the loss shall be reduced proportionately to such extent as is just having regard to his or his agent's responsibility for the loss.¹⁶³

4. (1) Subject to sub-paragraph (2), a claim for compensation shall not be entertained after the expiration of six years from the time when the right to compensation accrued unless —

- (a) on the expiration of that period, the claimant was under any legal disability; and
- (b) the claim is made within two years from the termination of the disability.

(2) For the purposes of sub-paragraph (1), a right to compensation shall be deemed to accrue —

- (a) in regard to any estate in possession, on the date of the registration which occasioned the loss in respect of which compensation is claimed or, if the loss arises from an omission, at the time when the omission happened;
- (b) in regard to any estate in remainder or reversion, on the date when such estate would, but for such registration or omission, have fallen into possession;
- (c) in regard to an error in a certified copy or extract referred to in paragraph 1(1)(c), on the date of the certificate on the certified copy or extract.
- (d) where the right to compensation arises from the loss or destruction of a document or an error in or omission from a filed copy of, or an error in a filed extract from, a document referred to in the title register, on the date on which the claimant discovers the loss, destruction, error or omission or could with reasonable diligence have discovered it.¹⁶⁴

5. In any case of the rectification, pursuant to section 65, of an error, the costs reasonably incurred by the claimant in obtaining the rectification shall be deemed to be a loss to which this Schedule applies.

Quantum of compensation

6. When compensation is payable under this Schedule, the amount thereof (excluding costs) shall not exceed —

- (a) where the title register is not rectified, the value of the land at the time when the error was made or, as the case may be, the omission happened;¹⁶⁵
- (b) where the title register is rectified, the value (if there had been no rectification) of the land immediately prior to such rectification.¹⁶⁶

7. Except for the purposes of paragraph 6, compensation payable under this Schedule shall include any reasonable costs properly incurred by the claimant in establishing his claim.

Special provisions in respect of settled land

8. Where compensation is paid in respect of settled land, and not in respect of any particular estate, remainder or reversion therein, the compensation shall be paid to the trustees of the settlement and held by them as capital money for the purposes of the *Settled Land Act*.

Procedure for claiming compensation

9. Every claim for compensation under this Schedule shall be made to the High Court in accordance with rules of court.

10. Notice of every claim for compensation under this Schedule shall be served on the Treasury and on such other persons as may be prescribed.¹⁶⁷

11. The Treasury shall be the respondent to every claim for compensation made under this Schedule.¹⁶⁸

SCHEDULE 11**MATTERS IN RESPECT OF WHICH LAND REGISTRY RULES
MAY BE MADE**

Section 77(3)

PART I - GENERAL

1. Anything which under this Act may or is to be prescribed.
2. The conduct of transfers and the publication of information relating to transfers.

3. The making, keeping and indexing of the title register including the making, keeping and indexing of the title register by means of a computer.¹⁶⁹
4. The authentication and preservation of documents relating to title and generally for the custody of documents received in the Land Registry and for providing copies of, or extracts from, such documents.
 - 4A. Regulating the custody of documents coming into the hands of the Registrar and the destruction of such documents where they have become superseded by entries in the title register, have ceased to have effect or have been recorded by means of a computer or by the preservation of an image thereof.¹⁷⁰
5. The precautions to be taken, the notices to be given and the evidence to be adduced in all proceedings in connection with registration, and the persons to whom, and the circumstances under which, reference is to be made in respect of the examination of any title to land proposed to be registered.
6. The furnishing of addresses by persons whose names are entered on the title register.¹⁷¹
7. The registration of title on the exchange of holdings.
8. The registration, by way of a note on the title register, of any easement or right created by a document which appears to affect the land adversely, and so far as practicable by reference to the document creating the same.¹⁷²
9. Consequential matters in relation to the creation and effect of any additional burden prescribed by virtue of entry 16 in Part I of Schedule 6.
10. The authentication of —
 - (a) office copies of entries in the title register and of documents referred to in section 72(1)(b);¹⁷³
 - (b) certificates of the result of official searches in the title register; and¹⁷⁴
 - (c) any notice, certificate, order or other document served issued or made pursuant to this Act or Land Registry Rules;and the evidential value in any proceedings of any document so authenticated.
11. The form in which, and conditions under which, entries in the title register are to be made and may be modified or cancelled, the order in which entries relating to the same land are to be made and the correction of clerical errors in the title register or in any document connected with registration.¹⁷⁵
12. The form and content of documents required or authorised to be used or given under or for the purposes of this Act.¹⁷⁶

12A. Authorising the Registrar to prepare and cause to be printed and promulgated, such forms and directions as he considers appropriate for the purpose of facilitating proceedings under this Act (including, for example —

- (a) directions specifying the characteristic, including shape, design, size, colour and quality of the paper to be used for forms for any class of dealing or other matter and
- (b) the deviations from prescribed forms which are permitted or required to be made in connection with dealings or other matters of that class).¹⁷⁷

13. Enabling or requiring covenants or other provisions or forms of words commonly used or included in deeds or documents relating to unregistered land to be omitted from documents effecting dealings in registered land, and providing for such documents to be deemed to contain such covenants, provisions or forms of words, in such circumstances, as may be specified.

14. The costs to be charged by, or allowed to, advocates or other persons in relation to this Act.

15. The taxation of costs in relation to proceedings before the Registrar and the Land Commissioner, and the persons by and to whom costs are to be paid.

16. Requiring security for the costs of any appeal under this Act.

17. Empowering the Registrar to refuse to accept applications for the first registration of the ownership of any land where —

- (a) the land is not situate in a compulsory registration area; or
- (b) the land is situate in such an area, but the first registration of the land is not made compulsory by virtue of this Act.

18. Restricting the manner in respect of which information obtained as a result of a search under this Act may be published.

18A. Authorising the Registrar to amend the title register to take account of any accretion to or erosion of registered land.¹⁷⁸

PART II – SOUVENIR LAND

19. Enabling the Registrar, in such circumstances and subject to such conditions as may be specified in the rules, to declare any area of land to be subject to a souvenir land scheme if the Registrar is satisfied that the land comprised in that area consists wholly or mainly of land which has been or is proposed to be, disposed of (by way of sale or otherwise) in souvenir plots or of which part has been, and the remainder is proposed to be, so disposed of.

20. The cancellation of declarations and the extension or reduction of the area to which any declaration relates.
21. Authorising or requiring the Registrar not to accept applications under this Act relating to souvenir land or cautions or other documents relating to such land;
22. Excepting souvenir land from the operation of Schedule 2.
23. Securing that transactions relating to souvenir land which is registered land take effect as if the souvenir land in question were not registered land.

PART III – INTERPRETATION OF PART II

24. For the purposes of Part II –
 - “**declaration**” means a declaration by the Registrar, made in pursuance of Land Registry Rules made by virtue of paragraph 18, that an area of land is subject to a souvenir land scheme;
 - “**souvenir land**” means land situated within an area in respect of which a declaration is for the time being in force.
 - “**souvenir plot**” means any piece of land which, being of inconsiderable size and little or no practical utility, is unlikely to be wanted in isolation except for the sake of pure ownership or for sentimental reasons or commemorative purposes.

SCHEDULE 12

CONSEQUENTIAL AMENDMENTS

Section 81(3)

[Sch 12 amended by Matrimonial Proceedings Act 2003 Sch 6, and amends the following Acts –

Conveyancing Act 1963 q.v.

Administration of Justice Act 1981 q.v.]

ENDNOTES

Table of Endnote References

- ¹ S 1 substituted by Central Registry Act 2018 Sch.
- ² Subs (1) amended by GC155/91 and by Central Registry Act 2018 Sch.
- ³ Subs (1) amended by Central Registry Act 2018 Sch.
- ⁴ S 3A inserted by Justice Reform Act 2021 s 100.
- ⁵ S 4 amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁶ S 10 substituted by Land Registration (Amendment) Act 1995 s 2.
- ⁷ Subs (1) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁸ Subs (2) repealed by Land Registration (Amendment) Act 1995 Sch 2.
- ⁹ Subs (3) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹⁰ Subs (3) added by Land Registration (Amendment) Act 1995 s 3.
- ¹¹ Subs (1) amended by Conveyancing Act 1985 Sch 2.
- ¹² Subs (2) substituted by Land Registration (Amendment) Act 1995 s 4.
- ¹³ Subss (3) and (4) repealed by Conveyancing Act 1985 Sch 2.
- ¹⁴ Subs (5) substituted by Land Registration (Amendment) Act 1995 Sch 1.
- ¹⁵ Subs (1) amended by Land Registration (Amendment) Act 1995 Sch 2.
- ¹⁶ Subs (2) substituted by Land Registration (Amendment) Act 1995 s 4.
- ¹⁷ Subss (3) and (4) repealed by Conveyancing Act 1995 Sch 2.
- ¹⁸ Subs (5) substituted by Land Registration (Amendment) Act 1995 Sch 1.
- ¹⁹ Subs (6) substituted by Land Registration (Amendment) Act 1995 Sch 1.
- ²⁰ Subs (1) amended by Land Registration (Amendment) Act 1995 Sch 2.
- ²¹ Subs (5) added by Land Registration (Amendment) Act 1995 s 5.
- ²² Subs (1) amended by Land Registration (Amendment) Act 1995 ss 6 and 19 and by SD155/10 Sch 7.
- ²³ S 24A inserted by Land Registration (Amendment) Act 1995 s 6.
- ²⁴ Subs (1) substituted by Land Registration (Amendment) Act 1995 s 7.
- ²⁵ Subs (2) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ²⁶ S 27 substituted by Land Registration (Amendment) Act 1995 Sch 1.
- ²⁷ Subs (1) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ²⁸ S 28A inserted by Land Registration (Amendment) Act 1995 s 8.
- ²⁹ Subs (7) repealed by Land Registration (Amendment) Act 1995 Sch 2.
- ³⁰ Para (d) amended by Acquisition of Land Act 1984 Sch 4.
- ³¹ Subs (1) amended by Land Registration (Amendment) Act 1995 s 9.
- ³² Subs (2) amended by Land Registration (Amendment) Act 1995 s 9.
- ³³ Subs (3) amended by Land Registration (Amendment) Act 1995 s 9.
- ³⁴ Subs (1) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ³⁵ Subs (1) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ³⁶ Subs (3) inserted by Central Registry Act 2018 Sch.
- ³⁷ S 37 amended by Land Registration (Amendment) Act 1995 Sch 1.

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- ³⁸ Subs (2) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ³⁹ Subs (3) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁴⁰ Subs (1) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁴¹ Subs (1) substituted by Land Registration (Amendment) Act 1995 s 10.
- ⁴² Para (c) added by Land Registration (Amendment) Act 1995 s 8.
- ⁴³ Subs (2) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁴⁴ Subs (1) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁴⁵ Subs (2) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁴⁶ Subs (3) added by Land Registration (Amendment) Act 1995 Sch 1.
- ⁴⁷ Subs (4) added by Land Registration (Amendment) Act 1995 Sch 1.
- ⁴⁸ S 47 repealed by Land Registration (Amendment) Act 1995 Sch 2.
- ⁴⁹ Subs (1) amended by Limitation Act 1984 Sch 3.
- ⁵⁰ Subs (2) amended by Limitation Act 1984 Sch 3.
- ⁵¹ Subs (4) amended by Land Registration (Amendment) Act 1995 Sch 4.
- ⁵² Subs (1) amended by Land Registration (Amendment) Act 1995 Sch 4.
- ⁵³ Subs (1) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁵⁴ Subs (2) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁵⁵ Subs (3) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁵⁶ Subs (4) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁵⁷ S 53 amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁵⁸ Subs (1) amended by Land Registration (Amendment) Act 1995 Schs 1 and 2.
- ⁵⁹ Subs (2) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁶⁰ Subs (3) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁶¹ Subs (4) amended by Land Registration (Amendment) Act 1995 Schs 1 and 2.
- ⁶² Subs (6) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁶³ Subs (1) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁶⁴ Subs (2) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁶⁵ Subs (1) amended by Land Registration (Amendment) Act 1995 Sch 1 and by Mental Health Act 1998 Sch 5.
- ⁶⁶ Subs (2) amended by Mental Health Act 1998 Sch 5.
- ⁶⁷ Subs (4) inserted by Interpretation Act 2015 s 107.
- ⁶⁸ S 57 substituted by Land Registration (Amendment) Act 1995 s 11.
- ⁶⁹ S 58 substituted by Land Registration (Amendment) Act 1995 s 11.
- ⁷⁰ Subs (1) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁷¹ Subs (2) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁷² Subs (3) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁷³ Subs (4) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁷⁴ Para (i) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁷⁵ Para (ii) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁷⁶ S 61A inserted by Central Registry Act 2018 Sch.
- ⁷⁷ Subs (1) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁷⁸ Subs (2) amended by Land Registration (Amendment) Act 1995 Sch 1.



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- ⁷⁹ Subs (3) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁸⁰ Subs (1) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁸¹ Subs (2) substituted by Land Registration (Amendment) Act 1995 s 12.
- ⁸² Subs (2A) inserted by Land Registration (Amendment) Act 1995 s 12.
- ⁸³ Subs (2B) inserted by Land Registration (Amendment) Act 1995 s 12.
- ⁸⁴ Subs (2C) inserted by Land Registration (Amendment) Act 1995 s 12.
- ⁸⁵ Para (i) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁸⁶ Subs (3) amended by Land Registration (Amendment) Act 1995 Sch 1 Para (ii) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁸⁷ Subs (4) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁸⁸ Subs (3) substituted by Land Registration (Amendment) Act 1995 s 13.
- ⁸⁹ Subs (3A) inserted by Land Registration (Amendment) Act 1995 s 13.
- ⁹⁰ Subs (3B) inserted by Land Registration (Amendment) Act 1995 s 13.
- ⁹¹ Subs (3C) inserted by Land Registration (Amendment) Act 1995 s 13.
- ⁹² Para (a) amended by Treasury Act 1985 Sch 2.
- ⁹³ Subs (4) amended by Treasury Act 1985 Sch 2.
- ⁹⁴ Subs (1) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁹⁵ Subs (2) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁹⁶ Subs (3) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ⁹⁷ S 68 heading amended by Central Registry Act 2018 Sch.
- ⁹⁸ Subs (1) amended by Central Registry Act 2018 Sch.
- ⁹⁹ Subs (1) substituted by Land Registration (Amendment) Act 1995 s 14.
- ¹⁰⁰ Para (b) amended by Statute Law Revision Act 2021 s 25.
- ¹⁰¹ Subs (1) substituted by Central Registry Act 2018 Sch.
- ¹⁰² Subs (1A) inserted by Central Registry Act 2018 Sch.
- ¹⁰³ Subs (1B) inserted by Central Registry Act 2018 Sch.
- ¹⁰⁴ Subs (1D) inserted by Central Registry Act 2018 Sch and renumbered as subs (1C) by Statute Law Revision Act 2021 s 25.
- ¹⁰⁵ Subs (2) amended by Land Registration (Amendment) Act 1995 s 14 and Sch 1.
- ¹⁰⁶ Subs (2A) inserted by Land Registration (Amendment) Act 1995 s 14.
- ¹⁰⁷ Subs (3) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹⁰⁸ Subs (5) added by Land Registration (Amendment) Act 1995 s 14.
- ¹⁰⁹ Para (b) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹¹⁰ Subs (3) amended by Civil Partnership Act 2011 Sch 14.
- ¹¹¹ Subs (2) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹¹² Subs (1) amended by Statute Law Revision Act 1983 Sch 2 and by Treasury Act 1985 Sch 2.
- ¹¹³ Subss (1) and (2) repealed by Statute Law Revision Act 1983 Sch 2.
- ¹¹⁴ Subs (3) amended by Land Registration (Amendment) Act 1995 s 19, by SD155/10 Sch 7 and by Central Registry Act 2018 Sch.
- ¹¹⁵ Subs (4A) inserted by Land Registration (Amendment) Act 1995 s 15.
- ¹¹⁶ Subs (6) substituted by Central Registry Act 2018 Sch.
- ¹¹⁷ S 77A inserted by Land Registration (Amendment) Act 1995 s 16.

- ¹¹⁸ Definition of “the 1961 Act” inserted by Land Registration (Amendment) Act 1995 Sch 1.
- ¹¹⁹ Definition of “land” amended by Land Registration (Amendment) Act 1995 s 17 and by Interpretation Act 2015 s 106.
- ¹²⁰ Definition of “the Land Registry” substituted by Land Registration (Amendment) Act 1995 Sch 1.
- ¹²¹ Definition of “public authority” amended by Government Departments Act 1987 s 7.
- ¹²² Definitions of “register”, “the register of freeholders”, “the register of leaseholders” and “the register of subsidiary interests” repealed by Registration of Land (Amendment) Act 1995 Sch 2.
- ¹²³ Definition of “registered burden” amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹²⁴ Definition of “registered charge” amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹²⁵ Definition of “the Registrar” substituted by Central Registry Act 2018 Sch.
- ¹²⁶ Definition of “the title register” inserted by Land Registration (Amendment) Act 1995 Sch 1.
- ¹²⁷ Subs (1) amended by Statute Law Revision Act 1983 Sch 2, by Land Registration (Amendment) Act 1995 s 19 and by SD155/10 Sch 7.
- ¹²⁸ Subs (2) amended by Treasury Act 1985 Sch 2 and by Land Registration (Amendment) Act 1995 s 19.
- ¹²⁹ ADO (whole Act, for the purposes of making orders and Land Registry Rules) 1/7/2000; (whole Act, for all other purposes) 1/11/2000 (SD276/00).
- ¹³⁰ Sch 1 repealed by Land Registration (Amendment) Act 1995 Sch 2.
- ¹³¹ Entry 1 amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹³² Entry 2 repealed by Land Registration (Amendment) Act 1995 Sch 2.
- ¹³³ Entry 3 amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹³⁴ Subpara (b) substituted by Land Registration (Amendment) Act 1995 Sch 1.
- ¹³⁵ Subpara (1) substituted by Conveyancing Act 1985 Sch 1.
- ¹³⁶ Subpara (2) repealed by Conveyancing Act 1985 Sch 2.
- ¹³⁷ Paras 2 to 4 repealed by Conveyancing Act 1985 Sch 2.
- ¹³⁸ Para 5 amended by Conveyancing Act 1985 Sch 2 and by Land Registration (Amendment) Act 1995 s 18.
- ¹³⁹ Subpara (2) added by Land Registration (Amendment) Act 1995 s 18.
- ¹⁴⁰ Para 9 added by Land Registration (Amendment) Act 1995 s 18.
- ¹⁴¹ Para 4 substituted by Central Registry Act 2018 Sch.
- ¹⁴² Para 5 amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹⁴³ Para 8 amended by Limitation Act 1984 Sch 3.
- ¹⁴⁴ Para 11A inserted by Telecommunications Act 1984 Sch 2 and substituted by Communications Act 2021 Sch 9.
- ¹⁴⁵ Para 11B inserted by Flood Risk Management Act 2013 s 85 and amended by SD2014/06.
- ¹⁴⁶ Para 14 amended by Town and Country Planning Act 1999 Sch 9.
- ¹⁴⁷ Part II amended by Land Registration (Amendment) Act 1995 Sch 1.



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- ¹⁴⁸ Para 9A inserted by Flood Risk Management Act 2013 s 85.
- ¹⁴⁹ Para 2 amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹⁵⁰ Paras 3 and 4 repealed by Land Registration (Amendment) Act 1995 Sch 2.
- ¹⁵¹ Para 2 amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹⁵² Subpara (a) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹⁵³ Para 5 amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹⁵⁴ Para 2 amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹⁵⁵ Para 7 amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹⁵⁶ Item (b) amended by Land Registration (Amendment) Act 1995 s 13.
- ¹⁵⁷ Item (bb) inserted by Land Registration (Amendment) Act 1995 s 13.
- ¹⁵⁸ Item (d) added by Land Registration (Amendment) Act 1995 s 13.
- ¹⁵⁹ Subpara (a) substituted by Land Registration (Amendment) Act 1995 s 13.
- ¹⁶⁰ Subpara (aa) inserted by Land Registration (Amendment) Act 1995 s 13.
- ¹⁶¹ Subpara (ab) inserted by Land Registration (Amendment) Act 1995 s 13.
- ¹⁶² Subpara (ac) inserted by Land Registration (Amendment) Act 1995 s 13.
- ¹⁶³ Para 3A inserted by Land Registration (Amendment) Act 1995 s 13.
- ¹⁶⁴ Item (d) added by Land Registration (Amendment) Act 1995 s 13.
- ¹⁶⁵ Subpara (a) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹⁶⁶ Subpara (b) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹⁶⁷ Para 10 amended by Statute Law Revision Act 1989 Sch 1.
- ¹⁶⁸ Para 11 amended by Treasury Act 1985 Sch 2.
- ¹⁶⁹ Para 3 amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹⁷⁰ Para 4A inserted by Land Registration (Amendment) Act 1995 s 15.
- ¹⁷¹ Para 6 amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹⁷² Para 8 amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹⁷³ Subpara (a) substituted by Land Registration (Amendment) Act 1995 Sch 1.
- ¹⁷⁴ Subpara (b) amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹⁷⁵ Para 11 amended by Land Registration (Amendment) Act 1995 Sch 1.
- ¹⁷⁶ Para 12 substituted by Land Registration (Amendment) Act 1995 s 15.
- ¹⁷⁷ Para 12A inserted by Land Registration (Amendment) Act 1995 s 15.
- ¹⁷⁸ Para 18A inserted by Land Registration (Amendment) Act 1995 s 15.