



# Land Registry Act 1862 (repealed)

## CHAPTER 53

### LAND REGISTRY ACT 1862 (REPEALED)

- 1 Extent of Act.

#### PART I

##### AS TO THE REGISTRATION OF REAL ESTATES, AND THE TITLE THERETO

- 2 Registry to be established.
- 3 Limits of registry.
- 4 By whom application for registration to be made.

##### *Proceedings to obtain Registration of a Title as indefeasible*

- 5 Examination of title with guarantee.
- 6 Reference of questions of title.
- 7 Particulars to be furnished to registrar.
- 8 May be verified on oath.
- 9 Claim to mines and minerals.
- 10 Identity of lands to be established.
- 11 Notice of intention to register.
- 12 Contents of notice.
- 13 Cause may be shown against registration.
- 14 Completion of registration.
- 15 Books may be inspected.

##### *As to the Record of Title*

- 16 As to exception, &c. in record of title.
- 17 Any question as to true construction of any deed, &c. to be referred by registrar to a judge of Court of Chancery.
- 18 Registrar may refer in record of title to deed, &c. for estates of parties.

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- 19 Persons entitled to principal money, &c. not to be entered in record of title unless registrar thinks fit.

*When an indefeasible title shall arise*

- 20 Persons described in record of title to be deemed as possessed of such estates, &c.  
21 Informality not to prejudice entry in record of title.  
22 Before registration applicant, &c. to make oath that all deeds, &c. have been made known to registrar.  
23 Power to registrar to refuse registration.  
24 Power to registrar to demand security for costs.

*Proceedings for Registration without an indefeasible Title*

- 25 Registration without guarantee of title may be made under certain conditions.

*Registration of Leasehold Estates*

- 26 Leasehold estates may be registered in like manner as freehold lands.

*General Provisions as to Title*

- 27 Charges and liabilities not to be deemed incumbrances.  
28 Land may be registered as one estate.  
29 Registered land made subject to certain conditions, &c.  
30 Notice of registration to be given by registrar.  
31 Judicial declaration of title.  
32 Every estate, &c. to be entered in record of title after registration of land.  
33 Estates registered subject to existing law.  
34 Registered proprietor, with consent may close register.

*Caveat against Entry of Land on Register*

- 35 Caveats may be lodged with registrar, &c.  
36 Caveat to be supported by affidavit.  
37 How notice to be served.  
38 No registration to be made till ten days after notice.  
39 Compensation, when to be made.  
40 Caveat not title of any person.

**PART II**

**SIMPLIFICATION OF TITLE BY JUDICIAL SALES**

*Sales by Court of Chancery*

- 41 Sales of land by Court.  
42 Application to be served on parties.  
43 Court shall provide for examination of title, &c. before making order for sale.  
44 Security for costs.  
45 Payment of purchase money as Court may direct;  
46 to exonerate purchaser from liability.  
47 Vesting order to be stamped.

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- 48 Applicant for sale and his solicitor may be examined concerning title before vesting order made.
- 49 Where sales are made under 20 Vict. c. 120, the Court may make order as under this Act.
- 50 Vesting order to confer on person in whom land is vested an estate in fee simple, with all rights, &c.
- 51 Case in which Court may make a qualified vesting order.
- 52 Effect of qualified vesting order.
- 53 Court may require production of deeds, &c.
- 54 Distribution of monies paid into bank.
- 55 As to disposal of money not immediately distributable.
- 56 As to disposal of deeds after vesting order made.
- 57 Vesting order to direct entry on register. Contents of vesting order.
- 58 Registration with a qualified title not to affect prior claims.
- 59 Entry of discharge of incumbrance.
- 60 Compensation to persons aggrieved.
- 61 As to costs and expenses.
- 62 As to assignment of duties.

### PART III

#### AS TO THE TRANSFER OF REGISTERED LAND

- 63 Conveyance, &c. of registered land.
- 64 Attendance of parties at registry office on sale, &c. of registered land.
- 65 Forms of conveyance in schedule of registered land.
- 66 Forms of conveyance in schedule as effectual as other forms.
- 67 Forms may be modified or altered.

#### *As to Land Certificates*

- 68 Registrar to deliver land certificates.
- 69 Registrar, at request of holder, to compare certificate with registry.
- 70 Registered proprietors desirous of selling, &c. may obtain special land certificate.
- 71 Certificate to be evidence.
- 72 Conveyance of lands by endorsement.
- 73 Deposit of certificate.
- 74 Estates, &c. in land may be created by will, &c.
- 75 On conveyance of estate, &c. on register, deed or copy to be sent to registrar.
- 76 When deed received by registrar, estate created to be deemed duly registered.
- 77 Notice when to be sent to registrar.
- 78 Where estate transmitted to any person by descent, such person to be registered.
- 79 Notice to heir at law of application, &c.
- 80 Assignees of bankrupts to be registered.
- 81 Memorial of will may be registered instead of copy thereof.
- 82 Execution, to be proved as registrar may require.
- 83 Memorials of descents, &c. to be registered, &c.
- 84 Registrar to note effect of instruments, &c.
- 85 Official note, what to contain.
- 86 Printed copy of deed, &c. to be delivered to registrar.

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- 87 Registrar in certain cases may erase official note.  
 88 No dealing with registered land effectual until stamp and ad valorem duties paid.

#### PART IV

##### GENERAL PROVISIONS TO FACILITATE REGISTRATION

- 89 Money charge not ascertained, &c. may be referred to judge at chambers.  
 90 Judge may order money not distributable, &c. to be paid into Court of Chancery.  
 91 Deeds to be stamped.  
 92 Judge may decide questions of priority of incumbrances, &c.

##### *As to Restraint of Conveyance*

- 93 As to restrictions on conveyance, &c. of land.  
 94 Registrar to make a note of such restrictions.  
 95 Court of Chancery may exercise powers of 13 & 14 Vict. c. 60.

##### *Caution*

- 96 Person interested may lodge caution with registrar.  
 97 Caution to be supported by affidavit.  
 98 Statutory disposition of land not to be registered until notice served on cautioner.  
 99 Cautioner to give security against damage sustained by delay, &c.  
 100 Compensation for lodging caution without reasonable cause.

##### *Injunction*

- 101 Court may issue order restraining disposition of land, &c.  
 102 Court of Chancery may refuse or annex terms, &c. to such order, &c.  
 103 Jurisdiction of Equity courts.  
 104 Acts relating to registries in Middlesex and York not to apply, &c.

##### *Penalty on Fraud, &c.*

- 105 Person concealing making false statement guilty of misdemeanor.  
 106 As to persons aggrieved by proceeding, &c. for misdemeanor.  
 107 Answers to bills, questions, &c. not admissible in evidence.  
 108–113 .....

##### *General Provisions*

- 114 Crown, &c. lands.  
 115 Provision as to applications made by married women. Examinations may be taken under 3 & 4 W. 4 c. 74.  
 116 Provision for other persons under disability.  
 117 Registrars, &c. may administer oaths, &c.  
 118 As to loss of land certificate.  
 119 Granting new certificates.  
 120 Lord Chancellor to make rules and orders for carrying into effect purposes of Act.  
 121 As to assignment of duties and appointment of additional clerks.

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- 122 Forms to be printed and promulgated.
- 123 Seal of Land Registry Office.
- 124 Addresses of proprietors to be registered.
- 125 Registrar may frame general orders.
- 126 Such orders to have effect as Act of Parliament.

*Fees*

- 127 Registrar to determine amount of fees.
- 128 Matters to be considered in determining amount of fees.
- 129 Collection of fees.
- 130 Stamp Acts applied to stamps under this Act.
- 131 Lord Chancellor may fix scale of costs.
- 132 Costs may, in certain cases, be raised by mortgage.
- 133 Orders to be laid before Parliament.

*Proceedings in Court of Chancery*

- 134 Applications to Court of Chancery to be by summons.
- 135 .....

*Forms*

- 136 Forms.

*Inspection of Register*

- 137 Inspection of register.

*Fraud*

- 138 Fraud a misdemeanor.
- 139 Punishment.
- 140 Interpretation of terms.

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