

# LAND LAW

## UNIT 3

### INTRODUCTION TO REGISTERED LAND

As you should be aware by now, land registration really began in 1925 with the Land Registration Act of that year. This introduced a system of “creeping registration” with different areas of England and Wales becoming subject to registration at different times. However, we have had compulsory registration over all of England and Wales since 1990 and more titles become registered every year. Registration of title is now governed by the Land Registration Act 2002, which came into force on the 13th of October 2003, and the Land Registration Rules 2003.

Land Registry is an arm of government. Its Head Office is based in Croydon, South London, and there are 14 other district offices dotted around the country.

The main functions of Land Registry are to register titles to land for the first time, and to register transfers of titles and mortgages to land.

So let's start with compulsory first registration.

Broadly speaking, when an owner of unregistered land deals with that land in any way, the transaction triggers compulsory first registration. In other words, the owner has to apply to Land Registry to convert the unregistered title into a registered one.

The triggering events are listed in section 4 of the Land Registration Act 2002 so that tells you when a currently unregistered title must be submitted to Land Registry for conversion into a registered title. The most important triggers to know about are: a transfer of land, whether or not that is for value, so it includes a sale and a gift of land; a transfer of land as a result of a court order, for example, on divorce, and also assents. I should explain that an assent is used where the land owner has died and his or her personal representatives pass the ownership of the land to a beneficiary, either because of what the deceased said in their will or because of the intestacy rules.

Another triggering event is the grant of a legal lease for a period of over 7 years and so is the creation of a mortgage. Once the land is registered, then section 27 of the two thousand and two Act requires that subsequent dealings with a registered freehold or lease, known as “dispositions”, must be completed by registration before ownership can pass to the new owner.

In principle, third party interests over land will only affect someone dealing with that piece of registered land if the interests have been entered on the register. However, you may remember that a third party proprietary interest that has not been entered on the register may still bind the owner of registered land, if it meets the requirements of what is called “an overriding interest”. Overriding interests are controversial and we will return to them later.

The Land Registration Act of 1925 also introduced the now familiar concept of state guaranteed title. The “state guarantee of title” amounts, in summary, to the principle

# Registered Land The New Law

**Yi-Tong Ma**



## **Registered Land The New Law:**

**Registered Land, the New Law** Charles Harpum, Janet Bignell, 2002 The Land Registration Act 2002 introduces some of the most radical changes to land law and conveyancing since 1925 This book provides a comprehensive authoritative and practical guide to the new Act and its implications for property practitioners Written by British specialist property lawyers the book discusses the new procedures for first registration electronic conveyancing registered land and new adjudication and dispute resolution procedures

**The New Law of Land Registration** Elizabeth Cooke, 2003-09-17 This book is an examination of the law of land registration in England and Wales in the light of the Land Registration Act 2002 and in particular at the way land registration is influenced by and in turn influences the evolution of land law as a whole It examines the legal problems that have arisen in connection with land registration and considers the effect of the 2002 statute drawing extensively upon the law in other jurisdictions and considering possibilities for future development This is a book which will be essential reading for students their teachers and practitioners who will have to grapple with the intricacies of the new Act when it comes into force

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*Cheshire and Burn's Modern Law of Real Property* Edward Hector Burn, John Cartwright, 2011 A clear readable scholarly account of land law set in the context of its historical foundations

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A New Law Dictionary and Institute of the Whole Law Archibald Brown, 1880

The Law Journal , 1899

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subject It analyses the social context of modern land law and the policy tensions to which it gives rise     Laws of the State of New York New York (State),1889     The "land Transfer" Laws of Australasia Australia,1888     The Law Times ,1875  
The New Law Journal ,1996     *The Irish Law Times and Solicitors' Journal* ,1893     **A Compendium of the Law of Property in Land and of Conveyancing Relating to Such Property** William Douglas Edwards,1904     **Journal of the Society of Comparative Legislation** Society of Comparative Legislation,1897 Includes an annual Review of legislation  
*The Law Times Reports of Cases Decided in the House of Lords, the Privy Council, the Court of Appeal ... [new Series]*. ,1897     **The American Law Register and Review** ,1896     **Journal of Comparative Legislation and International Law** ,1897 Includes annual Review of legislation covering the years 1859 1949

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