

## **REGISTERED LAND**

### **What is the Land Register?**

1. The Land Register is an official record of who owns land in the U.K. The Register is administered by the Land Registry (<http://www.landregistry.gov.uk/>). The Land Registry has regional offices throughout the UK.

### **What is the difference between registered land and unregistered land?**

2. The ownership of registered land is established by reference to the Land Registry's register ("the Register"). Details are kept on the Register which third parties are able to inspect.
3. About 25% of all land remains unregistered. Under the Land Registration Act 2002, it is now compulsory to register all unregistered land when ownership changes or there is a charge for the first time.
4. Many owners (including some councils) have not entered into any transactions involving their land since the date of compulsory registration. Consequently their land is still unregistered and will remain so until (i) there is a transaction involving the land or (ii) the owners decide to register the land voluntarily.
5. Where land is unregistered ownership is proved by establishing 15 years of ownership. This requires a review of title deeds and other legal documentation in the owner's possession. Sometimes the documents are very old and complex. It can be difficult for a third party to obtain information about unregistered land because documentation is not readily available.

### **What are the advantages of the Land Register?**

6. A registered title is guaranteed. The Register is accurate and conclusive of ownership of title and relevant interests affecting the land. If somebody suffers a loss due to a mistake or omission in the Register he or she may be entitled to

compensation. Additionally, once registered, each title is given a plan of the land and, therefore, disputes are less likely to arise.

### Overriding interests

7. Overriding interests are interests which registered land is subject to even though they do not appear on the Register. They are binding on the registered owner and future owners of the land. Examples of overriding interests are chancel repair liability, mining and mineral rights, and manorial rights (see Land Registry Public Guide 25: <http://www.landregistry.gov.uk/public/guides/public-guide-25> ).
8. The Land Registration Act 2002 seeks to reduce the number of overriding interests and to replace as many as possible with entries on the Register. This is in keeping with its overall objective of making the Register as complete a record of title as possible. Since 12 October 2013, if there is no entry placed against title at the Land Registry, some interests have lost their overriding status.
9. If councils consider that overriding interests may be relevant to their circumstances they should obtain legal advice from local solicitors with experience of dealing with these interests. The Law Society can provide information on solicitors in the council's area – <http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law>:
10. For more information on overriding interests see Land Registry Practice Guide 15: overriding interests and their disclosure: <http://www.landregistry.gov.uk/professional/guides/practice-guide-15>

### What information is kept on the Register?

11. Anyone can obtain a copy of the Register relating to a given piece of land. It is divided into three sections:
  - the Property Register;
  - the Proprietorship Register;
  - the Charges Register

### **The Property Register**

12. The property register identifies the geographical location and extent of the registered property by means of a short verbal description (usually the address) and by reference to an official plan which is prepared for each title. It may also give particulars of any benefits attached to the land. In the case of a leasehold title, it gives brief details of the lease.

### **The Proprietorship Register**

13. The proprietorship register specifies the quality of title i.e. absolute title or possessory title. It also gives the name and address of the legal owner(s) and shows whether there are any restrictions on their power to sell, mortgage or otherwise deal with the land. It may give details of price paid or value information relating to the title.

### **The Charges Register**

14. The charges register contains identifying particulars of registered mortgages and notice of other financial burdens secured on the property (but does not disclose details of the amounts of money involved). It also gives notice of 3rd party rights and interests to which the property is subject such as leases, rights of way or covenants restricting the use of the property.

### **Voluntary Registration**

15. Many councils are likely to find registering their land beneficial even if they are not required to register it. The Government is keen to promote voluntary registration and has reduced Land Registration fees for doing so.

For more information see - <http://www.landregistry.gov.uk/public/guides/public-guide-13>

**Other relevant Legal Topic Notes (LTNs):**

<b>LTN</b>	<b>Title</b>	<b>Relevance</b>
40	Local Councils' Documents and Records	Sets out reasons for keeping certain documents relating to land ownership.
49	Business Tenancies	Explain the nature and effect of tenancies protected by the Landlord and Tenant Act 1954. (If the lease term is more than 7 years, this leasehold interest should be registered with the Land Registry).
50	The Agricultural Tenancies Act 1995	Explains farm business tenancies. If the farm business tenancy term is more than 7 years, this leasehold interest should be registered with the Land Registry.
55	Claiming Ownerless Land	Describes how councils (and others) may claim unregistered land.
75	Lease Negotiations	Explains that registration of leasehold ownership requires accurate lease plan(s).

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