

LAND REGISTRY
ARE YOU READY FOR 2013?

The Land Registration Act of 2002 which came into effect in 2003 was the first major overhaul of Land Registration Law since 1925. It made several changes designed to simplify the Register and make it more open and accessible.

The Land Registry aims to register the ownership of every piece of land in England and Wales and is gradually nearing the completion of this objective. With every change of ownership registration has been compulsory now for over 30 years in most areas. As a result only those who have owned land for longer than this will still have unregistered title (and some of these may have applied for voluntary first registration).

The Land Registry also aims to have every interest including third party rights over land registered to simplify the Register even further. On some of these there is a deadline date of 12th October 2013 at midnight i.e. 10 years after the Land Registration Act of 2002 became law. If certain third party rights have not been registered by then they may be lost.

The rights are:-

1. Franchises.
2. Manorial rights.
3. Rights of rent which were reserved to the Crown on the granting of any freehold estate.
4. Non statutory rights in respect of embankments or sea or river walls.
5. Rights to payment in lieu of tithe.
6. Rights in respect of the repair of a church chancel.

In the case of Chancel Repair obligations, while liability for repair of a church is usually with the ecclesiastical authorities, occasionally land owners in the vicinity may find historical reasons that they have a liability to contribute by virtue of their ownership of a particular plot of land. As from midnight on 12th October 2013 new owners can only be bound by these obligations if the church chancel repair rights have been entered in the Register. The onus is on parochial church councils to register the rights before the deadline date otherwise they will be lost.

If you have any queries on Land Registration, what needs to be registered and what does not, or whether you need to be worried by the 2013 deadline further information can be obtained from the Land Registry website www.landregistry.gov.uk. Alternatively you are welcome to contact us by email, alison@alisonfielden.co.uk, by telephone 01285 653261 or by post, Alison Fielden & Co, The Gatehouse, Dollar Street, Cirencester, Glos GL7 2AN.