



Land Registration Act 2002
Scope of this guide

This guide contains information about Land Registry and the information we hold. It explains in general terms the nature of your registered title and suggests the steps you should take in order to keep it up to date. It is aimed at members of the public.

General Land Registry information

Update – This edition of the guide replaces the August 2009 edition. Amendments have been made as a result of the discontinuation of Electronic Notifications of Discharge.

Contact details

For general enquiries and to request this publication in an alternative format please contact Customer Support at customersupport@landregistry.gsi.gov.uk or telephone 0844 892 1111 from Monday to Friday between 8am and 6pm.

Calls are charged at 3p per minute from BT landlines. Mobile and other networks may vary. Land Registry does not receive any revenue from these calls.

To obtain copies of this and all our other guides, free of charge:
- view/download guides in English and Welsh at www.landregistry.gov.uk
- contact Customer Support

1 Abbreviations used

In this guide:
'LRA 1925' means the Land Registration Act 1925;
'LRA 2002' means the Land Registration Act 2002.

2 Introduction

When we send a completed Land Registry application to you, you may have certain questions about the documents you have received and the effect of the entries we have made. This guide explains what it means in general terms. Other guides available explain in greater detail different aspects of the system of registered land. These guides are available free of charge from Customer Support or through our website.

3 The Title Information Document

When we complete an application for registration, we will issue:

- an official copy of the register relating to the title number of your property
- an official copy of the title plan of the title number (if we have made any amendments to it)
- a Title Information Document (TID) explaining why the official

copies have been issued. Under previous Land Registration Acts and Rules, upon completion of an application, we used to issue documents called either:
— a land certificate (where there was no mortgage on a title), or
— a charge certificate (where the property was subject to a mortgage).

These certificates reflected the information contained in the numerous documents of title that would have been held relating to an unregistered property. Because of the legal status of the land or charge certificates, it was necessary to keep them safe, and replacements (although available) attracted legal requirements and a fee to process. We no longer issue these certificates and any that exist have no legal status. Instead, we issue official copies. These are copies of the information we hold relating to your property. If you misplace them, you need not worry about any misuse or loss.

4 Your register

4.1 The title number

The title number of your property is

quoted at the top of the first page of the official copy of the register, and also appears on the official copy of the title plan (if we have issued one). Each registered title has a unique reference number, which ensures that the property in question cannot be confused with other properties in the same road or area. In any communications with Land Registry, it is important to quote the title number because it will help us to quickly locate the relevant file or documents.

4.2 Classes of title

There are four classes of title that Land Registry can grant to a registered title.

- **Absolute** In the case of freehold land, an absolute title guarantees that the estate registered is vested in the registered owner named in the proprietorship register, subject only to the entries in the register and any overriding interests that may affect it. An absolute leasehold title guarantees not only that the lease under which the land is held is vested in the owner, but also that the lease itself was validly granted.
- **Possessory** In the case of either freehold or leasehold titles we are most likely to grant this either where the applicant is claiming title by adverse possession (ie by squatting), or where the title deeds have been lost or destroyed. A possessory title is subject to any interests adverse to the title of the first proprietor that existed when they were first registered, as well as to overriding interests (see section 4.3 *Overriding interests*). So, by registering with a possessory title, we are not liable to pay indemnity in respect of any such adverse interest coming to light after registration. The guarantee on a possessory title covers only errors or omissions in the title occurring since the date of registration. Otherwise, a possessory title has the same effect as a registration with absolute title.
- **Good leasehold** A good leasehold title is granted where the lessor's title is not registered with absolute title or is unregistered and there is no evidence to confirm that the

lessor was entitled to grant the lease including any easements in it. The guarantee that we offer on this class of title is only from the date of the lease itself. Registering a lease with good leasehold title will not prejudice any estates, rights or interests that would have affected the lessor's right or entitlement to grant the lease. By this we mean that if a lessor did not own the land they leased and we granted good leasehold title, the rights of the true owner would remain unaffected by this title. Otherwise, a good leasehold title has the same effect as a registration with absolute leasehold title.

- **Qualified** A qualified freehold title has the same effect as registration with absolute freehold title, except that the title is subject to some defect or right that is specified in the register. A qualified leasehold title has the same effect as a registration with either absolute or good leasehold title, except for the specified defect in title.

If Land Registry has granted any class of title other than absolute to a title number, it is possible for that class of title to be converted to a better class at some point in the future. Such an application may be based on either:

- the length of time a title has been registered, or
- additional documents of title proving that the original defect in title has now been remedied.

4.3 Overriding interests

The register of a title does not contain details of all matters affecting the land. Matters affecting the property, but not referred to in the register, are known as overriding interests. Examples of overriding interests include:

- rights that would only become apparent from an inspection of the land and enquiries made to the occupier
- liabilities arising under Acts of Parliament
- charges in favour of a local authority pursuant to an Act of Parliament (known as Local Land Charges).

This is not an exhaustive list; other overriding interests exist. The LRA 2002 substantially changed the

situation regarding the recording of overriding interests. For more information on this topic, please ask us for a copy of Practice Guide 15 – *Overriding interests and their disclosure*.

4.4 Guarantee and indemnity

A registered title is guaranteed. Anyone who suffers loss because of an error or omission in the register, or because the register needs to be corrected, will normally be paid an indemnity. The indemnity may not be paid if the person in question has caused or substantially contributed to the loss they have suffered.

4.5 Your address for service

The address or addresses that are shown in the proprietorship register are those to which Land Registry will send any notice or communication. An out-of-date address may mean that letters and notices do not reach you and you may suffer loss as a result. If you change your address, or wish to add another address to your records (up to a maximum of three), you should apply to us to update our records. You do not need to send in the TID or any other documents and we do not charge a fee for this service. A letter signed by the registered owner(s), quoting the title number, is sufficient evidence for us to update the records.

4.6 Changes to your name

It is also in your interest to keep the record of your name as registered owner up to date. In the event of any change to your name, you should apply by letter asking for the register to be altered. Please enclose evidence of the change, such as a copy of a deed poll or an official copy of a marriage certificate. There is no provision in the Civil Partnership Act 2004 for a civil partner to automatically take their partner's surname. If a civil partner wishes to do this, they will need to make arrangements to change their name by deed poll. Please note that if you send any original documents to us, we may retain them unless you provide us with a copy. There is no fee for this service. You may also need to change the details we show in the register if an owner of the property dies. For more information on updating the register following the

death of an owner, please ask us for a copy of Public Guide 9 – *What to do when a land owner dies*.

5 Your title plan

5.1 Boundaries of registered land

Except in a very few cases where the register states that the boundaries of a title have been fixed (under the LRA 1925) or determined (under the LRA 2002), the title plan only indicates the general boundaries of the title. This means that the exact line of any boundary is left undetermined. Areas of potential confusion are boundaries that either:

- include a hedge, wall or ditch
- run along the centre of a fence or its inner or outer face, or
- include any part of an adjoining road or stream.

Land Registry plans are based on Ordnance Survey maps, which show physical features, such as walls or fences. When such features represent the boundaries of a title, the title is mapped up to them. The physical features surrounding the registered land are therefore indicated on the plan, but the exact boundary is not normally specified.

When the boundary line of a registered title does not adjoin a physical feature shown on the Ordnance Survey map, a dotted line represents the boundary of the title. The register may include information regarding the ownership of boundary features or responsibility for their maintenance, but only when the title deeds and documents have provided this information.

For more information on boundaries and title plans, please ask us for a copy of Public Guide 19 – *Title plans and boundaries*.

6 How to discharge a registered charge

When land is registered, Land Registry normally refers to a mortgage as a registered charge (or simply ‘charge’). A discharge is when the entries relating to a charge have been removed from the register once the mortgage has been paid off.

If your property is registered, it is in your interest to remove the entries from the register. In order to do so, you will need proof from the lender that all moneys owing have been paid. There are three main ways in which the lender will provide this evidence.

— Completing a Land Registry form DS1

A form DS1 is a receipt for the moneys paid under the mortgage. The lender may send this form to us directly to ask us to update our records, or the form may be forwarded to you, together with other documents relating to your property.

If you are making the application yourself, you should either:

- complete the details in the form DS2 stating where you would like the updated details issued to, or
- if you do not have a form DS2, enclose a covering letter asking us to update the register and state the address to which you would like us to send the updated details.

Certificate of identity forms ID1 or ID2 are required in respect of all applicants. See Public Guide 20 – *Evidence of identity – non-conveyancers* for more details.

There is no fee for this service.

— Providing an electronic DS1 (e-DS1)

An e-DS1 is a discharge of registered charge sent by a lender via our portal. Our computer system makes a number of checks and, providing everything is in order, the charge and any associated entries will be cancelled automatically. The lender is informed that the application has been completed.

— Providing an electronic discharge

Some lenders are able to provide us with an electronic discharge. This is a discharge sent by the lender’s computer system to ours. Our computer system then cancels the mortgage entries automatically without requiring a separate paper application. Your lender will write to you to confirm that the charge has been removed.

6.1 Sending your application to Land Registry

If you are making your own application for the removal of the charge, it is important that you send it to the correct Land Registry office.

If you already hold a TID, the details of the Land Registry office you should deal with will appear on it. If not, please ring the Land Registry office closest to you, or visit our website. For full details of all Land Registry offices and the areas they serve, please ask us for a copy of Practice Guide 51 – *Areas served by Land Registry offices*.

6.2 What will I receive when the application has been completed?

When we have completed the removal of the registered charge from our records, we will issue you with an official copy of the register and a TID. These will show the up-to-date records we hold for your title. (See section 3 *The Title Information Document* for more information regarding the TID.)

7 Enquiries and comments

If you have a particular concern that is not covered by this guide, please contact Land Registry before making your application – see the *Contact details* panel on the front cover of this guide. If the problem or enquiry is complex, it may be better if you make your enquiry in writing.

If you have any comments or suggestions about our guides, please send them to:

Registration Change Group
Land Registry
Lincoln’s Inn Fields
London
WC2A 3PH
(DX 1098 London/Chancery Lane)

Land Registry advisory policy

We offer advice to our customers through our publications and Customer Support information and through the day-to-day handling of applications.

We provide factual information including official copies of registers, title plans and documents, searches and details of our forms and fees.

We provide procedural advice to explain how the land registration system works and how to make applications correctly. This includes:

- advice in advance of an application, where this is requested
- where an application is defective, advice as to the nature of the problem and what options, if any, are available to put it right
- an approval service for estate layout plans and certain other land registration documents.

There are limits to the advice that we will provide. We will not provide legal advice.

This means that:

- we will not approve the evidence to be produced in support of a registration application before we receive the application
- apart from procedural advice, we will not advise on what action to take
- we will not recommend a professional adviser but can explain how to find one.

We provide advice only about real cases, not about theoretical circumstances. We will not express a view on questions where the law is complex or unclear except where the question arises on a live registration application.

In providing this factual information and procedural advice we will:

- be impartial
- recognise that others may be affected by what we say
- avoid any conflict of interest.

Information in this guide

The information in this publication is for the purpose of providing general guidance about Land Registry's procedures and policies. It is intended only as a guide and does not cover every situation that may arise. It also does not limit Land Registry's ability to use its discretion when appropriate to do so, within the land registration legislation.

Peter Collis
Chief Land Registrar

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