



Land Registration

IS YOUR LAND REGISTERED?

If not, can this really cause you problems? You probably haven't given much thought to the importance of land registration, but having unregistered land can leave you at increased risk of fraud and cause issues with inheritance.

If you have owned your land since 1990 or before and have not taken out a mortgage since, there is a chance that your land is unregistered.

COMPULSORY REGISTRATION

Traditionally all land in England and Wales was unregistered and the owners of land would keep a bundle of documents and deeds to prove their ownership. The government had tried to overhaul the traditional conveyancing system with the introduction of the Law of Property Act 1925 and the Land Registration Act 1925 which updated previous laws and encouraged voluntary registration of land.

This system largely stood until 1990 when compulsory registration was brought in with any sale of land and this was expanded further in 2002 to require registration for all inherited, gifted or mortgaged land. This has been a partial success, Land Registry data from 2016 showed that 17% of all land in the UK had not yet been registered.

Because of this the Land Registry is stepping up its efforts to encourage everyone to make sure that their land is registered. Many people may not see the need to register their land, especially with property that has been handed down through the generations within the same family but registration will bring you significant advantages.

THE BENEFITS OF REGISTRATION

- You will be better protected against fraud. If your land is unregistered, a fraudster could assume your identity and attempt to register and then sell or mortgage the property without your knowledge.
- Squatters have rights and can even become the legal owners of abandoned property by their adverse possession over a period of time. There is information online that shows people how to search for unregistered land, details squatting rights and how to register land. If your land has already been registered, you are better protected.
- If all or part of the title deeds of your land are lost, destroyed or forged it will be very difficult to prove ownership of unregistered land, however having the land registered centrally and digitally stored means that there will be a permanent record of your ownership.

Civil

Commercial

Conveyancing

Family

Probate

- When it comes to dealing with the estate of a family member or loved one it can sometimes be difficult to locate the full title deeds, having your land registered saves additional problems at what is already a difficult time. It is easier to submit an application for registration while the owner is alive and is able to provide a Statutory Declaration detailing how the deeds were lost or misplaced.
- If two adjoining plots of land are unregistered, the owner of the first plot to be registered may be able to set any disputed boundaries in their favour. Once this has been registered, it can then be difficult and costly for the neighbour to reverse this when they come to register their own land.

VOLUNTARY REGISTRATION

Significantly, the Land Registry is currently offering a discount on the cost of voluntary land registration. This discount will not be applied in the case of compulsory registration which is required when the land is gifted, mortgaged or sold. Having your land registered will also simplify the conveyancing process which should further reduce your costs if you do decide to sell or mortgage the land.

There is also the risk that the government may bring in mandatory registration in the future. If

this happens they are unlikely to offer a discount on registration fees and may even raise them significantly.

Fraser Dawbarns have a range of experts who are able to advise or assist you with land registration. For further help with this issue, contact us today to see how we can help you register your land and provide you with peace of mind and security.

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