

## Leases: when to register

### In this section

- LRA 1925 means the Land Registration Act 1925.
- LRA 2002 means the Land Registration Act 2002.
- 13 October 2003 is the date the LRA 2002 came into force.
- Disposition means a transfer or assignment (on sale, by way of gift or by order of the court), an assent (including a vesting assent) or a charge.

### General guide

The need to register a lease is dependent on several factors:

- when it was created - before or on/after 13 October 2003
- whether the term is one that is capable of registration
- whether there has been a disposition.

Please note that when calculating the term of a lease any period before the date of the lease is to be disregarded (*see Cadogan (Earl) v Guinness (1936), Ch.515*).

### Points to remember

- If a lease should have been registered under the provisions of the LRA 1925, it must still be registered.
- Leases granted under the provisions of Part V or s.171A of the Housing Act 1985 are subject to compulsory registration.
- A lease that took effect as an overriding interest under s.70 of the LRA 1925 will now be subject to compulsory registration if a disposition has occurred on or after 13 October 2003, and the lease has more than seven years left to run at the date of the disposition. If no disposition has occurred this type of lease can be registered as a voluntary application at any time provided that it still has more than seven years of the term left to run.
- Discontinuous leases (timeshare etc) granted on or after 13 October 2003 out of registered land must be registered irrespective of the length of the term. Different considerations apply to those granted out of unregistered land. For more details about the registration of discontinuous leases see Land Registry Practice Guide 25 - *Leases - when to register* which can be downloaded from the Land Registry web site or obtained free of charge from any Land Registry office.
- Reversionary leases that take effect more than three months from the date of the grant, and created on or after 13 October 2003 must now be registered.

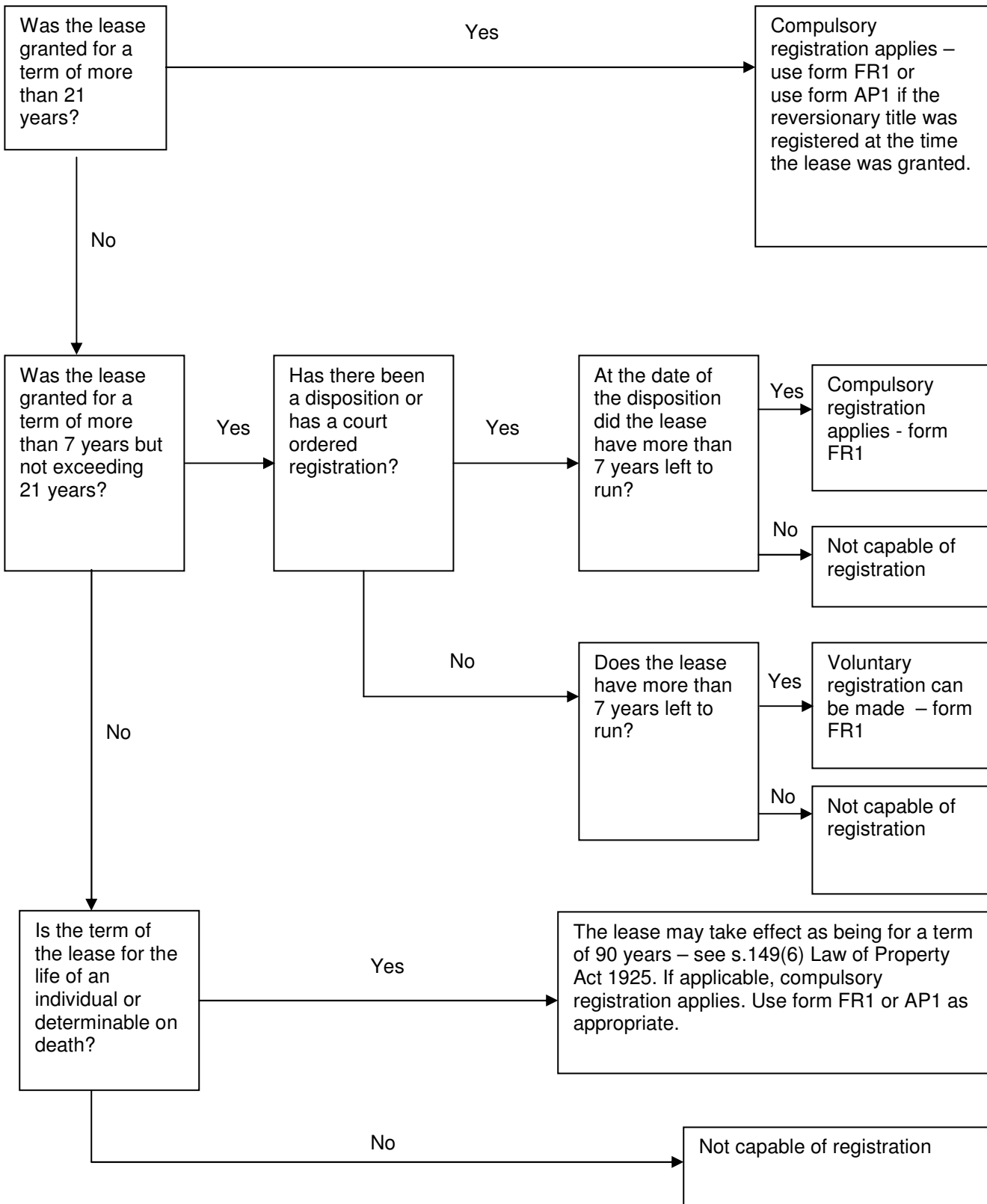
### Leases that cannot be registered

- Public Private Partnership (PPP) leases, whatever the length of their term.
- Leases for three years or less where the right of possession is immediate.
- Leases where the term commences more than 21 years from the date of the lease and a rent or fine is payable.
- Leases having no certain start date.
- Leases where the landlord and the tenant are the same person holding in the same capacity (*see Rye v Rye 1962*)

### Flowcharts

Two flowcharts are available to help with the decision making process. *Leases created before 13 October 2003* and *Leases created on or after the 13 October 2003*.

### Leases created before 13 October 2003



**Leases created on or after 13 October 2003**

