

For every season of your life



## Land and property registration

### **A guide to registering your land or property**

This guide aims to help you by explaining how to find out if your land or property is registered with HM Land Registry and in the case that it is not registered why it may be beneficial to voluntarily register unregistered land or property.

## Voluntary First Registration

Compulsory registration of land and property with HM Land Registry was brought in by virtue of the Land Registration Act 2002. However, this did not mean that all properties had to be registered immediately and registration has been brought in gradually depending on certain trigger events, such as a sale of property and area of the country in which the property is located.

### Is your property registered?

If you have owned your property for a number of years (pre 1990's depending on where you live) and there has been no change of ownership or new mortgage during that time then it is likely that your property may still be unregistered. You can find out from H M Land Registry if your property is registered or not.

You are under no obligation to register the property with HM Land Registry until a "trigger" event occurs (such as a sale), however, there may well be benefits of registering your property.

### Potential benefits of registering your property

Registration of your property supports property ownership by providing a government guarantee and giving greater security of title.

## Protection against squatters

Registration provides greater protection against the possibility of losing title by adverse possession. The rules for adverse possession under the Land Registration Act 2002 offer more protection to registered land owners against squatters and claims for adverse possession than the rules which still apply to unregistered land.

If your property is registered and someone makes an application for adverse possession then the Land Registry will notify you at the address for service that they hold for you. You then have the opportunity to object to the same. If the land is unregistered then it is possible that the Land Registry will not be able to notify you.

An owner of an unregistered property or land should therefore consider applying for voluntary first registration to ensure the new rules apply to any future adverse possession claims.

### Certainty and simplicity in the future conveyancing process

Voluntary first registration sooner rather than later could benefit you when you come to sell the property. In addition, if a property is registered and the owner dies, it eases the burden on their executors and loved ones who have to administer their estate. We often find that clients that are writing their wills with us also consider registering any unregistered property they may own at the same time.

When land is unregistered you are reliant on paper deeds which may not be stored together or may be difficult, or sometimes even impossible to locate. Should they not be found then it can be extremely time consuming and costly to prove ownership. Additionally the title to the property would only be registered by HM Land Registry as "Possessory Title" as opposed to the much stronger "Title Absolute" which is the best class of title that can be given by the Land Registry. Upon sale of a property with Possessory Title you will usually be required to provide your buyer with an indemnity insurance policy which can cost hundreds of pounds depending on the value of the property.

Registering your property now should make the conveyancing process smoother in the future.

### Ensuring the extent of your property

When your property is registered the Land Registry produces a title plan showing the extent of the property.

When you come to register your property it may be discovered that the neighbouring property has been mistakenly registered by HM Land Registry as extending onto your own property. This may be because plans attached to the old conveyances for the neighbouring property were in bad condition, difficult to interpret or inaccurate and therefore production of the title deeds for your property will be able to give the Land Registry a better picture and they will be able to rectify the situation with the neighbour's property.

Registered land is invariably easier to deal with and to value making it more readily marketable.

Voluntary first registration is also offered at a reduced fee by the Land Registry.

### How we can help you

Please contact our Conveyancing Department if you would like to find out whether or not your property is registered. Our team will be able to provide you with further information and advice in the case that your property is unregistered.

# STEED & STEED LLP

SOLICITORS

6 Gainsborough Street  
Sudbury Suffolk CO10 2ET  
T: 01787 373387 E: sudbury@steadllp.co.uk  
[www.steelandstead.co.uk](http://www.steelandstead.co.uk)

76-82 & 86 Coggeshall Road  
Braintree Essex CM7 9BY  
T: 01376 552828 E: braintree@steadllp.co.uk

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