



BRIEFING PAPER

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Registration of Manorial Rights

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Summary

This House of Commons briefing paper provides information about manorial rights over land in England and Wales and changes that have affected the ability of individuals to exercise these rights. The note also provides links to guidance for affected property owners provided by the Land Registry.

Prior to 13 October 2013, manorial rights were “overriding rights” which could affect a property even if they had not previously been protected in the register maintained by the Land Registry. Activities which may be provided for by manorial rights include rights to mine and extract minerals (with or without the consent of the current surface land owner), rights to hunt, shoot or fish.

Historically, landowners with significant holdings often retained ownership of any mines or minerals on the land even when it was sold on. In this case they would own the land beneath the surface (known as ‘mines and minerals’) while another party owned the surface land. Landowners may also have certain rights relating to the surface of the land, for example, fishing rights. Manorial rights were specifically preserved when most remnants of the manorial system were abolished in 1926.

Following the enactment of the *Land Registration Act 2002*, which required manorial rights to be registered before 13 October 2013 if they were to be retained, around 73,000 applications to enter a notice claiming manorial rights on properties in England and Wales were made to the Land Registry prior to the deadline.

In January 2015, the Justice Select Committee published a report into manorial rights. This was in response to a large number of representations received calling for the abolition of these rights. The Committee highlighted concerns with the implementation of the 2002 Act, recommended changes for more efficient operation in future, and examined arguments for and against the abolition of the protection of manorial rights in law.

In July 2018, the Law Commission published a report on updating the *Land Registration Act 2002*. In particular, it recommended reform of the procedure around unilateral notices, which, since October 2013, have been used by beneficiaries of manorial rights to protect their interests. This would be achieved by amending the 2002 Act.

1. Background to manorial rights

The Land Registry is a non-ministerial government department which is responsible for registering the ownership of land and property in England and Wales and recording the rights and interests that affect it. The Land Registry provides information in its guidance on historical rights, and describes manorial rights as:

The rights of the lord of a manor in respect of land you own, such as the rights to minerals or to hunt, shoot or fish.¹

Manorial rights were specifically preserved when most remnants of the manorial system² were abolished in 1926.³ Manorial rights, similar to chancel repairs,⁴ were “overriding rights”⁵ which could affect a property even if they had not been protected in the register maintained by the Land Registry. Historically, landowners with significant holdings often retained ownership of any mines or minerals on the land even when it was sold on. In this case they would own the land beneath the surface (known as ‘mines and minerals’) while another party owned the surface land. Landowners may also have certain rights relating to the surface of the land, for example, rights to hunt, shoot or fish.⁶

It was often difficult to find out whether a property was affected (or ‘bound’) by manorial rights or chancel repairs as they did not have to appear in the information held by the Land Registry (in “the register”) until required by the [Land Registration Act 2002](#). If rights were not contained in the register they could be recorded in old deeds to a property. Ownership of mines and minerals continued indefinitely whether or not it had previously been registered. If a landowner seeks to register an interest in relation to a piece of land, the Land Registry has a duty to send a notice to the registered landowner to inform them that a claim has been made by a third party. The landowner will only be informed of a claim if their ‘title’ to the land is registered. The Land Registry is not able to provide legal advice to either party or tailored advice about individual notices, though it does provide information on frequently asked questions on the Gov.uk website.

¹ HM Land Registry, [Historical Rights: Guidance](#), September 2014 [accessed on 14 August 2018]

² A feudal and medieval system of tenure where rights to land and administrative authority over it and its occupants belonged to a noble family occupying a ‘manor’ or set of properties.

³ When all copyhold land (a form of feudal tenure) became freehold land.

⁴ Chancel repairs are the requirement for an owner of land to pay for the repair of the chancel (the part of the church containing the altar and the choir) of an Anglican parish church. See, Land Registry, [Historical Rights: Guidance](#), September 2014 [accessed on 14 August 2018]

⁵ See section 70(1)(j) of the [Land Registration Act 1925](#)

⁶ HM Land Registry, [Historical Rights: Guidance](#), September 2014 [accessed on 14 August 2018]

2. The *Land Registration Act 2002*

A 2001 Law Commission and Land Registry report on the Land Registration Bill, [Land Registration for the 21st Century](#), commented that:

The range of interests that are presently overriding is significant. They include many easements (whether or not these have been expressly granted or reserved), the rights of persons in actual occupation, leases granted for 21 years or less, as well as some obscure interests that may have very serious effects on the registered proprietor (such as manorial rights). Overriding interests therefore present a very significant impediment to one of the main objectives of the Bill, namely that the register should be as complete a record of the title as it can be, with the result that it should be possible for title to land to be investigated almost entirely on-line.

The Bill seeks to restrict such interests so far as possible.⁷

The Report recommended that the 'overriding' nature of certain rights including manorial rights (i.e. their persistence despite not being registered) should be "phased out over a period of ten years".⁸ The Report did not recommend that these rights be removed altogether.

The subsequent introduction of the *Land Registration Act 2002* meant that, in some cases, landowners (the holders of the rights) would lose their manorial or chancel repair rights when the affected property was sold if those rights were not registered before 13 October 2013, *and* if the rights were not exercised prior to the sale.⁹ The Land Registry provided the following summary of the position:

This means if a new owner buys the land or property after this date [13 October 2013], they could buy it free of these rights if the rights are not shown in the register. Until the property is sold any rights that exist continue.

Mines and minerals are not affected by the change in the law and can still be registered if an applicant has sufficient evidence of their ownership. A future sale of the surface land will make no difference.¹⁰

There were reports of new owners attempting to claim their manorial rights which had been rediscovered after having fallen out of use, often for many years. The Land Registry said:

Some landowners are responding to this change in the law by seeking to register all their valuable interests in land that can be protected. Registration of these interests sometimes requires Land Registry to write to (serve notice on) the owners of titles that are subject to these interests in specific locations (manors).¹¹

⁷ Law Commission and Land Registry report, [Land Registration for the 21st Century](#), 2001, pp16-17

⁸ *Ibid*, p156

⁹ HM Land Registry, [Historical Rights: Guidance](#), September 2014 [accessed on 14 August 2018]

¹⁰ *Ibid*.

¹¹ *Ibid*.

Albert Owen MP raised the issue in a Westminster Hall debate, saying that:

Often, they [manorial rights] have lain dormant while properties have been built, boundaries extended and land use changed. People have bought their properties in good faith. They have paid for legal fees for searches and conveyancing and have not been aware that any overriding rights exist.¹²

2.1 Westminster Hall debate on manorial rights 2014

A Westminster Hall debate on Manorial Rights in England and Wales was held on 15 January 2014.¹³ During the debate Members raised concerns about constituents who had received either letters from individual landowners seeking to exercise their rights or register them, or notices of registration claims by the Land Registry. This situation had arisen as an unintended consequence of the *Land Registration Act 2002* which had prompted some landowners to secure or register their existing manorial rights to avoid the possibility of losing them.¹⁴ Albert Owen, who secured the debate, explained his reason for doing so:

I have raised it a number of times in this House and the most appropriate place to raise it is in this House of Parliament, which confers rights on individuals, including manorial rights, and which should be protecting the rights of individuals.¹⁵

The main points raised in the debate were:

- the lack of information in property deeds about manorial rights which can be accessed through conveyancing searches;
- the role of the Land Registry and whether it should change the form and content of the notices it currently sends to inform registered landowners of a claim;
- the role of local authorities and whether they could provide collective responses when a landowner makes a claim to manorial rights; and
- the information or guidance available to mortgage lenders on the effects of manorial rights (which do not restrict the re-mortgaging or sale of a property).¹⁶

Michael Fallon, Minister for the Department for Business, Innovation and Skills responded on behalf of the Land Registry. He explained that:

One of the aims of the Land Registration Act 2002, which I understand passed through this House without a Division, was to bring more information on to the register of title, so that it formed a more complete record of legal ownership. Manorial rights are a good example of a hidden burden that the policy was designed to expose. The 2002 Act gave the owners of these rights 10 years to bring them on to the register to ensure their continued existence. Naturally, the approach of the 10-year

¹² [HC Deb 15 January 2014 c329WH](#)

¹³ [HC Deb 15 January 2014 c329WH](#)

¹⁴ [HC Deb 15 January 2014 c329WH](#)

¹⁵ [HC Deb 15 January 2014 c330WH](#)

¹⁶ [HC Deb 15 January 2014 c330WH](#)

deadline brought forward a number of registrations and, unsurprisingly, issues around these manorial rights have arisen as the owners of the rights have had to consider what to do, and some property owners have been reminded—or perhaps have learned for the first time—that someone is claiming that their property is subject to these rights.¹⁷

The Minister said that the Land Registry had, at that point, received more than 73,000 applications to enter a notice claiming manorial rights on properties in England and Wales.¹⁸

Addressing the role of the Land Registry and the notices it produces when a claim is made, the Minister said:

The Land Registry appreciates that it can cause concern and upset when people receive a letter from it saying that a third party has protected a claimed interest. However, that letter gives the property owner an opportunity to consider the issue. The letters give full details of the third party making the application, as well as Land Registry details, so residents can ask for further information if they require it. The Land Registry has worked with applicants to try to ensure that those affected by notices are able to access more information via the applicant.

[...] Where an owner disputes that their property is subject to the rights claimed, the Land Registry does what it can to help the parties in the dispute. For example, it encourages the party claiming the rights to produce its evidence at the earliest possible stage, and in many cases that brings the matter to a conclusion. The Land Registry always gives the parties the opportunity to try to resolve their dispute, and the time to do so. In addition, where it can, the Land Registry will try to assist, if asked, by expressing its view, based on the available evidence.¹⁹

In relation to concerns raised about the ability of those affected by manorial rights claims to obtain a mortgage, the Minister said:

there has been quite a lot of publicity suggesting that the existence of manorial rights has caused difficulty in getting property loans. The Land Registry has been monitoring the situation and, where it has been able to contact individuals who may have been affected, those individuals usually, but not always, turn out not to have been affected. We know that in some cases there has been a short delay in granting a loan because of an earlier application by the property owner to remove the notice. [...] The Land Registry stands ready to assist anyone else facing similar problems.

He further emphasised that the registration of a claim did not confirm the existence of manorial rights in any individual case. Such registration, he said, was distinct from rights-holders' exercising those rights which, in the case of mineral extraction, would require planning procedures to be complied with. The intention of the 2002 Act had been to provide clarity which, he said, had been achieved:

The fact that a notice has been entered in the register does not necessarily mean that the right claimed actually exists. Whether the right exists will depend on the facts of the case. Home owners

¹⁷ [HC Deb 15 January 2014 c334WH](#)

¹⁸ [HC Deb 15 January 2014 c334WH](#)

¹⁹ [HC Deb 15 January 2014 c334WH](#)

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and other landowners remain as free as they were before the legislation to contest a claim. The requirement to enter a notice to protect manorial rights removes uncertainty and unpredictability by making it apparent that such rights are claimed. It is a positive development for property owners in general that such rights have to be recorded on the register and may be lost if they are not recorded. Registration of manorial rights is, of course, distinct from exercising those rights. In the case of mineral rights, to which the hon. Gentleman referred at the end of his remarks, planning consent is required in the normal way.²⁰

²⁰ [HC Deb 15 January 2014 c336WH](#)

3. Objecting to manorial rights claim

The Land Registry provides a guide to [historical rights](#)²¹ which can assist members of the public who discover that their property is covered by manorial rights or chancel repairs. The following guidance on Gov.uk is available to those in receipt of a notice wishing to object to a manorial rights claim:

Object to an application

You need to write a letter explaining why you object to the application, for example if you think the rights no longer exist or would cause you problems accessing your property.

You can [get a conveyancer](#) or solicitor to help prepare your letter.

Send your letter to the HM Land Registry office named in your notice before the time limit given.

HM Land Registry will provide copies of everything they receive to both sides involved in the dispute. You shouldn't send confidential letters or documents to support your case.

If HM Land Registry decides your objection could be argued in court you'll be given time to come to an agreement with the applicant, for example to get them to change or withdraw the application.

You must keep HM Land Registry updated on your progress if you choose to negotiate - they'll contact you at regular intervals.

You can get advice from HM Land Registry but they can't give you their opinion or make a decision on the case.²²

The Land Registry has also produced guidance entitled: [Practice guidance 37: Objections and disputes, a guide to Land Registry practice and procedures](#), which was last updated on 23 July 2018.

The following information was given in response to a Parliamentary Question on 10 October 2013:

Patrick Mercer: To ask the Secretary of State for Business, Innovation and Skills what notice the Land Registry aimed to give of overriding interests being registered under section 117 of the Land Registration Act 2002 in order to allow appeals against such registrations in advance of the 13 October 2013 deadline. [169783]

Michael Fallon: From 13 October 2013, certain property rights will need to be protected by entries being made in Land Registry registers to make sure that they are not lost when the land concerned is next sold. The most important of these rights are manorial rights and chancel repair liability. This change in the law, and the date it is to take place, were set out in legislation which came into force 10 years ago. Many of these property rights have

²¹ HM Land Registry, [Historical Rights: Guidance](#), September 2014 [accessed on 14 August 2018]

²² HM Land Registry, [Object to an application to change the land register](#) [accessed 13 August 2018]

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already been registered. They can continue to be registered after 12 October 2013 up until the land is sold.

Land Registry does not generally give advance notice of a register entry being made in response to an application from the person claiming one of these property rights. But it does let the landowner know of the entry after it has been made.

If the landowner disputes that the property right affects their land and the dispute cannot be resolved, Land Registry will refer the matter for judicial determination. The Land Registry continues to act in the same way and disputes continue to be referred for judicial determination after 12 October 2013.²³

²³ [HC Deb 10 October 2013 c367W](#)

4. Justice Committee inquiry into manorial rights

In June 2014, the Justice Select Committee launched an [inquiry into manorial rights](#).

As a result of the large number of applications to register manorial rights prior to 13 October 2013, the Justice Committee had received a number of representations calling for the abolition of manorial rights. In response to these representations, the Committee wrote to the Law Commission and the Government to ask whether there were any plans to review the laws governing manorial rights, and whether there were any plans to abolish the existence of these rights. The Committee was advised that there were no such plans.

The Committee decided to carry out an inquiry to begin a debate on the current laws and procedures and inform any future review. The Committee published its [report on manorial rights](#) on 22 January 2015.

4.1 Impact of the 2002 Act

The Committee heard from the Ministry of Justice (MoJ) that between December 2012 and July 2014, 84,000 notices had been registered. The report was critical of the MoJ's failure to collect any data prior to December 2012, and also of the fact that neither it nor the Land Registry had data on successful court challenges resulting in the removal of unilateral notices. The Land Registry submitted 'anecdotal evidence' that about one third of 16,000 applications to challenge had been successful.²⁴

The report recommended that the Land Registry should carry out necessary work to accurately assess the number of notices registered since the 2002 Act. It also called on the Land Registry or the MoJ to collate statistics on challenges to registrations, deeming these important for any future review or changes to the law on manorial rights.

The 2002 Act allowed for two means of registering claims for manorial rights. Applications could be made for an agreed notice, where the landowner has to consent to the notice or satisfy the Land Registry to the validity of their claim, or for a unilateral notice, where the notice is entered in the register without the consent of the landowner. The Land Registry's evidence noted that "in practice, applicants opted to apply for unilateral notices."²⁵

The report criticised the legislative framework of the 2002 Act for allowing applicants to register rights through unilateral notices:

The evidence received from both sides of the argument would seem to suggest the enabling of use of unilateral notices to register manorial rights claims, and their consequential presence on the charges register, was a mistake. The fact that an interest is placed on the register, which the landowner can only then seek to

²⁴ Justice Committee, [Manorial Rights](#), 22 January 2015, HC 657 2014-15, para 16

²⁵ *Ibid.*, para 19

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challenge, clearly skews the burden of proof unfairly away from the claimant and on to the landowner, when in some cases there may be little evidence to support a claim. Although the Land Registry points out that the legislation also provided for the use of agreed notices, it is not surprising that manorial rights claimants and their lawyers in the vast majority of cases have opted for the use of unilateral notices.²⁶

The report also highlighted that provisions in the 2002 Act to establish an independent office for adjudication meant that the Land Registry was unable to provide legal advice to either party, or tailed advice about individual notices. As a result, the report recommended the following proposals be considered:

- Ending the use of unilateral notices as a mechanism to place manorial rights claims on the register, and providing for the use of agreed notices as the only mechanism by which manorial rights may be registered.
- Measures to strengthen the ability of the Land Registry to provide legal advice to either party, or tailored advice about individual notices.
- Reinstating the ability of the Land Registry to adjudicate in some cases where disputes over manorial rights claims arise, although resolution through the Land Tribunal or Courts may on some occasions still be necessary.²⁷

The Committee also heard evidence from landowners concerned about the impact that notices of manorial rights could have on future property sales or securing loans, although it referred to Michael Fallon's evidence to the Westminster Hall debate (see section 2.1), which pointed out the very limited impact this had been shown to have.

The Committee raised concerns about the placement of manorial rights on the charges register rather than the historic property register, which had caused some confusion. David Towns of Bond Dickinson LLP told the Committee:

Using unilateral notices was wrong. As Ms White mentioned, it goes in the charges register. Some solicitors who are not used to seeing that think it is a legal charge. They think it is something to do with the financial charges.

You have many titles in the country. The Land Registry says there are about 116,500 titles which have an existing note, so when this land was first registered the Land Registry saw that it was former copyhold and they have put a note in the property register, which is just the descriptive part, saying, "This land is former copyhold and subject to reserved manorial rights." When this legislation first came out I thought that is what we would be applying to do—to put that kind of standard entry in the property register. Doing that would have been a far better approach, or perhaps creating a new manorial rights notice which you then apply for, rather than trying to shoehorn something as complicated as this into an existing method.²⁸

²⁶ *Ibid.*, para 29

²⁷ *Ibid.*, para 32

²⁸ Justice Committee, [Manorial Rights](#), 15 October 2014, HC 657 2014-15, Q20

The report recommended changing where manorial rights claims sit on the register by moving them off the charges register.

The final recommendation was non-regulatory. The Committee heard how unlikely it was that manorial rights registered in dense urban areas could ever be exercised, and therefore advised applicants in these areas to consider whether withdrawal of these claims may be more prudent.

4.2 Arguments related to abolition of manorial rights

The Committee said it had no intention of passing judgement on whether or not manorial rights should be abolished. It did, however, hear evidence from those, including Rhun ap Iorwerth, Welsh Assembly Member for Ynys Môn, who felt the continued existence of manorial rights in law was an anachronism:

In my opinion these feudal laws have no place in the 21st century and should be abolished, or at the very least, these rights should be rendered ineffective. It's absurd in my view that rights devised in Norman times could have survived the revision of law through the centuries e.g. the creation of freehold.

I believe that the fact these rights could be lost forever should the title holder not register them before 13 October 2013 only strengthens the argument that these rights have no place in modern land law.²⁹

Opponents of abolition pointed out that removal of manorial rights, which were argued to be indistinguishable from other property rights, would require compensation arrangements to be put in place. This was particularly the case as abolition would not transfer an asset into public ownership but would transfer an asset from one property owner (the claimant to the manorial rights) to another (the landowner). The Committee heard that as a result, any attempt at abolition would likely result in a legal challenge under Article 1 of the European Convention on Human Rights (ECHR), related to deprivation of possessions and property.

The MoJ confirmed in its evidence that it had no plans to change the law relating to manorial rights. Lord Faulks QC, Minister of State for Civil Justice and Legal Policy, said:

We do not think it is appropriate simply to wave away rights, unless they are causing real problems, which the Government are not convinced that they are.³⁰

The example of the Scottish abolition of feudal rights, through the *Abolition of Feudal Tenure etc (Scotland) Act 2000*, was highlighted as a potential model for abolition, as it included a tribunal for determining compensation. To comply with the ECHR however, the legislation excepted sporting rights from abolition, one of the registrable English

²⁹ Justice Committee, [Manorial Rights](#), September 2014, HC 657 2014-15, W Ev 7.1-7.2

³⁰ Justice Committee, [Manorial Rights](#), 25 November 2014, HC 657 2014-15, Q95

and Welsh manorial rights, which demonstrates the difficulties of direct application of the Scottish model.

The Committee recommended that the Law Commission conduct a project assessing whether the law related to manorial rights should be changed. It also recommended that prior to this, the Government should carry out some work on the financial implications and provisions for compensation that would come with any changes in the law.³¹

4.3 The Government's response

The Government's full response to the Committee's report was provided after the General Election in May 2015 and was published the following July. While recognising "the anxiety that the registration of manorial rights... has caused to some property owners" the Government declined to commit "resources to extensive research" or to commence "a fundamental review" about manorial rights, which it said would be "disproportionate".³² The Government said that "although manorial rights have a distinct historical root they are in essence no different from other property rights created by other means in or over land" and that "on the evidence available it is unclear that there are any real problems being caused by the existence of these rights to the owners of the land subject to them".³³

Nevertheless, there was a commitment to keep the issue of manorial rights "under review" with the potential for reform if "significant problems arise in practice".³⁴ The Government also said that the Law Commission would consider the Committee's recommendations on unilateral notices as part of its land registration project.³⁵

4.4 Law Commission and land registration reform

The Law Commission published its report – [Updating the Land Registration Act 2002](#) – in July 2018. In its [consultation paper](#), published in March 2016, it had previously noted that significant consideration of the nature of manorial rights lay beyond the scope of its project.³⁶ This report and its recommendations, therefore, did not address "substantive concerns" which had been expressed as part of its consultation process and as part of the Justice Committee's inquiry. Nevertheless, it had, as the Government's response to the Justice Committee's report had indicated, considered issues relating to the consequences of the registration of manorial rights.³⁷

³¹ Justice Committee, [Manorial Rights](#), 22 January 2015, HC 657 2014-15, paras 58-9

³² MOJ, [Manorial Rights: Government response to the House of Commons Justice Committee's Fifth Report of Session 2014-15](#), July 2015, paras 3-4

³³ *Ibid.*, paras 11-12

³⁴ *Ibid.*, para. 19

³⁵ *Ibid.*, para. 7

³⁶ Law Commission, [Updating the Land Registration Act 2002: A Consultation Paper](#), March 2016, para. 1.19

³⁷ Law Commission, [Updating the Land Registration Act 2002](#), July 2018, para 2.12

In particular, the report noted that the *Land Registration Act 2002* does not set out criteria for an application for a unilateral notice. Manorial rights had ceased to be “overriding interests” on 13 October 2013, but there was an issue, it was noted, with beneficiaries of such interests entering a notice for protection, even if the freehold estate had been transferred for valuable consideration after this date, because unilateral notices can be entered without providing evidence that they affect the registered estate. It recommended, therefore, that there be a requirement for the holders of former overriding interests, such as manorial rights, to give reasons as to why such an interest still affects the registered estate:

Recommendation 13.

We recommend that where a person applies for a unilateral notice in respect of an interest which was formerly overriding until 12 October 2013, and the title indicates that there has been a registered disposition of the title since that date, the applicant should be required to give reasons why the interest still binds the title. The notice will only be entered if the reasons given are not groundless.³⁸

The report noted further that concerns about unilateral notice procedure in general had been expressed, including in the Justice Committee’s report on Manorial Rights, although the Law Commission had decided in its consultation paper not to implement the Committee’s recommendations (specifically, protecting manorial rights only by agreed notices, and relocating manorial rights claims from Charges Register to the Property Register). Nevertheless, the Law Commission expressed a hope that its recommendations would achieve the result sought by the Justice Committee, i.e. requiring a person claiming a right over land to produce evidence in support of their claim.³⁹

Specifically, the report recommended reform of the procedure for cancelling a unilateral notice:

Recommendation 14.

We recommend that, if a registered proprietor applies to cancel a unilateral notice, the beneficiary of the unilateral notice will be required to respond within 30 business days (subject to an extension to a maximum of 40 business days at the discretion of the registrar). The response must produce evidence to satisfy the registrar of the validity of the beneficiary’s claim.

(1) If the beneficiary does not produce evidence to satisfy the registrar of the validity of his or her claim, the registrar must cancel the unilateral notice.

(2) If the beneficiary does produce evidence to satisfy the registrar of the validity of his or her claim, the unilateral notice will remain in the register. If the registered proprietor continues to dispute the beneficiary’s objection to the application to cancel, the registrar must, after allowing time for the parties to negotiate, refer the matter to be determined by the Tribunal.

³⁸ Law Commission, [Updating the Land Registration Act 2002](#), July 2018, paras 8.41-60

³⁹ Law Commission, [Updating the Land Registration Act 2002: A Consultation Paper](#), March 2016, paras 9.127-129

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Recommendation 15.

We recommend that our reform of the procedure for objections to cancel a unilateral notice should apply to unilateral notices that were entered in the register before the implementation of our reforms.⁴⁰

The Law Commission thought that this reform would address general concerns around unilateral notice procedure, as well as specific concerns which have arisen in how it is related to manorial rights.⁴¹

These reforms would, according to the Law Commission, be made by a Land Registration (Amendment) Bill, a draft of which was published in appendix 1 of its report.

⁴⁰ Law Commission, *Updating the Land Registration Act 2002*, July 2018, paras 9.19. This, it stated, would involve amending section 36 of the *Land Registrations Act 2002* and inserting a new section 73A. For these, see the draft *Land Registration (Amendment) Bill*, which would make these amendments, in appendix 1 (pp500-28), as well as appendix 2 for the explanatory notes, especially clause 12 in paras 2.56-60.

⁴¹ *Ibid.*, para. 9.22

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