



Isle of Man

Ellan Vannin

AT 9 of 1961

REGISTRATION OF DEEDS ACT 1961



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**Isle of Man***Ellan Vannin*

REGISTRATION OF DEEDS ACT 1961

<i>Received Royal Assent:</i>	<i>14 April 1961</i>
<i>Passed:</i>	<i>16 May 1961</i>
<i>Commenced:</i>	<i>16 May 1961</i>

AN ACT to consolidate and revise the Registration of Deeds Act, 1847 to 1951, and certain other enactments connected with the said Acts.

GENERAL NOTES

1. The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.
2. References to Registrar of Deeds, Deputy Registrar of Deeds, Rolls Office, Registry of Deeds, Probate Registry and Deeds Registry are to be construed in accordance with the *General Registry Act 1965*.
3. References to any Division of the High Court are to be construed in accordance with the *High Court Act 1991* Sch 4.

1 Short title

This Act may be cited as the Registration of Deeds Act, 1961.

2 to 4 [Repealed]¹

5 Registry Office

[1847/5, Jd. Act 1883/44]

The Registry of Deeds shall continue to be established in the Borough of Douglas and to be a part or branch of the Rolls Office under the management and supervision of the First Deemster and Clerk of the Rolls.

6 Days and hours of attending at Deeds Registry

[1847/21]

The Deeds Registry shall be kept open for the despatch of all business belonging to the said office on such weekdays and during such hours as the Clerk of the Rolls shall from time to time approve.²

7 Registration and recordal. Registration and enrolment

[1847/24]

- (1) Any deed may be registered in the Deeds Registry and recorded therein by such deed being deposited in the Deeds Registry.
- (2) Any deed may be registered in the Deeds Registry and may at the request of the person lodging the same for registration be enrolled by a copy thereof certified by the Registrar being deposited in the Deeds Registry.

When such deed has been duly registered and enrolled and a certificate added in accordance with the provisions of subsection (6) of section eleven of this Act, the Registrar shall, at the request of the person who has lodged the same, deliver up the deed to such person taking his receipt for the same at the foot of the enrolment of such deed.

Errors in enrolments to be corrected before completion of same

[1847/34]

- (3) In making enrolment of any instrument, and before completing the same, it shall be lawful for the Registrar to correct any error made in copying such instrument, or to make any necessary addition thereto, either in the body of such enrolment, or in the margin of the page wherein such error may occur, signing his initials in the margin of each such marginal correction, and noticing at the foot of the act of registration the number of words struck out or interlined, and of marginal additions or corrections:

No erasures to be made

Provided always that no erasure shall take place, and that in striking out any word the same shall be done by passing an ink line through the same, but without obliterating such word.

8 No deed affecting lands to be recorded in any office of record except Deeds Registry

[1847/22]

No deed in any manner affecting any land shall be enrolled or recorded in any office of record other than in the Deeds Registry.

9 Deeds, etc, not affecting lands may be registered

[1847/23]

Any deed not affecting land may be registered and enrolled, or recorded in the Deeds Registry at the instance of any person requiring the same.

10 Deeds Register

- (1) The Chief Registrar shall keep in the General Registry a Deeds Register, which need not be kept in documentary form.
- (2) If the Deeds Register is kept otherwise than in documentary form, the entitlement of a person to search in it is satisfied if the Chief Registrar makes the portion of it which he wishes to examine available for inspection in visible and legible form.³

11 Application and method of registration

[1923/4; 1847/27]

- (1) Any person legally or beneficially interested in land may apply to the Registrar to have any deed relating to such lands registered in the Deeds Register.
- (2) Any deed presented for registration and enrolment or recording shall have previously endorsed on the fly leaf of such deed particulars of the date of the deed, the parish in which the land to which the deed relates is situated or in which the deed is reasonably required to be registered, the names of the parties or of the names of such of the parties as the Registrar may determine and the nature of the deed.
- (3) The Registrar shall, day after day, successively number the deeds presented for registration on that day, in the numerical order and time of the day in which each deed is presented for registration, except that where two or more deeds are presented for registration at the same precise time the deeds which may be first in order of date shall be first numbered and registered, but if such two or more deeds bear the same date then such deeds shall be numbered and registered of the same number with letters to distinguish them, and their respective priorities as between each other shall depend upon the priority of the execution of each respectively:

Provided also that no deed which shall have been antedated at or after the time of its execution shall receive any priority of registry from or by reason of any such prior numbering and registration.

- (4) The Registrar shall cause to be marked upon the first page of the deed the date and time of the receipt of the deed, the name of the parish in which the deed is to be registered, the registration number and any distinguishing letter, and the name of the registering party or his attorney.
- (5) The deed shall be registered by the Registrar causing particulars of the deed to be entered by days in the Deeds Register in the order and time the deed is received for registration and in accordance with its registration number and any distinguishing letter and such entry shall include particulars of: —

- (a) the registration number;
 - (b) the nature of the deed;
 - (c) the date of the deed;
 - (d) the names of the parties or of such of the parties as the Registrar may determine;
 - (e) by or on behalf of whom registered;
 - (f) the date and time of receipt for registration;⁴
 - (g) the parish, where the land is situated or the parish in which the deed requires to be registered.
- (6) [Repealed]⁵
- (7) Particulars of the entry of the deed in the Deeds Registry with a certificate that the deed has been duly registered and recorded or enrolled (as the case may be) shall be signed by the Registrar and delivered to the registering party or his attorney.

12 Deeds, etc, to rank in priority of claim from time of registration

[1847/24]

Every deed when registered shall be taken to have effect and rank in priority of claim (subject to the exceptions and exemptions contained in this Act) from the time it is received for registration.⁶

13 No erasures or obliteration to be made in registry books after completion of registration

- (1) No court shall direct to be made, and no Registrar shall make, any erasure or obliteration in the Deeds Register after any registration shall be completed.

In case of false or fraudulent registrations or of imperfect entries etc., application to be made to the Civil Division of the High Court

[1847/35]

- (2) In all cases in which any false or fraudulent registration shall have been made, and in all cases in which it shall at any time appear that any defective, imperfect or incorrect entry has been made, or whenever any judgment or instrument whereon any charge or encumbrance may rest or depend, shall have been vacated, or be invalid or null, the Registrar, or any party interested in such registration, or who might be affected thereby, may apply to the Civil Division to annul or rectify the same, as the case may require.⁷
- (3) Every application under the last foregoing subsection shall be made by petition which shall be made by affidavit setting forth all the essential

particulars and having a certified copy of the entry in question annexed thereto.

Production of books, etc.

- (4) The Court shall in presence of parties, take cognizance of any such application and determine the same in a summary way.
- (5) On any such application the Court may order the Registrar to forward to the Court a certified copy of any entry or entries in the Deeds Register, or order the Registrar to attend personally and to produce in Court the Deeds Register wherein such entry or entries have been made.

Court may annul registration or amend entries

- (6) On any such application, the Court may order that any false or fraudulent registration be annulled, or, as the case may require, order that such further entry or addition be made in the Deeds Register and other books as shall rectify any defective, imperfect or incorrect entry.

Judgment of court to be registered

- (7) A certified copy of the order shall be forwarded by the Chief Clerk in the Rolls Office to the Registrar, who shall make the necessary entry in the Deeds Register, as if the same were an original application for registration, and shall also make an appropriate reference in the Deeds Register and indices of the Deed Registry and on the deed of such correctional entry so that any person seeing any entry of the original registration may at once see that it has been corrected or altered.

Disputes as to registration, etc., to be determined in Civil Division of the High Court

[1896/13]

- (8) This section shall extend to and include disputes between the Registrar and any other person as to the registration of deeds, and as to the validity of discharges, and the cancelling of deeds in whole or in part, all which disputes shall be determined summarily by petition in the Civil Division.⁸

14 Charges exempted from registration

The following charges are and shall be excepted from the necessity of registration under this Act, and wholly exempted from the operation of the same, namely —

Debts, etc., belonging to the Crown

- (a) All debts, forfeitures, or other dues belonging to the Crown; and all debts, forfeitures, or dues which may hereafter accrue and become due and belong to the Crown;
- (b) [Repealed]⁹

15 Minutes

[1868/7, 1923/20]

Upon the registration of any deed purporting to assign, transfer, charge, give title to or affect any deed already registered and enrolled or recorded or to release any real or personal estate from any such encumbrance and containing an adequate recital of such registered deed (hereinafter called “**the original deed**”) and the Deeds Registry number thereof but not otherwise, the Registrar shall forthwith record upon the original deed a minute in writing containing the date of the deed of assignment or release and of the registration thereof:

Provided always that no such minute shall be in anywise evidence that the original deed, or any charge thereunder, has been validly or legally assigned, transferred, charged, affected or released by such deed.

16 Preserving evidence of the devolution of trust estates¹⁰

- (1) Whenever by a deed registered and enrolled or recorded in the Deeds Registry, real or personal estate is conveyed or assigned to a trustee or trustees upon trust, and, subsequently, a new trustee or trustees of such real or personal estate is or are appointed, the Registrar shall place at the foot of the deed conveying or assigning such real or personal estate a minute referring to the instrument appointing the new trustee or new trustees.
- (2) Whenever a new trustee is appointed by the Civil Division of the High Court of any trust relating to any lands the new trustee shall cause a certified copy of the Order of the Court to be registered and recorded in the Deeds Registry.¹¹
- (3) [Repealed]¹²
- (4) Whenever in pursuance of section 46 of the *Administration of Estates Act, 1990*, an assent or conveyance by the personal representative of a deceased person is registered and recorded in the Deeds Registry, such personal representative shall register and record in the Deeds Registry an official copy of the grant of representation of the estate of the deceased; and, whenever a new personal representative is subsequently appointed, such personal representative shall register and record in the Deeds Registry an official copy of the grant whereby he is appointed and the Registrar shall place at foot of the official copy of the original grant of

representation a minute or memorandum referring to the subsequent grant of representation.¹³

- (5) Every instrument appointing a new trustee or trustees shall contain express reference to the deed or will creating the trust, as the case may be, giving the names of the parties to the deed or the name of the testator, also the date of the deed or will and the date of the registration of the deed or of the official copy of the will.

17 Cancellation of encumbrance

[1923/17, 1923/5]

- (1) The Registrar shall have power to cancel or partially cancel any encumbrance created by any deed, or by any judgment, or will, or testamentary paper of which a memorial or certified copy has been registered and recorded or enrolled, upon the production to the Registrar of a proper and sufficient receipt, containing recitals of the instrument creating the encumbrance and any assignments thereof or other means whereby such encumbrance became transferred to or vested in any other person duly executed by the person or persons entitled to such encumbrance; and the Registrar shall thereupon certify the fact of such encumbrance being cancelled or partially cancelled upon the deed, or the enrolment thereof, or upon the memorial or certified copy of any judgment or will or testamentary paper, with the date of such certificate, and shall annex the receipt to the deed or memorial or certified copy; and shall also certify that such deed or memorial is cancelled or partially cancelled wherein the same appears entered in the Grantor's Index referred to in subsection (1) of section twenty-seven of this Act.¹⁴
- (2) The person discharging or partially discharging any such encumbrance shall be entitled to receive from the Registrar a certificate of cancellation or partial cancellation upon payment of the prescribed fee.
- (3) This section applies to the purchase or redemption of a mortgage under section 17, 18 or 19 of the *Acquisition of Land Act 1984*, with the substitution in subsection (1), for the references to a receipt, of references to a deed poll executed under section 17(5) or 18(4) (including section 18(4) as applied by section 19(4)) of that Act.¹⁵

18 Notice to pay off encumbrance when address of party entitled is not known, etc

[1923/13]

- (1) If the residence of a person entitled to receive payment of an encumbrance is not known, or if such person resides outside any of the British Islands, or the Republic of Ireland, or if the person entitled to receive notice to pay off an encumbrance is unborn or unascertained or under disability, any party desiring and entitled to pay off the

encumbrance may leave a notice specifying his intention to pay off the encumbrance on some part of the hereditaments encumbered with the Registrar, and at the expiration of six calendar months from the date of leaving such notice the encumbrance shall be due and payable.

- (2) Every such notice to pay off left with the Registrar shall be accompanied by an affidavit or statutory declaration specifying the particular circumstances which render it necessary to leave the same with the Registrar.
- (3) The Registrar shall keep a register wherein shall be entered the names of the persons giving such notice and the names of the persons entitled to receive the payment of the encumbrance, together with the date upon which the same shall be left with the Registrar, and the register required to be kept by this Act shall be open to the inspection of any person interested upon payment of the prescribed fee.

19 Place of payment of encumbrance in case of dispute

[1923/14]

- (1) If any dispute shall arise as to the place where the amount due upon an encumbrance shall be paid, the same shall be payable at the Deeds Registry.
- (2) This section is subject to any provision to the contrary contained in the deed creating the encumbrance.
- (3) This section shall not apply to any encumbrance passed to any person whose residence was outside the Isle of Man when such encumbrance was created.

20 Cancellation of encumbrances by the Court

[1923/18]

- (1) Where a dispute or difficulty arises as to the person entitled to receive payment of an encumbrance, or to give a receipt or release therefor, or as to any matter arising out of or in connection with a receipt or release for an encumbrance, then any person entitled to or interested in the real or personal estate charged with the encumbrance, or any person entitled to or interested in the encumbrance may apply by petition to the Civil Division of the High Court asking the Court to order the encumbrance to be cancelled or released; and upon the hearing of the petition the court shall make such order as the court shall think fit.¹⁶
- (2) Notice of the petition shall be given to such persons and in such manner as the court shall direct.
- (3) The court may order the amount due in respect of the encumbrance to be paid into court; and if the court shall so order, then, upon there being registered and recorded in the Deeds Registry a certified copy of the

petition and order, with a certificate at foot thereof by the chief clerk that there has been paid into court the amount ordered by the court to be paid in, the Registrar shall cause a minute of the petition and order to be written at foot of the deed or the registered and recorded or enrolled memorial or certified copy of any judgment or will or testamentary paper relating to the encumbrance as the case may be; and, if the order of the court is that the encumbrance be cancelled, the Registrar shall cancel such encumbrance.

21 Indemnity for encumbrances erroneously cancelled by Registrar

[1923/12]

- (1) When the Registrar cancels an encumbrance, every person shall be entitled to assume that such cancellation is valid and effectual.
- (1A) If pursuant to section 17(1) an encumbrance is certified in the Grantor's Index referred to in section 27(1) as having been cancelled, every person shall be entitled to assume that the encumbrance has been cancelled.¹⁷
- (2) Any bona fide purchaser or mortgagee of the property or of any part of the property on which the encumbrance was charged, who suffers any loss or damage by reason of an encumbrance having been cancelled by the Registrar by mistake, may apply to the Civil Division of the High Court by petition, in a summary way, asking that the court do certify the amount of the loss or damage he has sustained, and that he ought to be repaid such loss or damage; and, if the Court shall so certify, the amount certified by the Court shall be payable to such purchaser or mortgagee by the Treasury out of the general revenue of the Island.¹⁸
- (3) Notice of every such petition shall be given to the Attorney General.

22 Memorials of judgments

[1923/16]

- (1) [Repealed]¹⁹
- (2) A memorial of a judgment whereby land or personal estate is charged or affected may be registered and recorded.
- (3) Instead of registering and recording a memorial of a judgment, an official copy of the judgment may be registered and recorded.
- (4) Where a memorial or an official copy of a judgment has been registered and recorded, and it appears by any deed subsequently registered and enrolled or recorded that the judgment has been, or appears to be, reversed or varied or affected, the Registrar shall place a minute or memorandum at foot of the memorial, or the official copy, referring to the deed by which such judgment has been, or appears to be, reversed or varied or affected.

23 Requisites of a memorial

[1847/10, 1873/2]

- (1) A memorial shall contain —
- (a) to (c) [Repealed]²⁰
 - (d) the names and additions of all the parties to the decree, judgment or execution;
 - (e) a description of the lands charged, or in any way affected or encumbered by the decree or judgment, including the parishes and places where such lands are situate.²¹

Memorials to be signed

- (2) A memorial shall be signed by some or one of the parties beneficially interested therein, or by his, or her, or their guardian, trustee, or authorised attorney, any coroner or other officer enforcing any such judgment, decree or execution or by the advocate in the cause, suit or proceeding in which the judgment may be made acting on behalf of any party interested therein.²²

24 Registration of a memorial not to give a preference to creditors

[1873/3, 1923/21]

Nothing in this Act shall operate or be construed to give a preference to any judgment creditor against other creditors of a debtor by reason of the registration only of a memorial of the judgment. Nor shall anything in this Act prevent a preference being acquired by a judgment creditor where the judgment shall have been duly placed in the hands of a coroner to be executed:

Provided always that the registration of a memorial of one judgment shall operate for the benefit of all judgment creditors whose judgments shall, as long as such memorial shall be uncanceled, be placed in the hands of the coroner to be executed according to the several priorities of such judgments. And that the fact of any such memorial being uncanceled shall be sufficient notice of judgments being in the hands of the coroner undischarged:

Provided also that any memorial of a judgment may be cancelled by the plaintiff or plaintiffs in the action or proceedings in which the judgment was granted, or by his or their duly authorised attorney or advocate, or by the coroner or lockman in whose hands the judgment is or was placed for enforcement.

25 Costs of memorials and cancelling the same to be costs in the cause

[1873/4]

The cost and expenses of preparing and registering a memorial of a judgment, and also of the procuring of the cancelling of any memorial of a judgment, other than a final judgment, shall, unless otherwise ordered by the court, be costs in the cause in which the judgment shall be made.

26 In case encumbrance be paid off, etc, and no receipt given, party requiring receipt may apply to the Civil Division of the High Court by petition. Court may order the delivery of a receipt or release. If court order delivery of receipt, the judgment to operate as a receipt

[1847/33, 1923/19]

When any duly registered charge, encumbrance, or claim affecting any land in this Isle shall have been paid off, satisfied, or discharged, either wholly or in part, or where a judgment, of which a memorial has been registered and recorded, has been reversed either wholly or in part, and the person in whose favour the same may have operated, upon being requested so to do by or on behalf of the person whose land may have been so charged, encumbered, or affected, shall refuse or neglect to grant, at the proper costs and charges of the party applying for the same, a receipt or release of such partial or total payment, satisfaction, or discharge thereof, the person so entitled to such receipt or release may proceed by petition before the Civil Division of the High Court to compel the execution and delivery of the same, and such court shall have power and authority in every such case to inquire summarily into the same, and to do justice in a summary manner between the parties, and if justice shall require, to order the execution and delivery of such receipts or release, and to give such costs to either of the parties as the Court in its discretion shall think fit; and in case such court in its judgment shall order the execution and delivery of such receipt or release, either wholly or in part, such judgment may be registered and recorded with the Registrar, and shall have the same effect as any such receipt or release.²³

27 Indices

[1847/29, 1923/3]

- (1) The Registrar shall continue to keep two sets of indices for each of the parishes known respectively as the Grantor's Index and Grantee's Index.²⁴
- (2) The Chief Registrar shall on registration of a deed enter particulars thereof in the indices referred to in the following provisions of this section, and shall file the deed in order of registration.²⁵
- (3) In the Grantor's Index for each parish the Registrar shall cause to be entered in alphabetical order the particulars of the deed so registered, affecting land situate in such parish in such manner as the Registrar shall determine including the name of the Grantor, the name of the Grantee (if any), the nature of the deed and the registration number given under section 11(3).²⁶
- (4) In the Grantee's index for the parish, the Registrar shall cause to be entered in alphabetical order particulars of the deed (except an encumbrance) so registered affecting any land in the parish in such manner as the Registrar shall determine including the name of the

grantee, the name of the grantor, and all other entries required by subsection (3) of this section to be made in the grantor's index.

- (5) Where any deed affects land in more than one parish, the said entries shall be made in the respective indices of each of such parishes.
- (6) The Registrar may also provide an index for each parish containing particulars similar to the particulars contained in the Grantor's Index, but omitting references to encumbrances which have been cancelled, and kept in alphabetical order irrespective of the date of registration.²⁷
- (7) Neither the Grantor's Index, the Grantee's Index nor the indices referred to in subsection (6) need be kept in documentary form.²⁸

28 "Grantor" defined for the purposes of the Deeds Register and indices

[1868/4]

For the purpose of entries in the Deeds Register and the said indices, the expression "grantor" shall include the following persons (that is to say): All persons whose land may appear to be conveyed, sold, charged or affected by any conveyance, charge, settlement, agreement, exchange, or other deed of a like nature or description; all persons whose land may appear to be conveyed, sold, or otherwise affected by a deed executed by a coroner, lockman, or any other person acting officially or ministerially, whether in pursuance of a decree, order or judgment of a Court of Justice, or otherwise; the person who created the trust in any case where it may appear that the trustees have been appointed by the Civil Division of the High Court; all persons whose land is or may appear by a memorial of any decree or judgment to be affected thereby; the deceased person, in the case of a grant of representation, a memorial or certified copy whereof may be registered; and the name of the deceased person in all cases of deeds executed by a trustee, executor or administrator as such.²⁹

29 All sales and alienations of, and charges upon land which shall not have been enrolled, recorded or registered, to be void as against subsequent bona fide purchasers or encumbrancers for a valuable consideration whose titles, etc, are registered

[1848/2]

All deeds or bargains of sale of land, all conveyances, mortgages, assignments, contracts, alienations of, and all charges or encumbrances whatsoever on, or in any manner affecting, any land (other than as in the section fourteen of this Act expressly excepted) howsoever such land be holden, or such charges or encumbrances be created or arise, which shall not have been registered and enrolled or recorded, shall be deemed, holden, and taken to be null and void, and of no effect whatsoever as against any subsequent bona fide purchaser or encumbrancer for a valuable consideration whose title or right, charge or encumbrance, shall have been duly registered according to the provisions of this Act, any statute, law, usage, or custom to the contrary notwithstanding.

30 Registration of deed, when once made, to preserve the rights of all persons interested in the deed

[1847/6]

The registration in the Deeds Registry of any deed whereby any land in this Island shall have been alienated, charged, or encumbered, whether such registration shall be made by any purchaser or encumbrancer, or by any vendor or the lender, who shall have furnished the moneys paid and by the same contract shall be substituted in the right of the vendor of any land, shall, when once made, extend to the preservation of all rights appearing by such deed.

31 No title or claim on land to be valid as against subsequent claimants nor to be capable of being enforced unless registered

Exception as to the enforcing proceedings of Courts

[1847/4]

Whenever any person shall or may have, or claim to have, whether in his own right, or as legally representing the rights of others, any title or claim to any land, or any charge or encumbrance thereon, howsoever the same shall be derived or be created or arise, and shall seek to preserve the same against subsequent bona fide purchasers or encumbrances, such person shall, and may at any time cause the act or deed under or by virtue whereof such person may have, or claim to have, such title, claim or encumbrance to be registered in the manner hereinbefore directed, in order to the more perfect knowledge of the same; and no person shall be capable of enforcing any such title or claim, charge or encumbrance, against third parties, until the same shall have been duly registered according to the provisions of this Act, save and except so far as to enforce any payment or other judicial proceeding, by process of execution in due course of law, according to the course and practice of the court from and out of which such judgment or other judicial proceeding may emanate.

32 Registration not to confirm a title derived from a person having no legal title

[1847/13]

No registration shall confer any title upon, or confirm any title derived from, a person who may not have any just claim or title at law, to the land, so registered at the time of such registry, and who never had any just title or claim at law thereto, save and except as against prior purchasers and encumbrancers not registered, claiming under the same person; but all purchasers and holders of security upon land shall be held and bound to satisfy themselves of the right and title of every vendor and encumbrancer, to alienate or encumber such land, as they would have been if this Act had not been promulgated, save and except as to all prior sales and encumbrances by the party selling or encumbering such land, of which such registry shall be conclusive evidence.

33 Act not to extend to leases at a rack rent

[1847/9]

Nothing in this Act contained shall extend to, or be construed to extend to, any leases of land at a rack rent, for a term not exceeding twenty-one years whereby a fair and adequate rent is reserved according to the value of such land and where the actual possession and occupation is enjoyed therewith; but all persons whatsoever parties to such lease shall, and may, enjoy, hold, sue, and prosecute all claims arising out of such lease, whether registered or not registered, as if this Act had not been promulgated.

34 and 35 [Repealed]³⁰**36 Registration of copies of deeds recorded out of the Island**

[1868/6]

A copy of any deed filed in Her Majesty's Land Registry, and also a copy of any deed filed or recorded in any court or in any public office in any of the British Islands or the Republic of Ireland, every such copy being duly certified by the keeper or other officer having the custody of the records amongst which any such deed may be, or having authority by law to issue and certify copies of any such records, may be registered and recorded or enrolled in the Deeds Registry; and thereupon any such copy shall be deemed evidence of the original deed, and shall be held to be a true copy of such deed.³¹

37 Former practice of enforcing attendance of person to prove the execution of a deed to continue

[1896/7]

Upon a petition of a party to any deed presented to the Civil Division of the High Court Summary Jurisdiction or the High Bailiff, such court or High Bailiff may by order, and if necessary presentment, enforce the attendance of an executing party or a subscribing witness to a deed to be examined as to the execution of such deed.³²

38 to 42 [Repealed]³³**43 Copies certified by Registrar or Deputy Registrar to be evidence**

[1847/19]

A copy in writing of any deed registered in the Deeds Registry purporting to be certified by the Registrar shall be admitted in evidence in all courts and in all proceedings without further proof or production of the original.

44 Probate Registry and certificate

[1923/6]

- (1) That section or part of the Deeds Registry in which wills and other testamentary papers are deposited may, for shortness, be referred to as the “Probate Registry”.
- (2) Any person filing a document in the Probate Registry shall be entitled to receive, if he so desires, from the Registrar a certificate of such filing.

45 [Repealed]³⁴**46 Fees**

There shall be paid to the Registrar such fees as may be prescribed under the *Fees and Duties Act 1989*.³⁵

47 Persons forging book entries, signature of Registrar, etc, or stealing books, etc, in Deeds Registry to be guilty of felony

Such persons liable for damages to parties injured Civil proceedings not to bar criminal prosecution

[1847/30]

Any person who shall forge or counterfeit any book or card kept by the Registrar, or any entry which ought to be, or which by law could be, contained in any such book or card, or who shall forge or counterfeit the signature of the Registrar or the Deputy Registrar, or any person who shall steal, take, or carry away any such book or card, or any part thereof, shall be guilty of an offence against this Act, and in addition shall be liable in law for any loss, injury, or damage which any person may sustain by reason of any act done or committed by any person so offending, whether such person may or may not have been thereof criminally convicted:

Provided that no execution for such damages in any civil action shall in any degree bar or prevent the criminal conviction and punishment of any such offender.

48 Regulations as to forms, as to closing registry and as to inspection of documents, etc

[1896/14]

The Clerk of the Rolls may make regulations from time to time —

- (a) prescribing the forms to be used in the Registry;
- (b) appointing certain days and times during which the Registry may be closed and not opened for the despatch of business;
- (c) regulating the inspection of documents kept in the Registry; and
- (d) generally for the effectual execution of this Act and the objects thereof.³⁶

49 Definitions of terms

[1896/4]

In the construction of this Act, unless there is any thing in the subject or context repugnant thereto, the several words and expressions hereinafter mentioned shall have or include the meanings hereby assigned to them, that is to say: —

“**caption**” [Repealed]

“**captioning authority**” [Repealed]³⁷

“**deed**” means any instrument in writing or document registered and enrolled or recorded in the Deeds Registry;

“**Deeds Register**” means the Deeds Register referred to in section ten of this Act;

“**Deeds Registry**” means the Registry Office of Deeds referred to in section five of this Act;

“**discharge**” means and includes any receipt or other instrument for cancelling in whole or in part any deed or any charge under a deed registered and enrolled or recorded;

“**encumbrance**” means a mortgage, bond and security, debenture, lien, charge, or sum of money, charged on, or payable out of, real or personal estate, or the rents or income thereof;

“**enrolled**” means registered as a document in the Deeds Registry and a certified copy thereof deposited in the Deeds Registry;

“**judgment**” includes an Execution;

“**land**” includes messuages, tenements and hereditaments, houses and buildings of any tenure and any interest in land, and any easement or right in, to or over land;

“**recorded**” means registered and deposited as a deed in the Deeds Registry;

“**registered**” means registered in the Deeds Registry in accordance with the provisions of this Act;

“**Registrar**” means the Registrar of Deeds, and includes a Deputy Registrar.

50 [Repealed]³⁸**51 Penalties**

[1847/37]

An person guilty of an offence against this Act shall be liable —

- (a) on summary conviction, to a fine not exceeding £5,000 or to imprisonment for a term not exceeding six months or to both such imprisonment and fine;

- (b) on conviction on indictment to imprisonment for a term not exceeding twelve months or to a fine, or to both such imprisonment and fine.³⁹

52 Commencement

This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys.

FIRST SCHEDULE⁴⁰

SECOND SCHEDULE⁴¹

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Ss 2 to 4 repealed by Statute Law Revision Act 1997 Sch 2.

² S 6 amended by Governor's General Functions (Transfer) Act 1980 Sch 1.

³ S 10 substituted by Statute Law Revision Act 1989 Sch 1.

⁴ Para (f) substituted by Statute Law Revision Act 1992 Sch 1.

⁵ Subs (6) repealed by Statute Law Revision Act 1992 Sch 2.

⁶ S 12 amended by Statute Law Revision Act 1992 Sch 1.

⁷ Subs (2) amended by SD352/09.

⁸ Subs (8) amended by SD352/09.

⁹ Para (b) repealed by Tithe Act 1985 Sch 1.

¹⁰ 1923/2(1), 1873/7, Trustee Act 1865/7

¹¹ Subs (2) amended by SD352/09.

¹² Subs (3) repealed by Conveyancing Act 1985 Sch 2.

¹³ Subs (4) amended by Conveyancing Act 1985 Sch 1 and by Statute Law Revision Act 1997 Sch 1.

¹⁴ Subs (1) amended by Statute Law Revision Act 1989 Sch 2.

¹⁵ Subs (3) added by Acquisition of Land Act 1984 Sch 4.

¹⁶ Subs (1) amended by SD352/09.

¹⁷ Subs (1A) inserted by Conveyancing Act 1985 Sch 1.

¹⁸ Subs (2) amended by Treasury Act 1985 Sch 2 and by SD352/09.

¹⁹ Subs (1) repealed by Conveyancing Act 1985 Sch 2.

²⁰ Paras (a) to (c) repealed by Conveyancing Act 1985 Sch 2.

²¹ Para (e) amended by Conveyancing Act 1985 Sch 2.

²² Subs (2) amended by Statute Law Revision Act 1989 Sch 2.

²³ S 26 amended by SD352/09.

²⁴ Subs (1) amended by Conveyancing Act 1985 Sch 2.

²⁵ Subs (2) substituted by Statute Law Revision Act 1989 Sch 1.

²⁶ Subs (3) amended by Statute Law Revision Act 1989 Sch 1.

²⁷ Subs (6) substituted by Conveyancing Act 1985 Sch 1.

²⁸ Subs (7) added by Conveyancing Act 1985 Sch 1.

²⁹ S 28 amended by Conveyancing Act 1985 Schs 1 and 2 and by SD352/09.

³⁰ Ss 34 and 35 repealed by Statute Law Revision Act 1989 Sch 2.

³¹ S 36 amended by Statute Law Revision Act 1989 Sch 2.

³² S 37 amended by Statute Law Revision Act 1989 Sch 2 and by SD352/09.

³³ Ss 38 to 42 repealed by Statute Law Revision Act 1989 Sch 2.

³⁴ S 45 repealed by Public Records Act 1999 Sch 4.

³⁵ S 46 substituted by Fees and Duties Act 1989 Sch 2.

³⁶ S 48 amended by Governor's General Functions (Transfer) Act 1980 Sch 1.

³⁷ Definitions of 'caption' and 'captioning authority' repealed by Statute Law Revision Act 1989 Sch 2.

³⁸ S 50 repealed by Statute Law Revision Act 1983 Sch 2.

³⁹ Para (b) amended by Fines Act 1986 Sch 2.

⁴⁰ Sch 1 repealed by Fees and Duties Act 1989 Sch 3.

⁴¹ Sch 2 repealed by Statute Law Revision Act 1983 Sch 2.