



Land Registration Act 2002
Scope of this guide

This guide provides basic background information about manorial titles and rights. It describes the information held by Land Registry and the general effect on registered land of interests that have their origins in the historical manors of England and Wales. It is aimed at the legal profession and members of the public. It is not, however, a substitute for specific legal advice.

Manors

Contact details

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1 Introduction

Manors are of ancient origin dating from before Norman times. The extent of the manor was usually determined by the original grant from the Crown or superior lord. A manor was self-contained with its own customs and rights within its defined area.

There are three separate elements of manors that can affect Land Registry:

- Lordship of the manor – whoever owns the lordship of the manor is entitled to refer to himself as lord of that manor, for example, Lord of the manor of Keswick.
- Manorial land – because a manor was a defined area it included the physical land within that area. Such land could either be freehold or leasehold.
- Manorial rights – rights which were part and parcel of the manorial title and which were usually kept by the lord on disposal of parts of the manorial land, for example, right to hunt, shoot or fish.

These elements may exist separately or be combined. The lordship title cannot be subdivided, but the manorial land and the manorial rights can be. Confusion can be caused, as “manor” can sometimes be reference to either

the lordship and/or the manorial land.

2 Lordship titles

2.1 Records held by Land Registry

The lordship of the manor is simply the title by which the lord of the manor is known. In many cases the title may no longer have any land or rights attached to it. Because of its origin and lack of physical substance, it is known as an “incorporeal hereditament”. Incorporeal hereditament means “an interest having no physical existence”.

Before 13 October 2003, being the commencement of the Land Registration Act 2002 (LR Act 2002), it was possible to register these lordship titles. However, the registration was always voluntary and most did not seek to register the lordship title. We still keep an index of registered lordship titles. Practice Guide 13 *Applications for Searches of the Index of Relating Franchises and Manors* explains the procedures for searching the index.

Each registered title has an individual register. This will contain the name and address of the current registered proprietor, whom you may contact with any enquiries about the manorial interests (if any) that affect the land in

question. Because of their nature, lordship titles do not have title plans and we do not hold any definitive record of the extent of the original manor.

2.2 Registration under the LRA 2002

Since 13 October 2003, it is no longer possible to make an application for the first registration of a lordship title. However, dealings with existing registered titles are subject to compulsory registration. This includes the grant of a lease (of any term) out of a registered lordship title.

2.3 De-registration

The registered proprietor of a lordship title can apply for the title to be de-registered (s.119, LRA 2002). In this event the lordship title will continue to exist off the register, but (like the majority of these titles) we will hold no record of it.

The registered proprietor, or their legal representative, should apply using a form AP1. Complete the following panels of the form:

- 1 Administrative area.
- 2 Title number of the registered lordship title.
- 4 The lordship of a single manor cannot be divided. So, unless the title comprises more than one manor, place 'X' against the first statement.
- 5 Complete the nature of the application as "de-registration of manor". No fee is required.
- 8 Enter your name and details.
- 9 Only complete this panel if you need us to deal with someone else.
- 13 The applicant or their legal representative must sign.

Send your application to the correct Land Registry Office. You can phone us to find out which office serves a particular area and obtain their address. Contact details are given on the front of this guide. Alternatively, you can visit our website.

3 Manorial land

Manorial land is the land that was originally part of the landholdings of the lordship of the manor and has not been transferred separately from the lordship title. Manorial land can be extensive, or it can be a collection of scattered small pieces of land, which may cover a large area.

Manorial land is subject to compulsory registration in the same way as any

other physical (corporeal) land.

Use a form SIM to find out if land is registered or subject to a pending application for first registration – see Practice Guide 10 *Applications for official searches of the Index Map*.

4 Manorial rights

4.1 Lordship title may not have the benefit of rights

A lord of the manor may exercise certain rights usually known as 'manorial incidents'. Such rights could no longer be created after 1925. The main manorial rights can be summarised as:

- the lord's sporting rights;
- the lord's or tenant's rights to mines or minerals;
- the lord's right to hold fairs and markets; *and*
- the lord's or tenant's liability for the construction, maintenance and repair of dykes, ditches, canals and other works.

These are just examples and it does not necessarily follow that such rights are legally exercisable. Registered lordship titles usually make no reference to any manorial incidents in the register. It may be that the benefit of the rights was not included in an earlier sale of the lordship title.

4.2 Land subject to rights

When registering a property for the first time, we may make an entry in the Property Register if it appears that the land may still be subject to manorial rights. This may be the case if the title deeds reveal that the land was former copyhold (i.e. held of the lord of the manor) and the rights were preserved on enfranchisement (when the title was converted to freehold).

4.3 Effect of LRA 2002

Under the LRA 2002 manorial rights are categorised as overriding interests, so a landowner takes subject to them even if they are not mentioned in their register. However, under s.117, LRA 2002 **these rights will lose their overriding status after 12 October 2013** (10 years after the Act came into force). Subsequently, the rights will need to be mentioned in the register in order to bind buyers of the land.

- Applicants have a duty to disclose manorial rights on all first registrations or dispositions of registered land. For further information see Practice Guide 15 *Overriding interests and their disclosure*.

- Somebody with the benefit can apply for the existence of manorial incidents to be noted in the register of a title that is subject to them. The applicant must satisfy us of the existence of the rights. No fee is payable. For further information, see Practice Guide 19 *Notices, restrictions and the protection of third party interests* which deals with third party interests.
- If the land subject to the rights is not registered, they can be protected without fee by caution against first registration, see Practice Guide 3 *Cautions against first registration*.

5 Sources of further information

The following sources may assist in researching a manor:

- The Royal Commission on Historical Manuscripts, Quality House, Quality Court, Chancery Lane, London WC2A 1HP have information about the whereabouts of the records of many manors.
- The Public Record Office, Ruskin Avenue, Kew, Richmond, Surrey TW9 4DU hold official records including title apportionments and maps and valuations made by the 1909-10 Finance Act commissioners.
- County Record Offices often hold enclosure awards and maps, court rolls, surveys and other manorial records.
- Diocesan Boards of Finance hold ecclesiastical records, including title apportionments and maps.
- Highway authorities (county councils where they exist, otherwise district and borough councils) hold records of highways and highway boundaries.
- Commons registration authorities hold registers of commons and town and village greens, with accompanying maps.
- Many parish records contain relevant information.
- The Manorial Society of Great Britain, 104 Kennington Road, London SE11 6RE is the association that many lords of the manor belong to.

6 Enquiries and comments

If you have a particular concern which is not covered by this guide, please contact us in advance of the transaction – see the Contact Details panel on the front cover of this guide. If the transaction is particularly complex, it may be better if you make your enquiry in writing at the Land Registry Office which will process your application.

If you have any comments or suggestions about our guides, please send them to:

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Chief Land Registrar

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Designed and produced by:
Land Registry, Head Office Corporate Publishing,
32 Lincoln's Inn Fields, London WC2A 3PH.



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