

LAND OWNERSHIP SEARCHES

Information Guide

Information Guide

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1 The Title Register

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Title Register

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Introductory Information

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Title Register

The title register is the official document in England and Wales that provides authenticity as to the ownership of property and the terms upon which it is owned. Many people still refer to the register as “office copies”. In previous days the Land Registry used to provide a printed land certificate for the property owner where there was no mortgage and a printed charge certificate where there was a mortgage. Copies of them were mostly restricted to solicitors who required them for conveyancing purposes, and these copies were known as “office copies”.

Today, printed office copies have been replaced with official (digital) copies that can be downloaded from HM Land Registry or from one of the many search agents.

Sections of the Register

The register comprises 4 parts, i.e. the Introductory information, Property section, Proprietorship section and Charges section.

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Introductory Information:

This information is important. The title number is a unique number allocated to each title. A property may have many titles, e.g. there may be a freehold title, a number of leasehold titles and there may be minor interests such as fishing rights which also have unique titles.

The introductory information in a title register will appear similar to the following. The important information (in our samples) is highlighted in red:

Official Copy of register of title	Title Number MS2391332	Edition date 03.01.2003
	<ul style="list-style-type: none">• This official copy shows the entries on the register of title on 03.01.2003.• The date at the beginning of an entry is the date on which the entry was made in the register• issued on 03.01.2003• Under s67 of the Land Registration Act 2002 this copy is admissable in evidence to the same extent as the original• This title is dealt with by Land Registry Birkenhead office	

The Edition date informs you how recently the register was produced. it is updated every time there is a disposition affecting the title, and earlier entries are removed. It is vital that an up to date copy is used when looking at it for important information.

The name of the Land Registry office dealing with the property is also important to know because any correspondence to the Land Registry must be sent to this Land Registry office, and must also quote the title number. The address of the Land Registry office is absent from the register but can be obtained by visiting the following webpage:

<https://www.gov.uk/government/publications/land-registry-office-addresses/office-addresses#address-for-applications>.

Property Section

The property section is officially titled the “A Property Register”, and as its name implies it describes the property by reference to the title plan, including any postal address, and states whether the title is a freehold or leasehold tenure.

This section of the title register will look similar to the following:

A: PROPERTY REGISTER

This register describes the land and estate comprised in the title

MERSEYSIDE : LIVERPOOL

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1 (03.01.2003) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 67 Stepney Street, Wavertree, Liverpool (L13 67N).

2 The land has the benefit of the following rights granted by a Conveyance of the land in this title and other land dated 14 November 1906 made between (1) Harold Hill Sillitoe and (2) John Abell

Summary of information contained in Section A:

Property Address

Tenure

Date of First Registration

Easements

Leasehold Titles

Exclusions

Title Plan cross reference

Where the property is leasehold short details of the lease term will also be provided, e.g. the date it was created, the initial parties to the lease, and the length it is to run for.

An example of this section of a leasehold register will look similar to the following:

A: PROPERTY REGISTER

This register describes the land and estate comprised in the title

GREATER MANCHESTER : MANCHESTER

1 (16.11.2000) The Leasehold land shown edged with red on the plan of the above title filed at the Registry and being 27 Coventry Gardens, Grove Road, Whalley Range, Manchester (M16 8LL).

2 (16.11.2000) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:

Date : 12 April 2000
Term : 999 years from 1 January 2000
Rent : As therein mentioned
Parties : (1) Brindle Homes Limited
(2) Coventry Gardens Limited
(3) James Dunbrain

3 (16.11.2000) the landlord's title is registered.

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The property description is preceded by a date in brackets. This is the date the property was first registered.

There is often a clause in this section excluding from the title any mining and minerals there may be.

Easements, i.e. rights which benefit the property such as rights of way, are also referred to in the property section.

Proprietorship Section

The official title for this section of the register is “B Proprietorship Register”. This is where the name and address of the owners are listed. Whenever the owners move from the property, e.g. if they are going to let it, they should advise the Land Registry of their new address, so that they can contact the owners should they need to. This is a useful way to reduce property fraud.

Summary of information contained in Section B:

Ownership Details
Class of Title
Date of Registration of Current Owner
Purchase Price
Restrictions on Power of Sale
Positive Covenants
Notices

All purchases after April 2000 have their purchase price listed in this section (unless an exemption has been successfully applied for).

The class of title is also stated. This denotes the quality of the Title. The best title is absolute freehold, which is complete ownership, and after that absolute leasehold. In the case of leasehold titles, where the Land Registry have not seen the title from which it is derived (because it is not registered) a good leasehold title is given rather than an absolute one. Other classes of title are possessory titles and qualified titles. Possessory titles are often given where the deeds that would be used for first registration have been lost or destroyed, or where a claim for adverse possession has been made. A qualified title is a title with a serious defect, e.g. where the owner was unable to show a good root of title when applying for first registration.

A sample of the B section of the register may look as follows:

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

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Title good leasehold

1 (16.11.1991) PROPRIETOR: **Sebastian Senor of 27 Albany Street, Portsmouth P01 1DS.**

2 (21.03.2009) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 19 February 2009 in favour of Advance Loans Limited referred to in the Charges Register.

Restrictions on the power of sale may include the detailing of trusts where the consent of all trustees is required before the sale can proceed, or where there is a tenancy in common.

Notices issued by creditors to secure payment of a judgment will also appear in this section.

Positive Covenants, those which are personal to the owner of the property and which will not carry forward on the next sale, will also be listed in this section.

Charges Section

Subsisting mortgages and charges appear in this section of the Register, which is officially known as the "C Charges Register". Subsisting means that only the mortgages and charges currently affecting the property will appear. Any such which have been redeemed (paid off) will be removed, and a fresh copy of the Register produced.

A sample of the C section may look as follows:

C: Charges Register

This register contains any charges and other matters that affect the land.

1 (18.8.1998) REGISTERED **CHARGE** dated 19.7.1998.

2 (18.8.1998) Proprietor: **A & B Mortgages Limited** (Co Regn. No. 987321765 of Belle Vue, Fleetwith Road, Portsmouth PO1 1FR.

Summary of information contained in Section C:

Mortgages and Charges
Restrictive Covenants

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Other Incumbrances

Restrictive Covenants will be detailed in this section as they are a burden on the property. Some properties have a vast number of covenants, in which case they are often contained within a schedule at the end of the section, for ease of reference.

2 The Title Plan

[\(Link to Search\)](#)

CHAPTER CONTENTS

Features of the Title Plan
Boundaries
Edging, Tints and Hatching
Boundary Marks

Features of the Title Plan

All registered land must comply with the land Registration Rules 2003. Rule 5 thereof states that the property description in the title register should refer to a plan based on the Ordnance Survey map and that it should be known as the title plan.

The title plan always has north to the top, confirmed by an arrow pointing north and shown at the top of the plan.

Map Scale

All title plans fall within 1 of 3 scales used by the Land Registry and the scale is shown at the top of the title plan. They are usually provided on A4 size paper. The scales are as follows:

Urban Areas - 1:1250
Rural Areas - 1:2500
Remote Rural Areas - 1:5000 or 1:10000

Title Number

All registered properties have their own title number. That shown on the corresponding title register is the same as that shown on the title plan. The administrative area is also shown near to the title number.

Sample heading on a title plan:

HM LAND REGISTRY	TITLE NUMBER	
	CH 31289431	

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ORDNANCE SURVEY PLAN REFERENCE	SJ23191	SECTION	Scale 1/2500
COUNTY	Cheshire	DISTRICT	Chester



Boundaries

There are two ways of defining the boundaries of a property, i.e. by applying its legal definition and by applying its physical definition. The legal definition of a property boundary is the drawing of a conjectured line on a map, that separates one property from another. The simplest way to do this is to trace over the Ordnance Survey line. The line lacks in clarity as it shows the boundary in a general way only.

The physical boundary is identified from the property itself, i.e. at the boundary, where common physical divisions are prominent, e.g. ditches, hedgerows and riverbanks.

It should be noted that physical boundaries often change with time, e.g. a river may alter its course or a hedgerow may grow in thickness. Because of this it is best practice to describe a physical boundary as being on one side or the other of a physical feature, or in the centre of it.

General Boundary Rule

The describing of boundary positions is not a function of the Land Registry unless a specific application is made to them to do so. Instead, the Registry will follow the general boundary rule which has now become embodied in legislation (Land Registration Act 2002, section 60). The effect of this is that the Registry will define boundaries in a general way, without measurements, angles or dimensions.

Should a boundary dispute occur it will be necessary to look at all the registered documents for the properties on each side of the boundary and to try and work out the boundaries from the various descriptions and Deed clauses. This would entail looking at each property's title register, title plan conveyancing deeds and deed plans. One should also consider the common law position with regard to legal presumptions in the absence of contrary agreement. All this information can be found in our Boundary Search.

Edging, Tints and Hatching

Edging

The extent of the property owned is shown by coloured edging in red, following the inside black border on the OS map. An island of land removed from a title is shown in green edging (or sometimes green hatching with red edging)

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Tints and Hatching

The title register will always describe the purpose of colours used in the title plan, whether edging, tints or hatching. Specific areas of land within the title may be affected by easements or covenants. Where this occurs the plan will illustrate the areas concerned with various coloured tints or hatchings and the register will describe what the colours mean.

The Land Registry have their own convention for the use of colours, which are usually followed.

Summary of Land Registry conventions for use of coloured tints and hatchings:

brown easements such as rights of way or rights of drainage
pink covenants
light blue different covenants
light blue burden of easements
yellow right of pre-emption

Boundary Marks

Boundary marks are more a creature of Deed Plans than Title Plans. Deed Plans are those that are attached to one of the Conveyancing Deeds. The marks consist of H marks (which denote shared ownership) and T marks (where the horizontal bar of the T denotes the land having ownership of the boundary).

Advanced Map Editing

CHAPTER CONTENTS

Navigating to the Search Area
Select View Option
Clearing the Map
Outlining the Search Area
Editing the Outline
Finishing Up

If you are unfamiliar with online map editing this guide will help you to outline the search area. Please follow the guide step by step.

Step 1: Navigating to the Search Area

There are two ways to do this.

Zooming In and Out

Zoom out to expose the whole of England and Wales. You can do this either by using the + and - icons at the lower left corner of the map, or by using your mouse. Then zoom in to the area that you wish to search, being careful not to click the map, which will drop a pin and begin your search. If you do this in error, click the “Clear Map” function in the blue bar at the top right of the map.

Type in the Address

Alternatively you can type in the address, or nearby address in the “Enter Address or Postcode” field just above the map. Doing so will centre the map on the address you have typed. You can then home in on the land to be searched using the zoom tool.

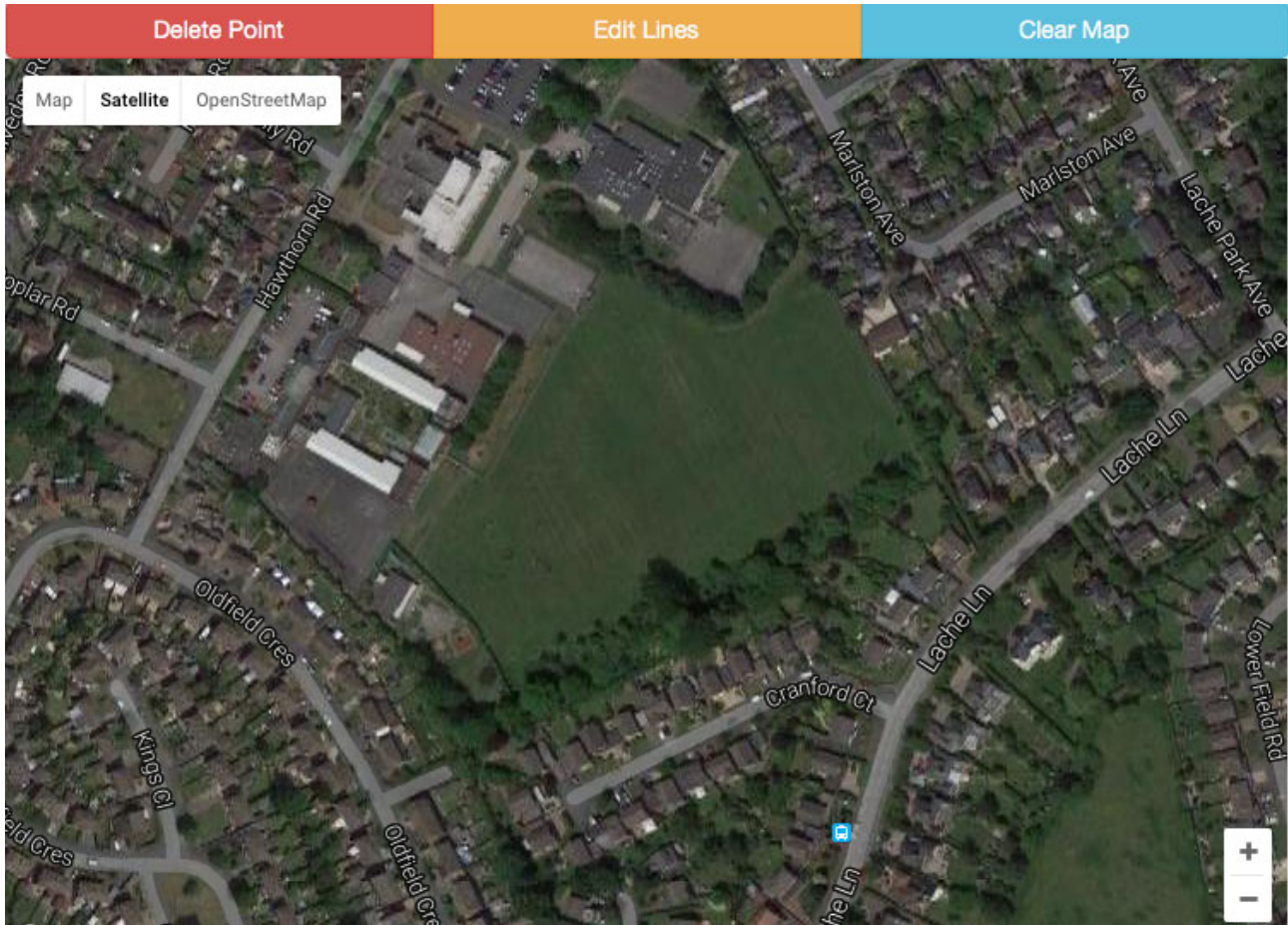
Step 2: Select View Option

In the top left corner of the map there are three viewing options:

Map
Satellite
OpenStreetMap

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Select whichever option you think will display the search area the most distinctly. In the sample below I typed into the address field “Cranford Court, Chester”. After zooming in to display the parcel of land I wish to search I selected the Satellite view, which displays as follows at zoom level 17.



Step 3: Clearing the Map

Check that neither the pin nor any red lines have been overlaid on your map before you begin drawing the search outline, using the “Clear Map” function.

Step 4: Outlining the Search Area

Click the area of the map where you wish to begin the search. This drops a red pin. Click again at another point where you wish to trace the map. A straight red line is drawn to it. Continue to click in this way until you have completed the search area. There is no need to be precise at this stage, but can quickly draw a rough outline, as I have done in the sample below.

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Step 5: Editing the Outline

Zoom in closer. I have zoomed in to level 18, which is good enough for the field I wish to search, but I could have zoomed to level 20. The more accurate your outline the easier it will be for us to search.

Now click the “Edit Lines” function at the top of the map. You will see a number of square nodes that have appeared on the line drawn. These are the points at which you clicked. You can drag these with your mouse for more precise positioning. Midway between each node is a ghost node, which you can also drag with your mouse. Once you do so they will be converted from ghost nodes into real nodes and your outline will change accordingly. If you wish to move the map without creating a node, click the map and hold down the mouse key at the same time. Then drag the map as you wish.

It does not matter if the whole map cannot be seen while you are editing. The program will remember what you have drawn. If you have inserted a node that you never intended the easiest way to delete it is to click the node and it will be removed. Alternatively, you could click the “Delete Point” function at the top left of the map.

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When you are satisfied select the “Stop Edit” function at the top centre of the map.

Step 6: Finishing Up

That is it. Just complete the rest of the form and we will receive your search request with a copy of the map just as you have created it. We can zoom in and out as we wish, and so identification of the outlined search area will be precise.

For your information the latitude and longitude of the commencing search point will have been automatically inserted for you in the field boxes above the map, together with the zoom level and map centre point.

4 Ownership of a Single Plot of Land

[\(Link to Search\)](#)

Plots of land, or small areas of land such as a field, do not have a full postal address, which makes it difficult to search for at the Land Registry. Our application form, however, contains a built in map which enables you to zoom in and look at individual buildings. You can then drop a pin directly on the building you wish to obtain the ownership details for, and we will receive the required information to undertake your search.

Having identified the property we will be able to obtain a copy of the Title Register, assuming it is registered. The B section of the Register will provide the ownership details.



Above is an example of the map on the search application form, with a pin dropped on a plot of land. The latitude and longitude fields on the application form are automatically populated as soon as you drop the pin, and are sent to us with your map and application form.

The address box for the nearest property with a postal address is also automatically completed on the application form to help with identification, although you can over-write this address if you have more accurate details.

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Sample A section of Title Register for a plot of land

1 (23.10.1998) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Aileen Wood, Pantymoyn, Llandegla, Denbigh

Sample B section of the same Title Register

Title Possessory/Teitl meddiannol

1 (23.10.1998) PROPRIETOR: Frank Gelding of 27 Sentinel Street, Chester CH1 2FZ

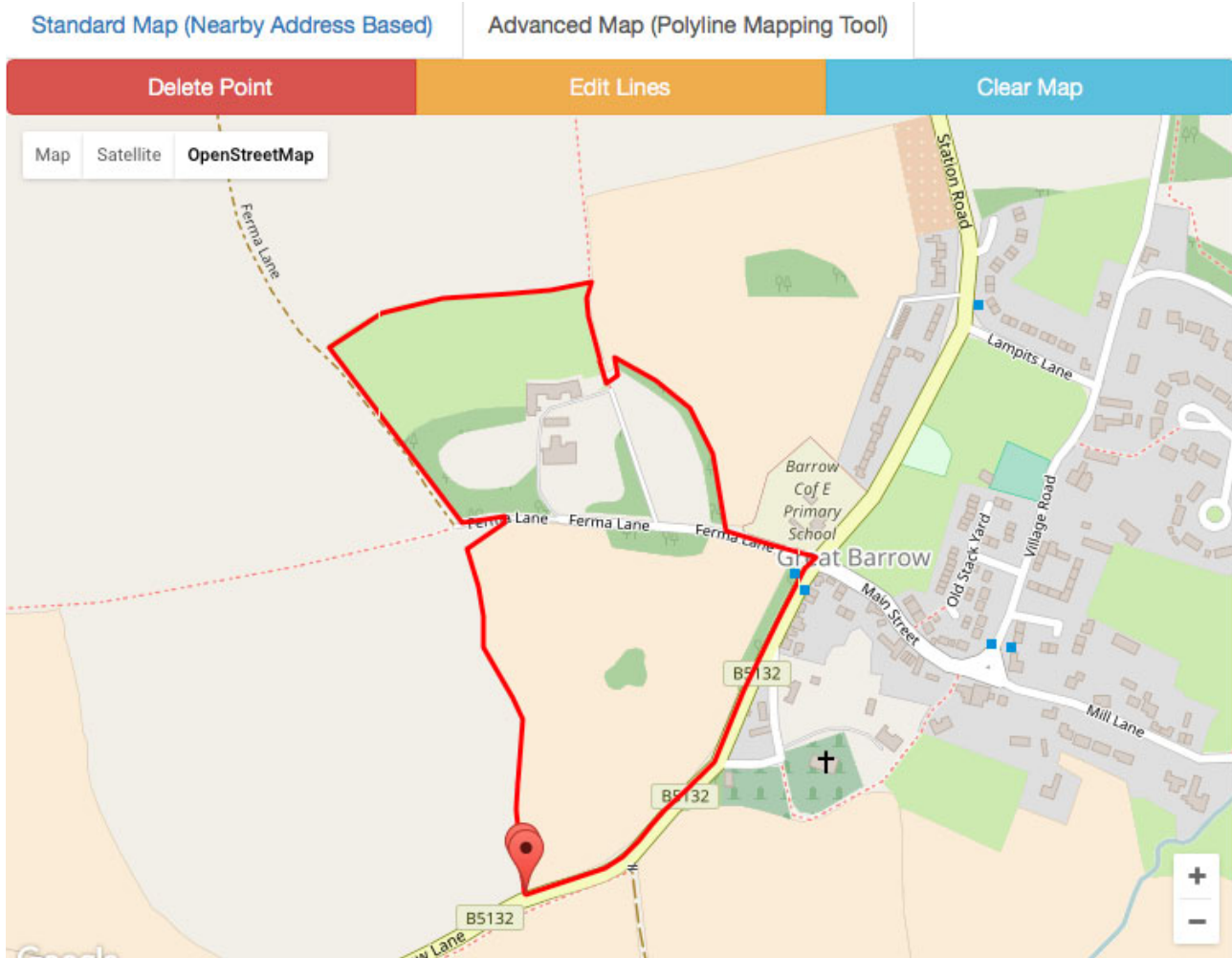
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5 Large Areas of Land with Multiple Ownerships

[\(Link to Search\)](#)

This type of search is regularly used for large areas of land, often consisting of scores, or hundreds of hectares of land. Typically, this search is used by housing developers, utility companies, foresters, fishing clubs, pipe layers, highways agencies and local authorities.

In contrast to a search for ownership of a small plot of land, of our two map searches, the one to use for this type of search is the Advanced Map.

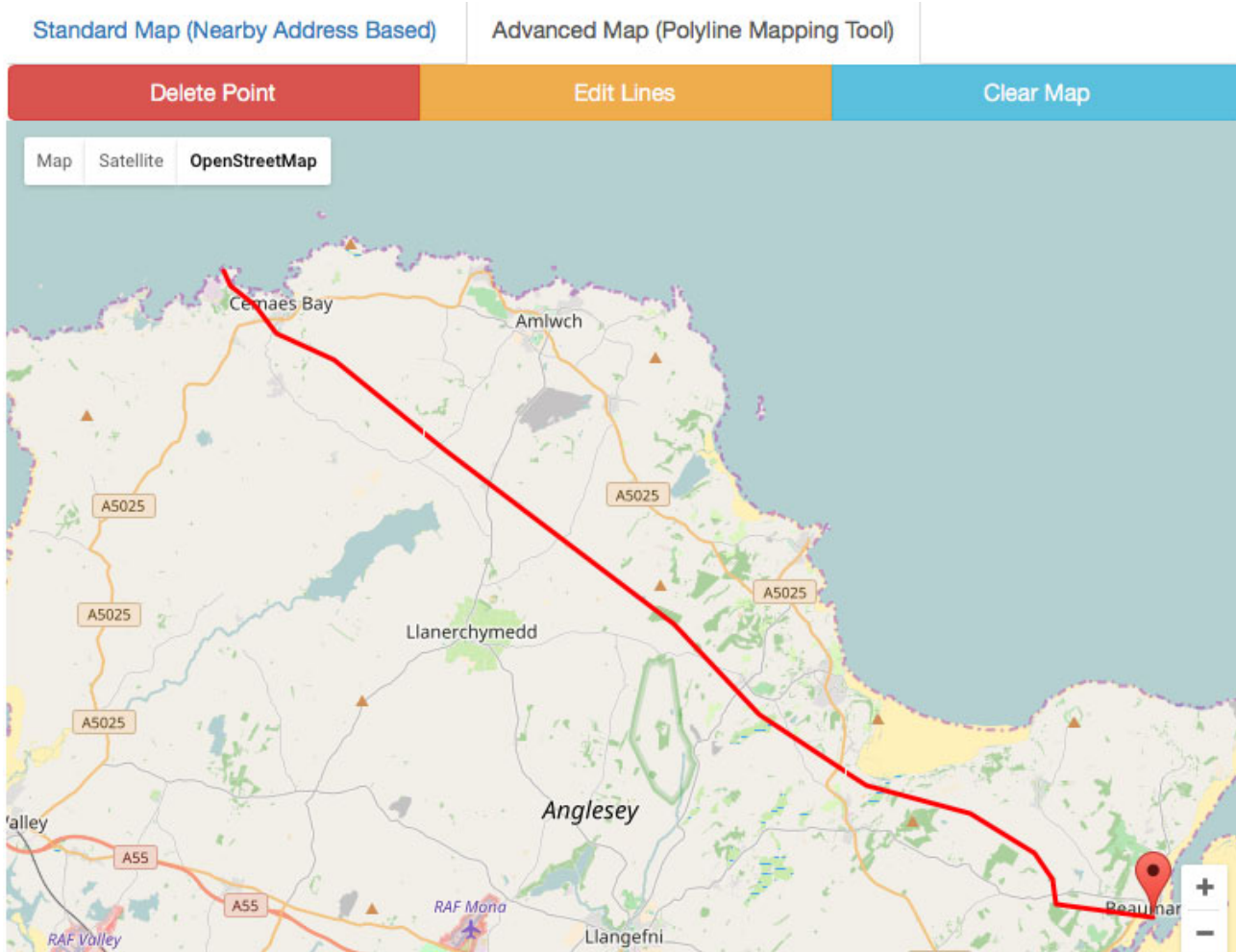


In the sample above we have created a typical search outline of land on the periphery of a village. We zoomed in to level 16 to edit the lines drawn and provide a reasonable degree of precision. This map is actually part of the application form and our staff will receive the

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application form together with the map, and can begin the search without any identification fuss.

In the following sample we have created a search outline that a pipe layer may use, covering a large distance but with a small width. The search starts at one end of Anglesey and stretches across to the other, spanning a distance of about 30 kilometres.



The search is likely to pass through hundreds of property titles. All of this information will be forwarded to the client in an organised spreadsheet, and supported with copies of the Title Register and Title Plan for each of the property titles, all indexed and linked to the spreadsheet.

The documents will be uploaded to the client's unique login area where he will be able to view and print the documents as often as he desires.

6 Ownership of Roads and Alleyways

[\(Link to Search\)](#)

Ownership of a road, lane, alleyway or the like can often be worked out without having to make a search for it.

There is a general presumption that the property owner immediately abutting the road owns up to the mid point of the road, including any paving or verges in between. The Title Plan illustrates the extent of the property within the title as indicated by red edging. The Land Registry do not include land outside of the general curtilage of the property within the shown property extent. To do so would be simply confusing, and most of the time it will not affect the owner.

You should note that the above presumption is subject to rebuttal if there is evidence to the contrary.

More than 99% of roads, lanes, alleyways, etc are adopted by the local authority, or rather their surface is adopted. Once adopted the local authority take care of it, which is why they mow and maintain grass verges, trees in the street, etc. If they did not adopt the road surface then it would be up to each property owner to maintain his respective share of the road, which is the position in the case of private roads.

The purpose of this search is to ascertain ownership of a private road or alleyway, i.e. one that has not been adopted. The search is carried out by using either our standard map search or the advanced map search.

7 Ownership of Woodland, Forests and Moorland

[\(Link to Search\)](#)

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Profits a Prendre in Gross
Sample Search for Parcels of Woodland

Woodlands, forests and moorlands often spread over large areas and have many different owners. In addition to the different ownerships that may be discovered there are often registered rights relating to the taking of minerals or animals from the land such as game, wood, fish and peat. These rights will encumber the ownership of the land and can be included with the search.

Areas of the woodland or moorland may also be subject to commoner's rights and provision is also made for including a common land search.

Profits a Prendre in Gross

As stated above a Profit a Pendre in Gross is a registrable right to take something from land owned by another person. It should be distinguished from a Profit a Pendre Appurtenant, which is not registrable, and can only belong to an adjoining land owner.

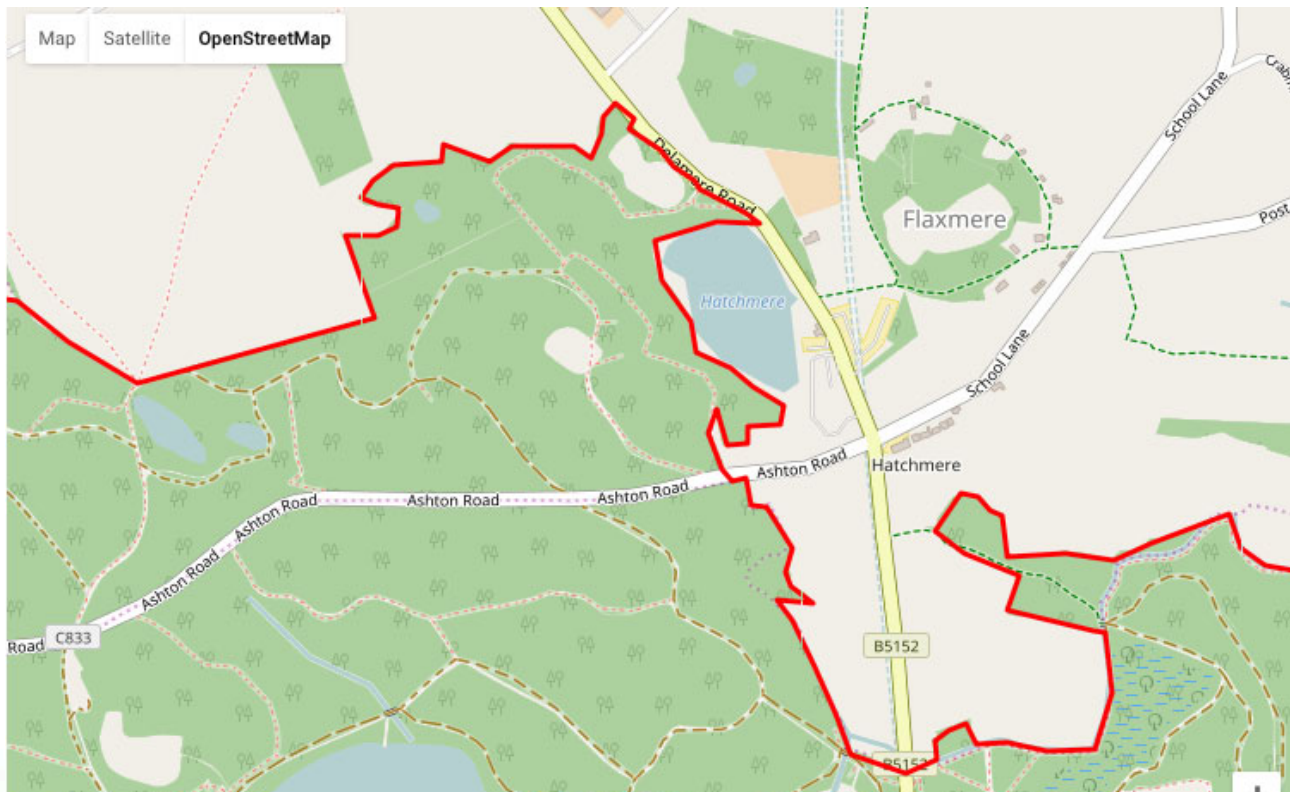
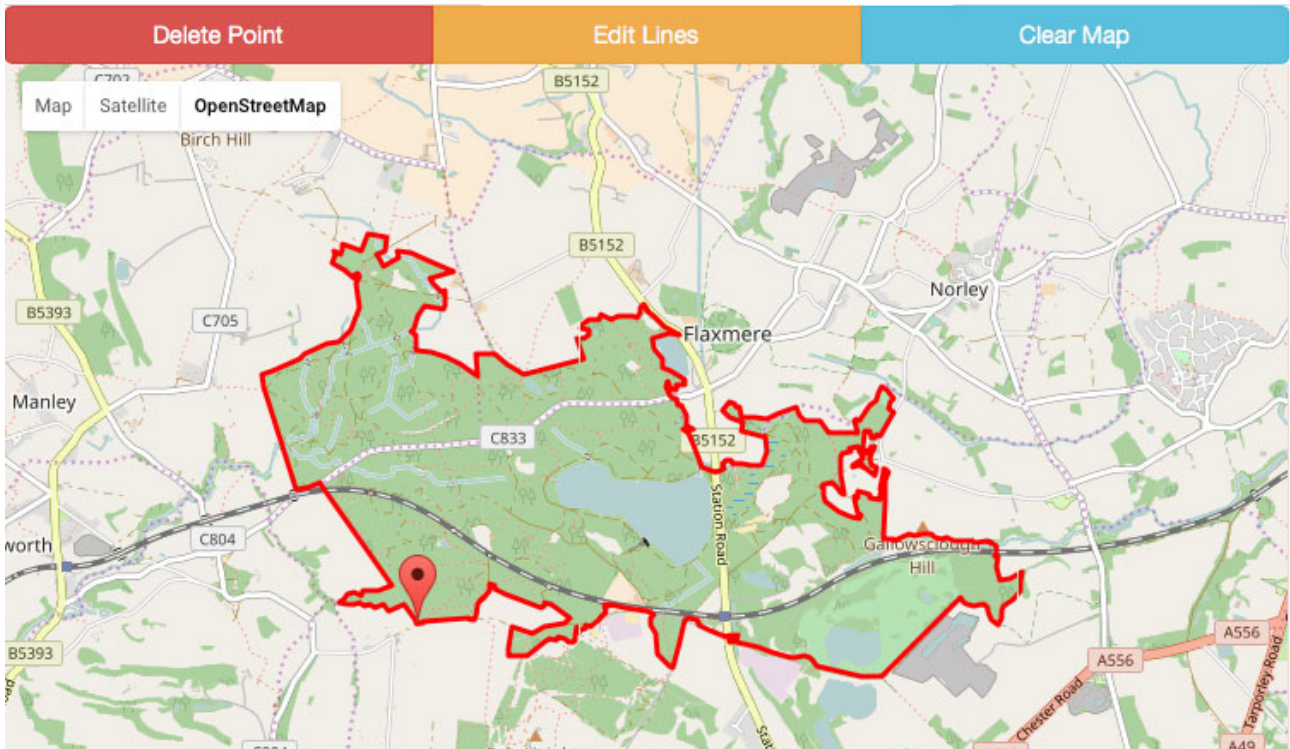
To be registered a profit a prendre in gross must be either held in fee simple (freehold) or for a term of years (leasehold) where more than 7 years of the term remains at the time of registration.

There may be a number of different Profits registered for a property, and in the case of woodland or moorland there may be many different parcels of land containing one or more such registered rights.

Sample search for Parcels of Woodland

In the sample first sample below the woodland has been outlined roughly using a zoom level of 13. In the second sample below the map has been zoomed in to level 15 and the outline edited in more detail, using the editing tools.

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If the map is not reasonably clear as to what is to be included then small parcels of land not intended to be searched may be included in error.

8 Ownership of Riverbanks

[\(Link to Search\)](#)

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Fishing Rights
Culverts
Flood Risk
Lakes and River Islands

Ownerships of Riverbanks are generally referred to as Riprarian Rights. Riverbanks encompass many physical features, e.g. river islands, coastal inlets, lakes, dams, weirs, culverts, riverbank fishing, private fishing clubs and nature reserves.

Our Riverbank Searches include documents that reveal the ownership of the land itself, of fishing rights and easement land; Some of our searches also include environmental reports, e.g. flood risks and flood defences.

Fishing Rights

The right to fish a riverbank or lake is usually created by Deed which provides details of the type of fish allowed to be fished, the number and sometimes the way the fish are caught and dates between when you can fish. The right to fish is a legal interest in land known as a Profit a Prendre in Gross and so long as the Deed is for more than 7 years it can be registered at HM Land Registry, who will then create a title register and title plan.

This means that there may be many titles affecting a stretch of riverbank, i.e. there may be many different sections of it subject to fishing rights for different persons, in addition to the title for the owners of the legal estate.

Our Fishing Rights Search includes the title register and title plan for the owners of the land, together with the title register and title plan for the owner of one of the fishing rights searched for. It will also include the deed creating the fishing rights.

There is an option to include adjoining or nearby fishing rights and also any easement land, i.e. ownership of land that has to be passed over to reach the riverbank.

Culverts

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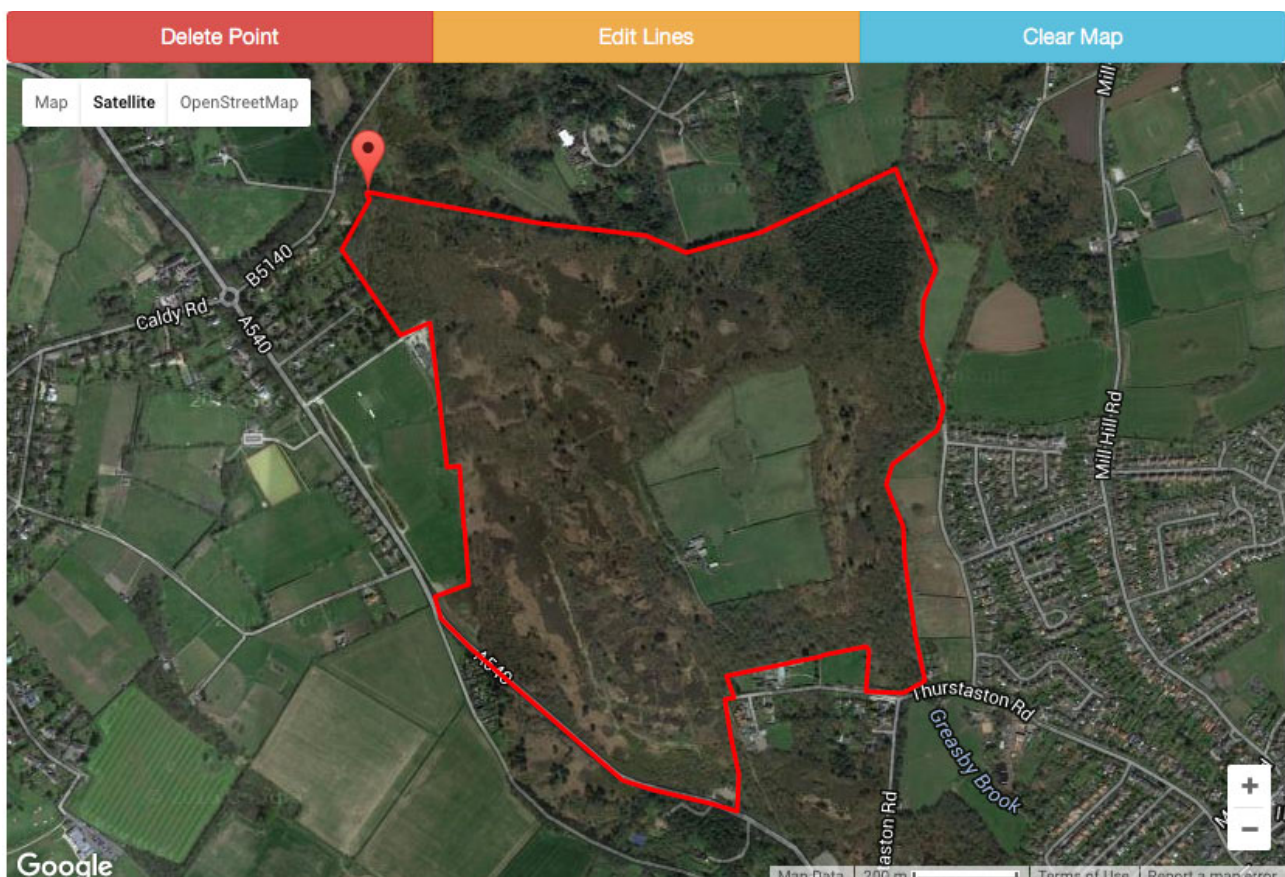
Culverts are used to divert or drain water from land above it. They are enclosed watercourses and may be quite large. Responsibility to main a culvert is usually with the landowner for that part of it that is on the owner's land. This may be difficult if it is an old one and is buried beneath the ground and not visible.

Blocked culverts can cause the water to back up and prevent it from draining the ground above, as intended and may also collapse. They may also contain toxic gases and are dangerous to go into.

To obtain details of culvert ownership and location you should obtain a copy of the title register, title plan and the water and drainage search.

Flood Risk

The Land Registry produce a flood risk report but it is not as detailed as the environmental report, which provides details of water features and physical features within 250 metres of the property, provides details of nearby flood defences and areas with no flood defences.



There are many detailed maps and reports which provide a flood risk summary for 1 in 75 years, 1 in 100 years and 1 in 1,000 years. There is also a flood risk map report and summary prepared by the Environment Agency.

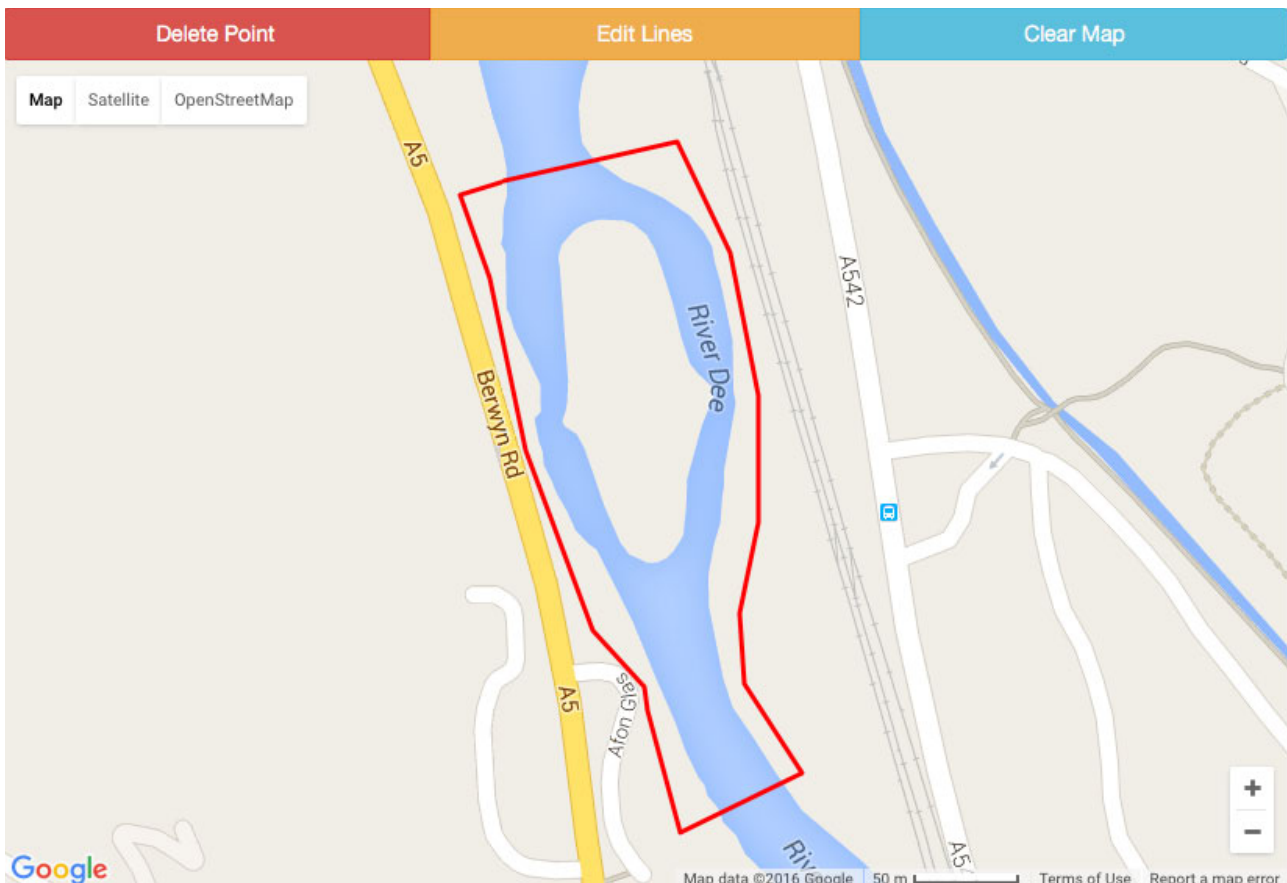
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Further sections of the flood risk report are from the British Geological Survey and the Norwich Union insurability for flood risks.

Lakes and River Islands

The general common law presumption is that the riverbank owner will own up to the midway point of a river, including any island therein. This presumption is open to rebuttal if it can be shown otherwise, e.g. where the island has been sold off by the riverbank owners in the past.

The only way to know the ownership details for certain is to obtain a copy of the title register and title plan, using our Advanced Map search to outline the area, as in the sample below.



In this sample a section of the river and its island are enclosed within the search area. It is not necessary to define the riverbank in detail as our search will include the full extent of the riverbank owned when we search for the ownership of the riverbank within the outlined area.

9 Ownership of Common Land and Commoners' Rights

[\(Link to Search\)](#)

All land in England and Wales is owned by someone, even common land, despite the common belief that common land is owned by everyone. People having rights over the common land will include people other than the owners.

Large areas of common land may have many different owners. To obtain ownership details you should use our Advance Map search so that we can obtain a copy of the title registers and title plans for you. Below is a copy of a map search identifying common land to be searched for.

This search also includes a search of the Common Land Registry and will provide details of the commoners and their rights. Typical rights include:

- pasture (for horses, sheep, goats etc)
- pannage (right to allow pigs to feed off acorns and beechmast)
- piscary (right to fish)
- estovers (right to take wood for certain purposes)
- turbary (right to take peat for fuel)
- stray (right to allow cattle onto common land)
- right to remove certain minerals (stone, sand, gravel, clay)

The Commons Act 2005 is the controlling statute for common land registration. Most common land is now access land and is regulated under the Countryside and Rights of Way Act 2000 (CROW). A register is kept by Commons Registration Authorities and provides a description of the common land, describes the rights that commoners have over it and also provides ownership details, where that is known.

Included with our search is a CROW map centred on the property being searched, and which provides detail of Open Access Land within the vicinity.