



**UNDERTAKING TO
DISCHARGE LAND
REGISTRY QUERIES
ON TRANSFER OF
REGISTERED LAND**

Such undertakings should only be asked for or given in the following circumstances:

- (1) building estates or other cases involving sub-division, or
- (2) where the vendor is purporting to sell as the person now entitled to be registered as owner i.e. where that person is not already registered himself, but is perhaps in possession of a completed and stamped transfer, or
- (3) where a lender's solicitor is being asked to register the borrower's title.

Solicitors should not give or ask for an undertaking to discharge Land Registry queries where the sale involves the entire land in a folio unless there are very unusual circumstances that would warrant such a request.

It is suggested that a reasonable wording for the form of undertaking to be given should be as follows:

“In consideration of your completing the above sale/mortgage with me, I hereby undertake on behalf of my client that he will do everything within his power or procurement to satisfy within a reasonable time any Land Registry queries arising on the registration of your client's transfer/mortgage and to pay and discharge any outlay to the Land Registry arising thereon and I personally undertake to assist my client in so doing”.

- (a) Care should be taken to get clients' authority to give such an undertaking.
- (b) Such an undertaking may not apply in cases where a purchaser is lodging an application to convert the title of the property sold from possessory to absolute, or where the title hitherto was unregistered and registration is compulsory upon the sale. Different considerations may arise in such cases and each case would have to be considered on its merits.
- (c) Practitioners are reminded of the desirability of including the words “as beneficial owner” in Land Registry Transfers, in order to avail of the appropriate implied covenants, despite the fact that they are not required by the Land Registry.