16. Priorities in Registered Land

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All books in this flagship series contain carefully selected substantial extracts from key cases, legislation, and academic debate, providing able students with a stand-alone resource. This chapter explores the defences against pre-existing property rights that are available to a purchaser of registered land. It is concerned with priority rules in registered land. The LRA 2002 offers a distinct set of priority rules for one category of transaction: a registrable disposition of a registered estate for valuable consideration. The chapter analyses the priority rules applicable to such transactions, including the effect of the entry of a land registry notice, the category of ‘overriding interests’ (property rights immune to a lack of registration defence), and limitations on the powers of a registered owner. The chapter concludes by examining the policy of the LRA 2002 to transactions that are tainted by fraud or wrongdoing that is not such as to invalidate the transaction. Such transactions may result, under the general law, in the imposition of personal liability on the registered proprietor, or the creation of new direct rights in favour of a third party.
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