

Summary

- If registered title is to show defined boundaries their position first has to be determined in law.
- For a registered land owner to have their land determined, they must provide an appropriately surveyed plan, supported by a current OS map extract at either 1:1250 or 1:2500 scale.
- The registrar needs to be satisfied that the boundary has been suitably identified and will contact adjoining landowners to ensure any boundary anomalies are resolved.
- The survey will be undertaken in accordance with available best practice guides issued by the Royal Institution of Chartered Surveyors

Land Registry



HM Land Registry expects a significant increase in requests from property owners to adopt the approach, as it is seen as an insurance against potential boundary litigation and dispute. Therefore the Surveyor must adopt a process of due diligence and act with full integrity during the entire process.

Determined Boundaries

Full details of the land registration act can be found at:
<http://www.landreg.gov.uk/legislation/lract2002/>

Best Practice Guidance for carrying out Surveys of Land Buildings and Utility Services at scales of 1:500 and larger can be found at :
<http://www.rics.org>

The SURVEY ASSOCIATION

Formed in 1979 as The UK Land and Hydrographic Association, TSA is now established as the representative organisation for UK private surveying firms. The Associations aims are:

- to provide a vehicle for members to act effectively together on agreed courses of action
- to promote the interests of the profession to all those who determine the economic and social conditions in which the industry operates;
- to identify and represent the views of the industry.

Using a TSA MEMBER

By using a TSA member you can be assured that your project will get off to best possible start. Whatever the size of project, you can be certain that TSA will have member companies who are expert in the provision and management of spatially related data on which to base your concept, design and construction.

Professional attention from a TSA surveyor will reduce risk and possibly save you money. All projects must start off on the right foot and a TSA surveyor will ensure that your project receives the best possible attention.

TSA CONTACT DETAILS

If you would like any more information about the TSA or it's members or about other Information leaflets then please contact Rachel Tyrrell at:

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THE SURVEY ASSOCIATION



Information Leaflets produced by the TSA are intended to provide members and their Clients with guidance on various aspects of surveying. In particular on procedures and regulations which may govern how a particular aspect of the survey is carried out.

Where possible contact details are given so that further information specific to a particular requirement may be obtained.

**Registration of
Title to Land /
Determined
Boundaries**

The Development of the Register in England and Wales.

- The purpose of registration is to provide a safe, simple and economic system of Land Transfer.
- The system was originally introduced on a voluntary basis in England and Wales in 1862.
- In excess of eighty percent of titles are currently registered in England and Wales; some 21 million properties.
- Approximately 3 million property transactions are undertaken each year throughout England and Wales.
- The land registration system underpins the property market in England and Wales and guarantees title to £2000 bn worth of property.
- The Land Registration Act of 1925 under the rule 278 describes the system as a 'General Boundaries' system.

Four major concepts of the General Boundaries System:

- (1) **Physical Boundary**; the physical feature delineating the boundary of a property e.g. walls, fences, hedges and ditches.
- (2) **Legal Boundary**; An imaginary line being the precise boundary of a property in law.
- (3) **Defined Boundary**; A boundary of a property in which the precise position has been concluded by adjudication.
- (4) **General Boundary**; a boundary of a property in relationship to which the precise position of the legal boundary has not been determined by adjudication.

Justification for Change

- Registrations do not show the exact position or every boundary and this is a fundamental defect of the current system.
- The eradication of this defect would be the introduction of defined boundaries, which would greatly avoid the need for boundary disputes and or litigation.
- If registered title is to show defined boundaries their position first has to be determined in law.
- Commonly the boundary position may be subject to 'presumption' i.e. to the centre line of road, middle of watercourse, river, or ditch; or the post line in a fence.

Determined Boundaries

The Land Registration Act 2002 received Royal assent from Her Majesty the Queen on 26 February 2003. The Act, which came into effect on 13 October 2003, supersedes the original 1925 act, and will improve the existing outdated system for both conveyancing and the boundary demarcation process. Furthermore, it will curtail the rights of squatters or encroaching neighbours on registered property.

Essential Features

- Any owner of Registered Land may apply to have their land determined and recorded on the register subject to fulfilling the following criteria:
 - The owner will supply an appropriately surveyed plan delineating the existing features surrounding the registered land parcel.
 - The surveyed plan will be supplemented by an extract from the latest OS large-scale (1:2500,1:1250) mapping. Critical dimensions and or coordinates of turning points of the boundary will be detailed on the extract.
 - The Registrar should be satisfied that the applicant has identified the boundary to an appropriate accuracy.
 - On receipt of application the land registry will serve notice on adjoining land owners and resolve any boundary anomalies which currently exist.
- If unchallenged the registrar will record the exact line of the boundary is as stated in the register.

Measurement Practice

- All measured survey undertaken shall be in accordance with the current edition of the RICS specification for Surveys of Land, Buildings and Utility Services at scales of 1:500 and Larger.
- Where co-ordinate transformation systems are deployed both the date and transformation details should accompany the co-ordinate information generated from the transformation.
- Where the land parcel is depleted of 'hard detail' or 'reputable' physical features 'permanent' monumentation shall be established which shall remain for a minimum of 10 years.
- The Surveyor must adopt a process of due diligence and act with full integrity during the entire process.

Plan Requirements

- The boundary must be presented on the latest edition of the large scale Ordnance Survey Mapping; as defined by the file plan.
- If the plan does not allow the boundary to be identified on the Ordnance Survey Map the application will be rejected.
- In addition, a detailed boundary survey depicting "pertinent detail" must be presented at a recognised scale not less than 1:200. This survey will supplement the file plan providing a higher level of detail and accuracy.
- Where coordinates determine the start, ends and any turning points of the determined boundary, these should be referenced to the National Grid.
- The applicant must also include the evidence that he is seeking to rely upon to establish the exact line of the boundary.
- Two copies of the plan should accompany the application Form DB.
- The plan should be no larger than A3 size (More than one plan can be used).

Following appointment the Surveyor will undertake a comprehensive inspection and review of the existing boundaries associated with the individual land parcel. Boundary descriptions will be noted together with details of ownership and or responsibility i.e. 'rights of support'.

The Surveyor shall be enquiring of the titled ownership to deduce the boundary history during the registered occupation and or knowledge under the previous ownership. He will prepare graphical details depicting any visible differences, which exist between the original Land Registry file plan and the boundary features represented on the ground. This information will accompany the final report.

