**Land Registration in the Diocese of Chichester**

**Background**

Since the introduction of the Land Registration Act 2002 the diocese has been registering the land it holds, or holds as Custodian Trustee on behalf of PCCs and ecclesiastical trusts. This is a complex operation as the diocese holds much land and property, and in different ways, acquired over a very long period of time. It’s made more difficult by the Land Registry still being swamped with work and responding very slowly.

Whilst much progress has been made, this is probably a task that will take decades to complete, as we do not have a definitive list of what we do own and hold as custodian trustee.

**How Land is Held**

There are two main ways that the Diocesan Board of Finance (or DBF) holds land and property, these can be categorised as: -

* Land owned by the diocese (Glebe, DBF investment, etc).
* Land we hold as Custodian Trustee for the benefit of PCCs, Ecclesiastical trusts, etc.

Note: - parsonage houses (benefice property) have the incumbent for the benefice listed as the title holder on the Land Registry, they are not held by the DBF.

**Process**

In order to register land, an application must be made to the Land Registry. This application can be made by anyone but is generally made by solicitor as part of the conveyancing (buying and selling) process. It is not compulsory to register land, but there are advantages in doing so, such as protecting interests, resisting adverse possession applications, etc.

Registration is compulsory when a sale takes place. So, if a PCC seeks to acquire unregistered land, it will be registered to the DBF as custodian trustee as part of the registration process.

**PCCs wishing to register land for the benefit of their PCC**

If a PCC believes it holds property which is not registered, then it can seek to have this land registered. The following applies.

* If a PCC wishes to have the land registered, then it can request a fee quotation from the Diocesan Registry ([click here](https://www.chichester.anglican.org/diocesan-registry-and-consistory-court/)). It will then be for the PCC to meet any fees associated with the land registry process.
* The Registry will confirm what documentation it holds on file in relation to the land. It may also make a request to the PCC to see any documentation it holds, and advise on what may be required to further any application (Statutory declaration, etc).
* We do hold limited copies of some of the title documentation at Church House. We are happy, free of charge to check and pass this onto PCCs, but there is no record of what documents we do have copies of.
* The DBF should be kept informed on the progress of any application as the DBF will be asked to execute legal documents, and the title will be registered in the name of the DBF as custodian trustee.
* If during the registration process the ownership of the land is determined to be glebe or benefice (parsonage land), then the DBF will take the registration forward and reimburse the PCC for any costs previously incurred.
* Registration is not guaranteed, if the PCC starts an application to register land, but the application fails – the PCC will need to meet the abortive costs.
* Phil Morl can provide further advice on the process, but he cannot take forward PCC applications to register land on the behalf of a PCC.

**Frequently Asked Questions**

* We have unregistered land next to our church; can we register it?

*You can only register land if you have evidence of ownership. You can also register land via adverse possession but do to do this you need to demonstrate that you have been using it for an extended period of time. Ultimately, it is best to seek advice from the registrar at an early stage.*

* There is a road/track that leads to our church that we use for access. It is unregistered, should we register it?

*If you have been crossing unregistered land for an extended period of time, then you will have likely obtained a prescribed right of access. A prescribed right is* the acquisition of a right through long use or enjoyment.

Obtaining a prescribed right means you have rights of access, but it does not mean the land is registered in your name. Usually, the land remains unregistered, and a caution is placed against the land registry entry to say that you have rights of access.

Again, the early advice of the registrar should be sought.

* A neighbour is saying some unregistered land belongs to the PCC, how can we own unregistered land?

The land registry lists owners of land where it is registered. Ownership of land was, and still is in some cases, demonstrated by the presence of historic deeds and conveyancing documents.

If something appears on the Land Registry as unregistered, it does not mean it has no owner.

* If we are using land that is unregistered (for parking for example) should we just register it?

*Just using it may not be grounds for registering the land. It should also be considered that if you do register land, you are essentially then taking on any liabilities associated with the land – this means insuring the land, possibly maintaining the land, making sure any other parties rights are not infringed (access for example).*

*It is important to take advice early from the registrar.*