

## **Land Ownership and Conveyancing in England and Wales**

The majority of farm holdings in England and Wales are held for a freehold title i.e. unconditional ownership. Approximately one third are held under various types of leases and farm tenancies.

In Ireland nearly all agricultural land is held for freehold title which is registered in the Land Registry. This is a consequence of the Land Purchase Acts which transferred freehold ownership from landlords to tenant farmers in Ireland from the late nineteenth century onwards. In England and Wales, there was no equivalent to the Land Purchase Acts. The majority of titles in England and Wales are now registered in the English land registry as registration has been compulsory since 1990.

The English Land Registry is organised in a similar fashion to the Irish Registry. The ownership of Land with registered title is guaranteed by the State. Each holding is comprised in a single or a number of 'Titles' which are equivalent to "Folios" in the Irish Land Registry. Each Title contains three parts. The first part identifies the land concerned and cross refers to a title plan which is produced on an Ordnance Survey map. Unlike the Irish Land Registry, the Register also identifies rights over adjoining land which benefit the land in question. The second part identifies the owners of the land. The third part identifies various charges or rights which might affect the property including, for example mortgages, rights of way etc.

The English Land Registry is fully and comprehensively accessible online over the internet. Unlike the Irish Registry, land sale prices are fully disclosed. This facilitates the compilation of comprehensive sale price information.

English property law is based on the same principles as Irish property law. However certain rules were very reformed in 1925, in order to make the conveyancing system more efficient. This included changes to certain outdated technical rules, modernisation of the Land Registry and also the creation of a Local Land Charge Register, which has no equivalent in Ireland.

The Local Land Charges Register is maintained by local authorities and contains comprehensive information on proposals and legal matters affecting land. On a purchase of land, it is therefore possible to obtain very comprehensive information in relation to such matters as water and drainage, planning permission compliance, environmental matters and risk assessments, compulsory purchase powers, local authority proposals, commons, mining issues and in compliance with numerous laws which affect land and its use.

The most common farm transaction involves the sale and purchase of freehold land. Agricultural land is freely transferable and there are no restrictions on non-nationals purchasing Agricultural land. See the separate note in relation to Stamp Duty, Capital Gains and other taxation aspects and Purchase of Sales. There are provisions in Agriculture legislation in relation to sub-division and consolidations etc but they have very limited application.

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*This Guide is intended as an overview and broad outline of the matters covered in it. Its purpose is to inform and raise awareness. We are happy to offer specific legal advice on particular circumstances.*

*This Guide should not be relied on as a substitute for comprehensive legal advice with reference to the particular circumstances.*

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