
ACTIVITY 12

Transferring registered land (allow 20 minutes)



Online

Using Westlaw, please find and re-read the case of *Mascall v. Mascall* (1985) 50 P & CR 119 and answer the following questions. (See the search instructions given in **Activity 9** if you need assistance finding the case.)

- 1 Make a note of the procedure for the transfer of registered land.**
- 2 Why was the father unable to recover the house?**

COMMENT

- 1 In the case of registered land, the prescribed form (Land Registry form TR1) is signed as a deed by the transferor and handed to the transferee. It is the subsequent registration of the transferee as registered proprietor of the land which completes the legal title. (As mentioned in **Activity 9**, it is no longer necessary to hand over a Land Certificate.)
- 2 The father was unable to recover the house because the gift was perfected by application of the *Re Rose* principle. The court found that the father had done everything necessary to be done by him, and so the gift was complete and perfect. The son had within his control all those things necessary to enable him to complete the title by registration, i.e. the signed transfer and (at that time) a land certificate. Once a gift is perfect and complete, it cannot be 'untied' by the donor.