

# Real Estate Tip of the Week: Streamline your title

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Many registered titles contain various rights that a property benefits from or is subject to (such as rights of way or rights to use utilities). The presence on the title registers of such rights can sometimes hinder or delay a sale or a letting, especially a sale of the land for redevelopment.

Sometimes these rights were extinguished in the past as a result of the benefitting property and the burdened property being owned by the same person (this is known as unity of seisin). However the Land Registry will not amend the title unless the owner makes an application. If a property is subject to such rights and it is known or suspected that they have been extinguished in this way it is worth investigating further and making an application to the Land Registry, if possible, in order to tidy up the title. This can minimise delays and title enquiries in any subsequent sale or letting and it can also avoid the cost of taking out title indemnity insurance in relation to the risk of such rights being exercised.

To establish that “unity of seisin” applies, one must show:

- That the freehold of the benefitting and the burdened land is/was held by the same person
- That the relevant owner not only held the freehold titles but at the same time had possession of both properties - i.e. the properties were not subject to tenancies, or that there was a period of time when there were no tenancies.

A final word of caution, if title indemnity insurance is a potential alternative solution then check first that the proposed insurer would still offer cover if an application is to be made to the Land Registry to remove the rights and such application is unsuccessful.

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