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Guidance

Practice guide 22: manors

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1. Introduction

Manors are of ancient origin dating from before Norman times. The extent of the manor was usually determined by the original grant from the Crown or superior lord. A manor was self-contained with its own customs and rights within its defined area.

There are three separate elements of manors that can affect Land Registry:

- lordship of the manor: whoever owns the lordship of the manor is entitled to refer to themselves as lord of that manor, for example, Lord of the manor of Keswick
- manorial land: because a manor was a defined area it included the physical land within that area. Such land could either be freehold or leasehold
- manorial rights: rights which were part and parcel of the manorial title and which were usually kept by the lord on disposal of parts of the manorial land, for example, the right to hunt, shoot or fish

These elements may exist separately or be combined. The lordship title cannot be subdivided, but the manorial land and the manorial rights can be.

Confusion can be caused, as 'manor' can refer to either the lordship and/or the manorial land.

2. Lordship titles

2.1 Records held by Land Registry

The lordship of the manor is simply the title by which the lord of the manor is known. In many cases the title may no longer have any land or rights attached to it. Because of its origin and lack of physical substance, it is known as an 'incorporeal hereditament'. Incorporeal hereditament means 'an interest having no physical existence'.

Before 13 October 2003, being the commencement of the Land Registration Act 2002, it was possible to register these lordship titles. However, the registration was always voluntary and most did not seek to register the lordship title. We still keep an index of registered lordship titles. Practice guide 13: index of relating franchises and manors - official searches (<https://www.gov.uk/government/publications/official-searches-of-the-index-of-relating-franchises-and-manors>) explains the procedures for searching the index.

Each registered title has an individual register. This will contain the name and address of the current registered proprietor, whom you may contact with any enquiries about the manorial interests (if any) that affect the land in question. Because of their nature, lordship titles do not have title plans and we do not hold any definitive record of the extent of the original manor.

2.2 Registration under the Land Registration Act 2002

Since 13 October 2003, it is no longer possible to make an application for the first registration of a lordship title. However, dealings with existing registered titles are subject to compulsory registration. This includes the grant of a lease (of any term) out of a registered lordship title.

2.3 De-registration

The registered proprietor of a lordship title can apply for the title to be de-registered (section 119 of the Land Registration Act 2002). In this event the lordship title will continue to exist off the register, but (like the majority of these titles) we will hold no record of it.

The registered proprietor, or their legal representative, should apply using a form AP1 (<https://www.gov.uk/government/publications/change-the-register-ap1>). Complete the following panels of the form.

1. Local authority area serving the property
2. Title number of the lordship title
3. The lordship of a single manor cannot be divided. So, unless the title comprises more than one manor, place 'X' against the first statement
4. Complete the nature of the application as 'de-registration of manor'. No fee is required
5. Enter the name of the person applying to de-register the manor
6. Enter the name and address of the person submitting the application.
7. Only complete this panel if you want us to tell someone else when the application is completed
8. The applicant or their legal representative must sign

Send your application to the correct Land Registry office (<https://www.gov.uk/government/publications/land-registry-office-addresses>).

3. Manorial land

Manorial land is the land that was originally part of the landholdings of the lordship of the manor and has not been transferred separately from the lordship title. Manorial land can be extensive, or it can be a collection of scattered small pieces of land, which may cover a large area.

Manorial land is subject to compulsory registration in the same way as any other physical (corporeal) land.

Use a form SIM to find out if land is registered or subject to a pending application for first registration – see practice guide 10: index map - official search (<https://www.gov.uk/government/publications/official-searches-of-the-index-map>).

If you do not require indemnity provisions in respect of an index map search you could consider using MapSearch (<https://www.gov.uk/mapsearch>). This service is available free of charge for Business e-services customers who have portal access and provides immediate search results.

4. Manorial rights

4.1 Lordship title may not have the benefit of rights

A lord of the manor may exercise certain rights usually known as ‘manorial incidents’. Such rights could no longer be created after 1925. The main manorial rights can be summarised as:

- the lord’s sporting rights
- the lord’s or tenant’s rights to mines or minerals
- the lord’s right to hold fairs and markets
- the lord’s or tenant’s liability for the construction, maintenance and repair of dykes, ditches, canals and other works

These are just examples and it does not necessarily follow that such rights are legally exercisable. Registered lordship titles usually make no reference to any manorial incidents in the register. It may be that the benefit of the rights was not included in an earlier sale of the lordship title.

4.2 Land subject to rights

When registering a property for the first time, we may make an entry in the property register if it appears that the land may still be subject to manorial rights. This may be the case if the title deeds reveal that the land was former copyhold (ie held of the lord of the manor) and the rights were preserved on enfranchisement (when the title was converted to freehold).

4.3 Effect of Land Registration Act 2002

Under the Land Registration Act 2002 manorial rights are categorised as overriding interests, so a landowner takes subject to them even if they are not mentioned in their register. However, under section 117 of the Land Registration Act 2002 these rights will lose their overriding status after 12 October 2013 (10 years after the Act came into force). Where any manorial rights have not been protected by notice or caution against first registration before 13 October 2013, they do not automatically cease to exist on that date. The position is set out in The land was registered after 12 October 2013 and The land was registered before 13 October 2013.

Applicants have a duty to disclose manorial rights on all first registrations or dispositions of registered

land. For further information see practice guide 15: overriding interests and their disclosure (<https://www.gov.uk/government/publications/overriding-interests-and-their-disclosure>).

Somebody with the benefit can apply for the existence of manorial incidents to be noted in the register of a title that is subject to them. The applicant must satisfy us of the existence of the rights. No fee is payable. For further information, see practice guide 66: overriding interests losing automatic protection in 2013 (<https://www.gov.uk/government/publications/overriding-interests-losing-automatic-protection-in-2013>), which deals with third party interests.

If the land subject to the rights is not registered, they can be protected without fee by caution against first registration. See practice guide 3: cautions against first registration (<https://www.gov.uk/government/publications/caution-against-first-registration>).

4.3.1 The land was registered after 12 October 2013

Prior to first registration the legal owner of the land will be bound by any manorial rights because they are legal interests. On first registration they will hold the estate free of manorial rights unless they are protected by notice at the time of first registration.

4.3.2 The land was registered before 13 October 2013

Even if the interest has not been protected by the entry of a notice in the register the land will remain subject to it. But, unless such a notice is entered, a person who acquires the registered estate for valuable consideration by way of registrable disposition after 12 October 2013 will take free from that interest (section 29 of the Land Registration Act 2002). Until such a disposition is registered the person having the benefit of the interest may apply to protect it by entry of notice.

5. Sources of further information

The following sources may assist in researching a manor.

- The National Archives holds official records including tithe apportionments and maps and valuations made by the 1909-10 Finance Act commissioners as well as the Manorial Documents Register.

The National Archives,
Ruskin Avenue,
Kew,
Richmond,
Surrey TW9 4DU

- county record offices often hold enclosure awards and maps, court rolls, surveys and other manorial records
- Diocesan boards of finance hold ecclesiastical records, including tithe apportionments and maps
- highway authorities (county councils where they exist, otherwise district and borough councils) hold records of highways and highway boundaries
- commons registration authorities hold registers of commons and town and village greens, with accompanying maps
- many parish records contain relevant information

- The Manorial Society of Great Britain is the association to which many lords of the manor belong.

The Manorial Society of Great Britain,
104 Kennington Road,
London SE11 6RE

6. Things to remember

We only provide factual information and impartial advice about our procedures. Read more about the advice we give (<https://www.gov.uk/government/organisations/land-registry/about/about-our-services#advice>).