

## Registering Joint Ownership at the Land Registry

When property is bought in joint names there are two alternative ways in which this can be done and the Land Registry has different procedures for each.

In a **Joint Tenancy** the property belongs to the owners equally. When one dies the property automatically then belongs to any survivor or survivors equally. When there is one survivor left that person owns the whole of the property both legally and beneficially.

In a **Tenancy in Common** each owner owns a specified share beneficially that is although they are all the legal owners their beneficial interests in the property i.e. the share that they get when it is sold is specified either in the Transfer into their names or in a separate Trust Deed. The shares may or may not be equal. When one of the joint owners dies this does not affect the shares. Each survivor still owns the same share they did before and the deceased owner's share belongs to whoever inherits from him or her. The survivors legally own on behalf of themselves and that Beneficiary. When only one survivor remains again, the shares are exactly the same as they were before unless of course the survivor has somehow acquired the shares of the others by inheritance or otherwise.

A new form JO can be used to tell the Land Registry which type of ownership applies.

If there is a Tenancy in Common the Land Registry will protect the interests of the beneficiaries by entering a restriction on the Register. If the property is then sold the restriction has to be correctly removed. This can be done if both or all Trustees sign the Transfer, or if one has died then in most cases another person must be appointed. If the surviving owner or owners remain in ownership then a Form RX3 is used to cancel the restriction. A Declaration of Joint Proprietors may be required to support this.

A Joint Tenancy can be changed into a Tenancy in Common during the lifetime of the original owners by "severing" the Joint Tenancy. Land Registry form SEV is used to record this at the Land Registry.

Further information on registering joint ownership at the Land Registry can be found at the Land Registry website ([www.landreg.gov.uk](http://www.landreg.gov.uk)). Public guide 18 is particularly useful.

Alternatively please feel free to contact our office with any queries.

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