

## Agreed Boundary

An agreed boundary is a boundary whose position has been agreed by the owners of the land to either side of all or a part of their common boundary in an agreement whose purpose is to clarify the ambiguous description of the paper title boundary as it was written or as it was mapped in the originating deed.

## Boundary

The word boundary has no special meaning in law. Refer to a standard dictionary definition.

## Common Boundary

A common boundary is that part of the boundary of one parcel of land that serves as part of the boundary of only one of the adjoining parcels of land, the two parcels of land being either in separate ownership or the subjects of two different titles to land.

## Deed

A formal written instrument which acts at law to alter the rights and duties of the parties to it. Section 57 of the Law of Property Act 1925 offers examples of how to describe a deed relating to real estate, suggesting "*conveyance, deed of exchange, vesting deed, trust instrument, settlement, mortgage, charge, transfer of mortgage, appointment, lease or otherwise according to the nature of the transaction intended to be effected*".

## Determined Boundary

The term determined boundary arises out of Section 60 of the Land Registration Act 2002, which offers no explanation of the term. Land Registry has since substituted the term "Exact line of boundary: registration" for the term "Application to determine the exact line of a boundary" as the title for their Form DB.

The position of the boundary is decided usually by agreement between adjoining neighbours (but may be decided by a judge as a consequence of litigation) and is shown on a plan surveyed and drawn (usually) by a chartered land surveyor, which plan is annotated with sufficient information for a landowner, armed with a DIY-store 20 metre long steel tape, to be able to re-establish the boundary's termini and turning points to an accuracy of  $\pm 10$  mm.

## Fixed Boundary

A procedure that was set out in the Land Registration Rules 1925 "*to define in the register, the precise position of the boundaries of the land or any parts thereof*". There was a very low take-up of such fixed boundary definitions of boundaries. The Land Registration Act 2002 introduced determined boundaries as a substitute for the failed fixed boundaries procedure.

## General Boundary

The general boundary shown on a title plan follows the black line against which red edging has been set by Land Registry. The line of the general boundary thus follows the line of the map representation of a physical feature: the line is subject to the accuracy limitations of the Ordnance Survey map and the physical feature may or may not carry the paper title boundary.

## Legal Boundary

The legal boundary is effectively synonymous with the paper title boundary at the date on which the latter appears in an originating deed. Thereafter it is possible for the legal boundary to move away from the paper title boundary under the influence of adverse possession, of a boundary agreement, or of proprietary estoppel. Whilst landowners and their lawyers may make claims as to the true position of a legal boundary, those claims lack substance because only a judge in a court or tribunal is entitled to decide the true position of the legal boundary as the result of litigation.

## Originating deed

The deed (an indenture, a conveyance, or a transfer of part) that attends the division of a larger parcel of land by which the boundary under investigation was created and first described.

## Paper Title Boundary

The paper title boundary is the boundary that was created by the division of a larger parcel of land and was described in the parcels clause and/or upon the associated plan of the originating deed.

## Physical Boundary

A physical boundary is a physical feature that acts as a barrier between two parcels of land in separate ownership, and it may or may not be located along the paper title boundary or along a line that is claimed to be a legal boundary.

Examples of such physical barriers include fences, walls, banks, ditches, hedges, the bank of a river, etc. Sometimes a physical feature that is incapable of providing an effective barrier is put in place on or near a boundary as a marker and may thus be referred to as a physical boundary.

## Title deeds

The term usually refers to a sequence of conveyance deeds relating to unregistered land.

## Title plan

Land Registry is required by section 5 of the Land Registration Rules, 2003 to show the general boundary on "*a plan based on the Ordnance Survey map and known as the title plan*". Title plans carry the following warning:

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

## Title register

The Title Register is a legal record that contains a description of the property, its tenure, the name and address of the owners, purchase price, details of mortgages and other charges, covenants, rights of way and other easements.