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What are Manorial Rights?

On 13 October 2013 the law relating to Manorial rights will change. The purpose of this note is to set out what constitutes Manorial rights and why you should register them if you are lucky enough to have any. It also looks at the process of investigation for assessing whether or not rights exist and the procedure for their registration.

What are Manorial Rights?

Manors are of ancient origin dating from the Norman Conquest. From the date of the Conquest, the King held the "title paramount" to the entire country and in return for services to the Crown, he would gift areas of the country, the Manor, to his noblemen, who would become "Lords of the Manor".

The Lord of the Manor would hold the title to the Manor and would grant 'copyhold' title of areas of the Manor to his subjects in return for their services. The subjects would most commonly farm the land, and they would also have rights over the common land. The Lord of the Manor however would retain the mineral and sporting rights out of the open fields and the common land.

There are three separate elements of manors;

- 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 or to extract minerals.

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

The Manorial rights are those rights which relate to freehold land which used to be held as 'copyhold' by a tenant from the Lord of the Manor. After 1840, under the process of enfranchisement, the copyholders were able to obtain the freehold of their land, though the Lord retained significant rights and it is these rights that now need to be addressed. Manorial rights are not those rights which may have been reserved out of sales from Estates, but those which would have been retained by the Lordship through the operation of law.

Manorial rights commonly include such things as sporting rights, the right to hold markets or fairs, grazing rights, chancel repair rights and, probably most valuable, mineral rights.

What happens in October?

At present, Manorial rights and chancel repair rights take effect as "overriding interests" and purchasers of land take subject to any such rights as may exist. However from 13 October 2013 this overriding status will cease to apply and purchasers of land that was once affected by these rights will no longer be bound by them if they buy the land after that date and the rights are not registered.

In order to preserve Manorial rights they need to be registered at the Land Registry on or before midnight on the 13 October 2013.

How do I ascertain if I have any Manorial Rights?

The first thing is to ascertain what rights, if any, exist and are documented. In order to do this the following exercise needs to be carried out:

- A review of the Settled Land Act vesting deeds for the Estate to see if any manors are listed.
- An investigation of the public records office at Kew or online to see if there are any court books for the manors for the relevant period (post 1840). The records for some, but not all, counties are available online.
- A review of the court books at the county records office or in the Estate archives, if held there, to look for possible copyhold land; and
- A review of a selection of the copyhold records to see if the Manor was one which by custom reserved rights such as mineral or sporting rights.

If this is successful then the next step is to go through each of the individual records and match the copyhold land against the modern OS plans, so that title can be deduced and the rights registered at the Land Registry. This is likely to be a time consuming exercise but the potential value in doing so could be significant.

It may well be the case that Manorial rights can be established over all the land that a Manor once used to have control over, even if this land has been sold off.

Fees

The likely fees involved in the actual investigation will be dependent upon the extent of the investigations. Michelmores are pleased to offer an initial review of your deeds for a fixed fee of £1,500 plus VAT to ascertain whether further investigations are likely to be useful. The Land Registry will not charge a fee for registration of deeds prior to 13 October 2013.

Conclusion

The changes that come into effect on 13 October 2013 will make it easier for purchasers of land.

Anybody concerned about whether to protect their rights or not should consider whether it is likely that valuable rights do exist over third party land. Such rights would usually be sporting, fishing or mineral rights, which have not been reserved expressly to the Manor on a previous sale of the land in question. For example, if the Manor used to own land in a mining area, it is probably worth looking in to this matter further.

For those who have the benefit of the Manorial rights, it is important that they take steps to ensure that they are protected. It is difficult to put a value on Manorial rights but the potential for

significant value is something that landowners and trustees need to be mindful of, particularly in terms of mineral rights. It is very important for trustees of landed estates to ensure that they are extra vigilant because of their duty to protect and preserve the assets of the trust.

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