

STATUTORY INSTRUMENTS

2003 No. 1417

LAND REGISTRATION, ENGLAND AND WALES

The Land Registration Rules 2003

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NOTE

Notes on amendments follow the individual rule.

The Lord Chancellor, with the advice and assistance of the Rule Committee appointed in pursuance of section 127 of the Land Registration Act 2002^(a), in exercise of the powers conferred on him by sections 1(2), 6(6), 13(a), (b), 14(a), (b), 16(2), 18(1)(b), (2), (4), 19(2), 20(3)(a), (b), (c), 21(2)(a), (b), (c), (d), 22, 25(1), 27(6), 34(2), 35(3), 36(3), (4), 37(2), 39, 43(2)(a), (b), (c), (d), 44(2), 45(2), 46(4), 47(a), (b), 48(2)(a), (b), 49(2), (3)(b), (4)(b), 50, 57, 60(3), (4), 61(2), 64(2), 66(2), 67(3), 68(1)(d), (2)(a), (b), 69(2), 70, 71(a), (b), 72(6)(a), (b), 73(2), (3), (4), 75(2), 76(2), 81(2), 82, 86(3), 87(4), 89, 95(a) and 98(7) of, and paragraphs 2(2) and 7(3) of Schedule 2, paragraphs 4(a), (b), (c), and 7(a), (b), (c), (d) of Schedule 4, paragraphs 2(1)(d), 3(2), 14, and 15 of Schedule 6, paragraph 9 of Schedule 8, paragraphs 1(1)(a), (b), 3(a), (b), (c), 5, 6(a), (b), (c), (d), (e), 7, and 8 of Schedule 10, and paragraphs 2(4) and 18(5) of Schedule 12 to, the Land Registration Act 2002, sections 37(7) and 39(1) and (1A) of the Charities Act 1993^(b), sections 34(10) and 57(11) of the Leasehold Reform, Housing and Urban Development Act 1993^(c), paragraph 4(4) of Schedule 4 to the Family Law Act 1996^(d), and of all other powers enabling him in that behalf, hereby makes the following rules:

PRELIMINARY

Citation and commencement

1. These rules may be cited as the Land Registration Rules 2003 and shall come into force on the day that section 1 of the Act comes into force.

PART 1

THE REGISTER OF TITLE

Form and arrangement of the register of title

2.—(1) The register of title may be kept in electronic or paper form, or partly in one form and partly in the other.

(2) Subject to rule 3, the register of title must include an individual register for each registered estate which is—

- (a) an estate in land, or
- (b) a rentcharge, franchise, manor or profit a prendre in gross, vested in a proprietor.

Individual registers and more than one registered estate, division and amalgamation

3.—(1) The registrar may include more than one registered estate in an individual register if the estates are of the same kind and are vested in the same proprietor.

(2) On first registration of a registered estate, the registrar may open an individual register for each separate area of land affected by the proprietor's registered estate as he designates.

^(a) 2002 c. 9.

^(b) 1993 c. 10.

^(c) 1993 c. 28.

^(d) 1996 c. 27.

- (3) Subsequently, the registrar may open an individual register for part of the registered estate in a registered title and retain the existing individual register for the remainder—
- (a) on the application of the proprietor of the registered estate and of any registered charge over it, or
 - (b) if he considers it desirable for the keeping of the register of title, or
 - (c) on the registration of a charge of part of the registered estate comprised in the registered title.
- (4) The registrar may amalgamate two or more registered titles, or add an estate which is being registered for the first time to an existing registered title, if the estates are of the same kind and are vested in the same proprietor—
- (a) on the application of the proprietor of the registered estate and of any registered charge over it, or
 - (b) if he considers it desirable for the keeping of the register of title.
- (5) Where the registrar has divided a registered title under paragraph (3)(b) or amalgamated registered titles or an estate on first registration with a registered title under paragraph (4)(b) he—
- (a) must notify the proprietor of the registered estate and any registered charge, unless they have agreed to such action, and
 - (b) may make a new edition of any individual register or make entries on any individual register to reflect the division or amalgamation.

Arrangement of individual registers

- 4.—(1) Each individual register must have a distinguishing number, or series of letters and numbers, known as the title number.
- (2) Each individual register must consist of a property register, a proprietorship register and, where necessary, a charges register.
- (3) An entry in an individual register may be made by reference to a plan or other document; in which case the registrar must keep the original or a copy of the document.
- (4) Whenever the registrar considers it desirable, he may make a new edition of any individual register so that it contains only the subsisting entries, rearrange the entries in the register or alter its title number.

Contents of the property register

5. [...] [Except where otherwise permitted, the] property register of a registered estate must contain—
- (a) a description of the registered estate which in the case of a registered estate in land, rentcharge or registered franchise which is an affecting franchise must refer to a plan based on the Ordnance Survey map and known as the title plan;
 - (b) where appropriate, details of—
 - (i) the inclusion or exclusion of mines and minerals in or from the registration under rule 32,
 - [(ii) easements, rights and privileges benefiting the registered estate and other similar matters,]
 - (iii) all exceptions [or reservations] arising on enfranchisement of formerly copyhold land, and
 - (iv) any [...] matter [otherwise] required to be entered in any other part of the register which the registrar considers may more conveniently be entered in the property register, and
 - (c) such other matters as are required to be entered in the property register by these rules.

NOTE

Words in square brackets at the beginning of the rule omitted revoked and inserted, in paragraph (b)(ii) substituted, in paragraph b(iii) inserted, and in paragraph b(iv) omitted revoked and inserted, by Schedule 1, paragraph 1 Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Property register of a registered leasehold estate

6.—(1) The property register of a registered leasehold estate must also contain sufficient particulars of the registered lease to enable that lease to be identified.

(2) [Subject to rule 72(A)(3),] if the lease contains a provision that prohibits or restricts dispositions of the leasehold estate, the registrar must make an entry in the property register stating that [the lease prohibits or restricts dispositions of the estate.]

NOTES

Words in square brackets in paragraph (2) inserted by r.4, Land Registration (Amendment) (No 2) Rules 2005 with effect from 9 January 2006.

Words in square brackets in paragraph (2) substituted by Schedule 1, paragraph 2 Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Property register of a registered estate in a rentcharge, a franchise or a profit a prendre in gross

7. [Where practicable, the] property register of a registered estate in a rentcharge, franchise or a profit a prendre in gross must, if the estate was created by an instrument, also contain sufficient particulars of the instrument to enable it to be identified.

NOTE

Words in square brackets substituted by Schedule 1, paragraph 3 Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Contents of the proprietorship register

8.—(1) The proprietorship register of a registered estate must contain, where appropriate—

- (a) the class of title,
- (b) the name of the proprietor of the registered estate including, where the proprietor is a company registered under the Companies Acts, or a limited liability partnership incorporated under the Limited Liability Partnerships Act 2000^(a), its registered number,
- (c) an address for service of the proprietor of the registered estate in accordance with rule 198,
- (d) restrictions under section 40 of the Act, including one entered under section 86(4) of the Act, in relation to the registered estate,
- (e) notices under section 86(2) of the Act in relation to the registered estate,
- (f) positive covenants by a transferor or transferee and indemnity covenants by a transferee entered under rules 64 or 65,
- (g) details of any modification of the covenants implied by paragraphs 20(2) and (3) of Schedule 12 to the Act entered under rule 66,
- (h) details of any modification of the covenants implied under the Law of Property (Miscellaneous Provisions) Act 1994^(b) entered under rule 67(6),
- (i) [...] and
- (j) such other matters as are required to be entered in the proprietorship register by these rules.

[(2) Where practicable, the registrar must enter in the proprietorship register —

- (a) on first registration of a registered estate,
- (b) following completion by registration of a lease which is a registrable disposition, and
- (c) on a subsequent change of proprietor of a registered estate, the price paid or value declared for the registered estate.

(3) An entry made under paragraph (2) must remain until there is a change of proprietor, or some other change in the register of title which the registrar considers would result in the entry being

^(a) 2000 c. 12.

^(b) 1994 c. 36.

misleading.]

NOTE

Words in square brackets in paragraph (1)(i) omitted and revoked, in paragraph (2) substituted, and paragraph (3) inserted, by Schedule 1, paragraph 4 Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Contents of the charges register

9. [Except where otherwise permitted, the] charges register of a registered estate must contain, where appropriate—

- (a) details of leases, charges, and any other interests which adversely affect the registered estate subsisting at the time of first registration of the estate or created thereafter,
- (b) any dealings with the interests referred to in paragraph (a), or affecting their priority, which are capable of being noted on the register,
- (c) sufficient details to enable any registered charge to be identified,
- (d) the name of the proprietor of any registered charge including, where the proprietor is a company registered under the Companies Acts, or a limited liability partnership incorporated under the Limited Liability Partnerships Act 2000, its registered number,
- (e) an address for service of the proprietor of any registered charge in accordance with rule 198,
- (f) restrictions under section 40 of the Act, including one entered under section 86(4) of the Act, in relation to a registered charge,
- (g) notices under section 86(2) of the Act in relation to a registered charge, [...]
- (h) such other matters affecting the registered estate or any registered charge as are required to be entered in the charges register by these rules [, and] [(i) any matter otherwise required to be entered in any other part of the register which the registrar considers may more conveniently be entered in the charges register.]

NOTE

Words in square brackets at the beginning of the rule substituted, in paragraph (g) omitted and revoked, in paragraph (h) substituted, and paragraph (i) inserted, by Schedule 1, paragraph 5 Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

PART 2 INDICES

Index to be kept under section 68 of the Act

10.—(1) The index to be kept under section 68 of the Act must comprise—

- (a) an index map from which it is possible to ascertain, in relation to a parcel of land, whether there is—
 - (i) a pending application for first registration (other than of title to a relating franchise),
 - (ii) a pending application for a caution against first registration (other than where the subject of the caution is a relating franchise),
 - (iii) a registered estate in land,
 - (iv) a registered rentcharge,
 - (v) a registered profit a prendre in gross,
 - (vi) a registered affecting franchise, or
 - (vii) a caution against first registration (other than where the subject of the caution is a relating franchise), and, if there is such a registered estate or caution, the title number, and
- (b) an index of verbal descriptions of—
 - (i) pending applications for first registration of title to relating franchises,

- (ii) pending applications for cautions against first registration where the subject of the caution is a relating franchise,
- (iii) registered franchises which are relating franchises,
- (iv) registered manors, and
- (v) cautions against first registration where the subject of the caution is a relating franchise, and the title numbers of any such registered estates and cautions, arranged by administrative area.

(2) The information required to be shown in the index to be kept under section 68 is to be entered by the registrar in the index as soon as practicable.

Index of proprietors' names

11.—(1) Subject to paragraph (2), the registrar must keep an index of proprietors' names, showing for each individual register the name of the proprietor of the registered estate and the proprietor of any registered charge together with the title number.

(2) Until every individual register is held in electronic form, the index need not contain the name of any corporate or joint proprietor of an estate or of a charge registered as proprietor prior to 1st May 1972.

[(3) A person may apply in Form PN1 for a search to be made in the index in respect of —

- (a) his own name,
- (b) the name of a corporation aggregate, or
- (c) the name of some other person in whose property he can satisfy the registrar that he is interested generally (for instance as trustee in bankruptcy or personal representative).]

(4) On receipt of such an application the registrar must make the search and supply the applicant with details of every entry in the index relating to the particulars given in the application.

NOTE

Words in square brackets in paragraph (3) substituted by Schedule 1, paragraph 6 Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

The day list

12.—(1) The registrar must keep a record (known as the day list) showing the date and time at which every pending application under the Act or these rules was made and of every application for an official search with priority under rule 147.

(2) The entry of notice of an application for an official search with priority must remain on the day list until the priority period conferred by the entry has ceased to have effect.

(3) Where the registrar proposes to alter the register without having received an application he must enter his proposal on the day list and, when so entered, the proposal will have the same effect for the purposes of rules 15 and 20 as if it were an application to the registrar made at the date and time of its entry.

(4) In this rule the term “pending application” does not include [an application for a network access agreement under paragraph 1(4) of Schedule 5 to the Act, or] an application within Part 13, other than an application that the registrar designate a document an exempt information document under rule 136.

NOTE

Words in square brackets in paragraph (4) inserted by r.5 and Schedule 2, Part 1, paragraph 1 Land Registration (Electronic Conveyancing) Rules 2008, with effect from 4 August 2008.

PART 3 APPLICATIONS: GENERAL PROVISIONS

Form AP1

13.—(1) Any application made under the Act or these rules for which no other application form is prescribed must be made in Form AP1.

(2) Paragraph (1) does not apply to—

- (a) an application to remove from the register the name of a deceased joint registered proprietor,
- (b) applications made under rule 14, or
- (c) outline applications as defined in rule 54.

Electronic delivery of applications

14. Any application to which rule 15 applies (other than an outline application under rule 54) may during the currency of any notice given under Schedule 2, and subject to and in accordance with the limitations contained in that notice, be delivered by electronic means and the applicant shall provide, in such order as may be required by that notice, such of the particulars required for an application of that type as are appropriate in the circumstances and as are required by the notice.

Time at which applications are taken to be made

15.—(1) An application received on a business day is to be taken as made at the earlier of—

- (a) the time of the day that notice of it is entered in the day list, or
- (b)
 - (i) midnight marking the end of the day it was received if the application was received before 12 noon, or
 - (ii) midnight marking the end of the next business day after the day it was received if the application was received at or after 12 noon.

(2) An application received on a day which is not a business day is to be taken as made at the earlier of—

- (a) the time of [the] day that notice of it is entered in the day list, or
- (b) midnight marking the end of the next business day after the day it was received.

(3) In this rule an application is received when it is delivered—

- (a) to the designated proper office in accordance with an order under section 100(3) of the Act, or
- (b) to the registrar in accordance with a written arrangement as to delivery made between the registrar and the applicant or between the registrar and the applicant's conveyancer, or
- (c) to the registrar under the provisions of any relevant notice given under Schedule 2.

(4) This rule does not apply to applications under Part 13, other than an application that the registrar designate a document an exempt information document under rule 136.

NOTE

Words in square brackets in paragraph (2) substituted by r.5 and Schedule 2, Part 1, paragraph 2 Land Registration (Electronic Conveyancing) Rules 2008, with effect from 4 August 2008.

Applications not in order

16.—(1) If an application is not in order the registrar may raise such requisitions as he considers necessary, specifying a period (being not less than twenty business days) within which the applicant must comply with the requisitions.

(2) If the applicant fails to comply with the requisitions within that period, the registrar may cancel the application or may extend the period when this appears to him to be reasonable in the circumstances.

(3) If an application appears to the registrar to be substantially defective, he may reject it on delivery or he may cancel it at any time thereafter.

(4) Where a fee for an application is paid by means of a cheque and the registrar becomes aware, before that application has been completed, that the cheque has not been honoured, the application may be cancelled.

Additional evidence and enquiries

17. If the registrar at any time considers that the production of any further documents or evidence or the giving of any notice is necessary or desirable, he may refuse to complete or proceed with an application, or to do any act or make any entry, until such documents, evidence or notices have been supplied or given.

Continuation of application on a transfer by operation of law

18. If, before an application has been completed, the whole of the applicant's interest is transferred by operation of law, the application may be continued by the person entitled to that interest in consequence of that transfer.

Objections

19.—(1) Subject to paragraph (5), an objection under section 73 of the Act to an application must be made by delivering to the registrar at the appropriate office a written statement signed by the objector or his conveyancer.

(2) The statement must—

- (a) state that the objector objects to the application,
- (b) state the grounds for the objection, and
- (c) give the full name of the objector and an address [for service in accordance with rule 198].

(3) Subject to paragraph (5), the written statement referred to in paragraph (1) must be delivered—

- (a) in paper form, or
- (b) to the electronic address, or
- (c) to the fax number.

(4) In paragraph (3) the reference to the electronic address and the fax number is to the electronic address or fax number for the appropriate office specified in a direction by the registrar under section 100(4) of the Act as that to be used for delivery of objections.

(5) Where a person is objecting to an application in response to a notice given by the registrar, he may alternatively do so in the manner and to the address stated in the notice as provided by rule 197(1)(c).

(6) In this rule the appropriate office is the same office as the proper office, designated under an order under section 100(3) of the Act, for the receipt of an application relating to the land in respect of which the objection is made, but on the assumption that if the order contains exceptions none of the exceptions apply to that application.

NOTE

Words in square brackets in paragraph (2) substituted by Schedule 1, paragraph 7 Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Completion of applications

20.—(1) Any entry in, removal of an entry from or alteration of the register pursuant to an application under the Act or these rules has effect from the time of the making of the application.

(2) This rule does not apply to the applications mentioned in section 74 of the Act.

PART 4

FIRST REGISTRATION

First registration – application by mortgagee

21. A mortgagee under a mortgage falling within section 4(1)(g) of the Act may make an application in the name of the mortgagor for the estate charged by the mortgage to be registered whether or not the mortgagor consents.

Registration of a proprietor of a charge falling within section 4(1)(g) of the Act

22.—(1) This rule applies to an application for first registration made—

(a) under rule 21, or

(b) by the owner of an estate that is subject to a legal charge falling within section 4(1)(g) of the Act.

(2) The registrar must enter the mortgagee of the legal charge falling within section 4(1)(g) of the Act as the proprietor of that charge if he is satisfied of that person's entitlement.

First registration – application form

23.—(1) Subject to paragraph (2), an application for first registration must be made in Form FR1.

(2) Where Her Majesty applies for the first registration of an estate under section 79 of the Act, Form FR1 must be used with such modifications to it as are appropriate and have been approved by the registrar.

Documents to be delivered with a first registration application

24.—(1) Unless the registrar otherwise directs, every application for first registration must be accompanied by—

(a) sufficient details, by plan or otherwise (subject to rules 25 and 26), so that the land can be identified clearly on the Ordnance Survey map,

(b) in the case of a leasehold estate, the lease, if in the control of the applicant, and a certified copy,

(c) all deeds and documents relating to the title that are in the control of the applicant,

(d) a list in duplicate in Form DL of all the documents delivered.

(2) On an application to register a rentcharge, franchise or profit a prendre in gross, the land to be identified under paragraph (1)(a) is the land affected by that estate or to which it relates.

First registration of mines and minerals

25. When applying for first registration of an estate in mines and minerals held apart from the surface, the applicant must provide—

(a) a plan of the surface under which the mines and minerals lie,

(b) any other sufficient details by plan or otherwise so that the mines and minerals can be identified clearly, and

(c) full details of rights incidental to the working of the mines and minerals.

First registration of cellars, flats, tunnels etc

26.—(1) Subject to paragraph (2), unless all of the land above and below the surface is included in an application for first registration the applicant must provide a plan of the surface on under or over which the land to be registered lies, and sufficient information to define the vertical and horizontal extents of the land.

(2) This rule does not apply where only mines and minerals are excluded from the

application.

First registration application [based on adverse possession or] where title documents are [otherwise] unavailable

27.—(1) An application for first registration by a person who is unable to produce a full documentary title must be supported by evidence—

- (a) to satisfy the registrar that the applicant is entitled to apply under section 3(2) of the Act or required to apply under section 6(1) of the Act, and
- (b) where appropriate, to account for the absence of documentary evidence of title.

[(2) The evidence referred to in paragraph (1) may consist of, or include, a statement of truth, which may be made in Form ST1, ST2 or ST3, as appropriate.]

NOTE

Words in square brackets in the heading to the rule, paragraph number (1) at the beginning of the rule, and paragraph 2 inserted, by Schedule 1, paragraph 8 Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

[First Registration – where land is or was listed as land of community value

27A.—(1) An owner of listed land who applies for first registration of that land, or where rule 21 applies a mortgagee who makes such an application in the name of the owner, must at the same time apply for entry of a restriction in Form QQ in respect of that land.

(2) Where a person applies for first registration of land and any of the deeds and documents accompanying the application (in accordance with rule 24(1)(c)) includes a conveyance or lease to the applicant or to a predecessor in title made at any time when the land was listed land, the applicant must in respect of each such conveyance or lease provide a certificate by a conveyancer that the conveyance or lease did not contravene section 95(1) of the Localism Act 2011.

(3) In this rule—

- (a) “listed land” means land entered in a local authority’s list of assets of community value maintained under section 87(1) of the Localism Act 2011, and
- (b) “owner” has the same meaning as in section 107 of the Localism Act 2011, except that it includes a person who would be such an owner but for the effect of section 7(1) and (2) of the Act.]

NOTE

Rule inserted by Schedule 4, paragraph 2 Assets of Community Value (England) Regulations 2012, with effect from 21 September 2012. The rule applies in relation to England only.

Duty to disclose unregistered interests that override first registration

28.—(1) Subject to paragraph (2), a person applying for first registration must provide information to the registrar about any of the interests that fall within Schedule 1 to the Act that—

- (a) are within the actual knowledge of the applicant, and
- (b) affect the estate to which the application relates, in Form DI.

(2) The applicant is not required to provide information about—

- (a) an interest that under section 33 or 90(4) of the Act cannot be protected by notice,
- (b) an interest that is apparent from the deeds and documents of title accompanying the application under rule 24,
- (c) a public right,
- (d) a local land charge,
- (e) a leasehold estate in land if—

- (i) it is within paragraph 1 of Schedule 1 to the Act, and
 - (ii) at the time of the application, the term granted by the lease has one year or less to run.
- (3) In this rule and in Form FR1, a “disclosable overriding interest” is an interest that the applicant must provide information about under paragraph (1).
- (4) Where the applicant provides information about a disclosable overriding interest under this rule, the registrar may enter a notice in the register in respect of that interest.

First registration – examination of title

29. In examining the title shown by the documents accompanying an application for first registration the registrar may have regard to any examination of title by a conveyancer prior to the application and to the nature of the property.

Searches and enquiries by the registrar

30. In examining title on an application for first registration the registrar may—

- (a) make searches and enquiries and give notices to other persons,
- (b) direct that searches and enquiries be made by the applicant,
- (c) advertise the application.

First registration – foreshore

31.—(1) Where it appears to the registrar that any land included in an application for first registration comprises foreshore, he must serve a notice of that application on—

- (a) the Crown Estate Commissioners in every case,
- (b) the Chancellor of the Duchy of Lancaster in the case of land in the county palatine of Lancaster,
- (c) the appropriate person in the case of land in the counties of Devon and Cornwall and in the Isles of Scilly and in the case of land within the jurisdiction of the Port of London Authority, and
- (d) the Port of London Authority in the case of land within its jurisdiction.

(2) A notice under paragraph (1) must provide a period ending at 12 noon on the twentieth business day after the date of issue of the notice in which to object to the application.

(3) A notice need not be served under paragraph (1) where, if it was served, it would result in it being served on the applicant for first registration.

(4) In this rule—

“the appropriate person” means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints, “foreshore” has the meaning given by paragraph 13(3) of Schedule 6 to the Act.

Mines and minerals – note as to inclusion or exclusion

32. Where, on first registration of an estate in land which comprises or includes the land beneath the surface, the registrar is satisfied that the mines and minerals are included in or excluded from the applicant’s title he must make an appropriate note in the register.

First registration – entry of beneficial rights

33.—(1) The benefit of an appurtenant right may be entered in the register at the time of first registration if—

- (a) on examination of the title, or
- (b) on receipt of a written application providing details of the right and evidence of its existence, the registrar is satisfied that the right subsists as a legal estate and benefits the registered estate.

(2) If the registrar is not satisfied that the right subsists as a legal interest benefiting the registered estate, he may enter details of the right claimed in the property register with such qualification as he considers appropriate.

[(3) The evidence referred to in paragraph (1)(b) may consist of, or include, a statement of truth,

which may be made in Form ST4 if appropriate.]

NOTE

Words in square brackets inserted by Schedule 1, paragraph 9 Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

First registration – registration of a proprietor of a legal mortgage not within rule 22 or rule 38

34.—(1) The registrar must enter the mortgagee of a legal mortgage to which this rule applies as the proprietor of that charge if on first registration of the legal estate charged by that charge he is satisfied of that person’s entitlement.

(2) This rule applies to a legal mortgage—

(a) which is either—

(i) a charge on the legal estate that is being registered, or

(ii) is a charge on such charge, and

(b) which is not a charge falling within rule 22 or rule 38.

First registration – entry of burdens

35.—(1) On first registration the registrar must enter a notice in the register of the burden of any interest which appears from his examination of the title to affect the registered estate.

(2) This rule does not apply to—

(a) an interest that under section 33 or 90(4) of the Act cannot be protected by notice,

(b) a public right,

(c) a local land charge,

(d) an interest which appears to the registrar to be of a trivial or obvious character, or the entry of a notice in respect of which would be likely to cause confusion or inconvenience.

First registration – note as to rights of light and air

36. On first registration, if it appears to the registrar that an agreement prevents the acquisition of rights of light or air for the benefit of the registered estate, he may make an entry in the property register of that estate.

First registration – notice of lease

37. [—(1) This rule applies where —

(a) an application is made for registration of a leasehold estate under Chapter 1 of Part 2 of the Act,

(b) at the time of the grant of the lease –

(i) the reversion was not registered, or

(ii) the reversion was registered but the grant of the lease was not required to be completed by registration,

(c) the registrar is satisfied that a particular registered estate is the reversion, and

(d) the lease is not noted in the register of the registered reversion.

(2) Before completing registration of the leasehold estate, the registrar must give notice of the application to the proprietor of the registered reversion, unless it is apparent from the application that the proprietor consents to the registration.]

(3) On completing registration of the leasehold estate, the registrar must enter notice of the lease in the register of the registered reversion.

(4) In this rule, “the reversion” refers to the estate that is the immediate reversion to the lease that is

the subject of the application referred to in paragraph (1) and “registered reversion” refers to such estate when it is a registered estate.

NOTE

Words in square brackets in paragraphs (1) and (2) substituted by Schedule 1, paragraph 10 Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Application of the Act to dealings prior to first registration

38.—(1) If, while a person is subject to a duty under section 6 of the Act to make an application to be registered as proprietor of a legal estate, there is a dealing with that estate, then the Act applies to that dealing as if the dealing had taken place after the date of first registration of that estate.

(2) The registration of any dealing falling within paragraph (1) that is delivered for registration with the application made pursuant to section 6 has effect from the time of the making of that application.

PART 5 CAUTIONS AGAINST FIRST REGISTRATION

Definitions

39. In this Part— “cautioner” has the same meaning as in section 22 of the Act (read with rule 52), “cautioner’s register” is the register so named in rule 41(2) the contents of which are described in rule 41(5), “relevant interest” means the interest claimed by the cautioner in the unregistered legal estate to which the caution against first registration relates.

Form and arrangement of the cautions register

40.—(1) The cautions register may be kept in electronic or paper form, or partly in one form and partly in the other.

(2) Subject to paragraph (3), the cautions register will comprise an individual caution register for each caution against the registration of title to an unregistered estate.

(3) On registration of a caution, the registrar may open an individual caution register for each separate area of land affected by the caution as he designates.

Arrangement of individual caution registers

41.—(1) Each individual caution register will have a distinguishing number, or series of letters and numbers, known as the caution title number.

(2) Each individual caution register will be in two parts called the caution property register and the cautioner’s register.

(3) The caution property register will contain—

- (a) a description of the legal estate to which the caution relates, and
- (b) a description of the relevant interest.

(4) Where the legal estate to which the caution relates is an estate in land, a rentcharge, or an affecting franchise, the description will refer to a caution plan, which plan will be based on the Ordnance Survey map.

(5) The cautioner’s register will contain—

- (a) the name of the cautioner including, where the cautioner is a company registered under the Companies Acts, or a limited liability partnership incorporated under the Limited Liability Partnerships Act 2000^(a), its registered number,
- (b) an address for service in accordance with rule 198, and
- (c) where appropriate, details of any person consenting to the lodging of the caution under rule 47.

Caution against first registration – application

42. An application for a caution against first registration must be made in Form CT1 and contain sufficient details, by plan or otherwise, so that the extent of the land to which the caution relates can be identified clearly on the Ordnance Survey map.

Withdrawal of a caution against first registration – application

43. An application to withdraw a caution against first registration must be made in Form WCT and, if the application is made in respect of part only of the land to which the individual caution register relates, it must contain sufficient details, by plan or otherwise, so that the extent of that part can be identified clearly on the Ordnance Survey map.

^(a) 2000 c. 12.

Cancellation of a caution against first registration – application

44.—(1) Subject to paragraph (5), an application for the cancellation of a caution against first registration must be in Form CCT.

(2) Where the application is made in respect of part only of the land to which the individual caution register relates, it must contain sufficient details, by plan or otherwise, so that the extent of that part can be identified clearly on the Ordnance Survey map.

(3) Where a person applies under section 18(1)(a) of the Act or rule 45(a) or (b)(ii), evidence to satisfy the registrar that he is entitled to apply must accompany the application.

(4) Where the applicant, or a person from whom the applicant derives title to the legal estate by operation of law, has consented to the lodging of the caution, evidence of the facts referred to in rule 46 must accompany the application.

(5) Where an application is made for the cancellation of a caution against first registration by Her Majesty by virtue of rule 45(b)(i), Form CCT must be used with such modifications to it as are appropriate and have been approved by the registrar.

Other persons who may apply to cancel a caution against first registration

45. In addition to the owner of the legal estate to which the caution relates—

- (a) the owner of a legal estate derived out of that estate, and
- (b) where the land to which the caution relates is demesne land,
 - (i) Her Majesty, or
 - (ii) the owner of a legal estate affecting the demesne land,

may apply under section 18(1)(b) of the Act for cancellation of a caution against first registration.

Application for cancellation of a caution against first registration by a person who originally consented

46. A person to whom section 18(2) of the Act applies may make an application for cancellation of a caution against first registration only if—

- (a) the relevant interest has come to an end, or
- (b) the consent referred to in section 18(2) was induced by fraud, misrepresentation, mistake or undue influence or given under duress.

Consent to registration of a caution against first registration

47. For the purposes of section 18(2) of the Act a person consents to the lodging of a caution against first registration if before the caution is entered in the cautions register—

- (a) he has confirmed in writing that he consents to the lodging of the caution, and
- (b) that consent is produced to the registrar.

Alteration of the cautions register by the court

48.—(1) If in any proceedings the court decides that the cautioner does not own the relevant interest, or only owns part, or that such interest either wholly or in part did not exist or has come to an end, the court must make an order for alteration of the cautions register under section 20(1) of the Act.

(2) An order for alteration of the cautions register must state the caution title number of the individual caution register affected, describe the alteration that is to be made, and direct the registrar to make the alteration.

(3) For the purposes of section 20(2) of the Act an order for alteration of the cautions register may only be served on the registrar by making an application for him to give effect to the order.

[Alteration of the cautions register by the registrar

49.—(1) Subject to paragraph (2), if the registrar is satisfied that the cautioner does not own the relevant interest, or only owns part, or that such interest did not exist or has come to an end wholly or in part, he must on application alter the cautions register under section 21(1) of the Act.

(2) The registrar is not obliged to alter the cautions registrar under section 21(1) of the Act to substitute another person for the cautioner in the cautioner’s register unless the whole of the relevant interest is vested in that other person by operation of law.]

NOTE

Rule 49 substituted by Schedule 1, paragraph 11 Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Applications to the registrar to alter the cautions register and service of notice

50.—(1) A person who wishes the registrar to alter the cautions register under section 21(1) of the Act must request the registrar to do so by an application, which must include—

(a) written details of the alteration required and of the grounds on which the application is made, and

(b) any supporting document.

(2) Before the registrar alters the cautions register under section 21(1) of the Act he must serve a notice on the cautioner giving details of the application, unless the registrar is satisfied that service of the notice is unnecessary.

Alteration of the cautions register – alteration of cautioner

51.—(1) A person who claims that the whole of the relevant interest described in an individual caution register is vested in him by operation of law as successor to the cautioner may apply for the register to be altered under section 21(1) of the Act to [substitute him for the] cautioner in the cautioner’s register [...].

(2) If the registrar does not serve notice under rule 50(2) or if the cautioner does not object within the time specified in the notice, the registrar must give effect to the application.

NOTE

Words in square brackets in paragraph (1) substituted, omitted and revoked, by Schedule 1, paragraph 12 Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

[Definition of “the cautioner”

52.—(1) The other person referred to in sections 22 and 73(2) of the Act shall be the person for the time being shown as cautioner in the cautioner’s register, where that person is not the person who lodged the caution against first registration.

(2) Where the cautioner shown in the cautioner’s register comprises more than one person, then each such person has a separate right to object to an application made under section 18 of the Act.]

NOTE

Rule 52 substituted by Schedule 1, paragraph 13 Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

The prescribed periods under section 16(2) and section 18(4) of the Act

53.—(1) The period for the purpose of section 16(2) and section 18(4) of the Act is the period ending at 12 noon on the fifteenth business day after the date of issue of the notice under section 16(1) or section 18(3) of the Act, as the case may be, or such longer period as the registrar may allow following a request under paragraph (2), provided that the longer period never exceeds a

period ending at 12 noon on the thirtieth business day after the date of issue of the notice.

(2) The request referred to in paragraph (1) is one by the cautioner to the registrar setting out why the longer period referred to in that paragraph should be allowed.

(3) If a request is received under paragraph (2), the registrar may, if he considers it appropriate, seek the views of the person who applied for registration or cancellation, as the case may be, and if, after considering any such views and all other relevant matters, he is satisfied that a longer period should be allowed he may allow such period (not exceeding a period ending at 12 noon on the thirtieth business day after the date of issue of the notice) as he considers appropriate, whether or not the period is the same as any period requested by the cautioner.

(4) A request under paragraph (2) must be made before the period ending at 12 noon on the fifteenth business day after the date of issue of the notice has expired.

PART 6

REGISTERED LAND: APPLICATIONS, DISPOSITIONS AND MISCELLANEOUS ENTRIES

Applications

Outline applications

54.—(1) An outline application is an application made in accordance with this rule.

(2) Subject to Schedule 2, any application may be made by outline application if it satisfies the following conditions—

(a) the application must not be—

(i) an application which can be protected by an official search with priority within the meaning of rule 147,

(ii) an application for first registration,

(iii) an application for a caution against first registration or in respect of the cautions register,

(iv) an application dealing with part only of the land in a registered title, whether or not also involving any other registered title,

(v) an application under Part 13, and

(b) the right, interest or matter the subject of the application must exist at the time the application is made.

(3) During the currency of any notice given under Schedule 2, and subject to and in accordance with the limitations contained in that notice, an outline application may be made by—

(a) an oral application,

(b) telephone, or

(c) electronic means.

(4) An outline application must contain the following particulars when made—

(a) the title number(s) affected,

(b) if there is only one proprietor or applicant for first registration and that person is an individual, his surname, otherwise the proprietor's or such applicant's full name or the full name of one of the proprietors or such applicants, as appropriate,

(c) the nature of the application,

(d) the name of the applicant,

(e) the name and address of the person or firm lodging the application,

(f) any other particulars specified in any notice made under Schedule 2.

(5) Every outline application must be allocated an official reference number and must be identified on the day list as such and must be marked with the date and time at which the application is taken as made and the registrar must acknowledge receipt of any outline application by notifying the applicant, as soon as practicable, of the official reference number allocated to it.

[(6) Without prejudice to the power of the registrar to cancel an application under rule 16, the outline application must be cancelled by the registrar unless there are delivered together at the appropriate office before the expiry of the reserved period—

(a) the application form prescribed by these rules for the application, the particulars of which have been given in the outline application, duly completed, and

(b) the appropriate documents.]

(7) If the outline application has been cancelled before the [application] form required by paragraph (6)[(a)] is delivered at the appropriate office, the registrar shall accept the form as an application in its own right.

[(8) In this rule the “appropriate office” is—

(a) the proper office, designated under an order under section 100(3) of the Act, for the receipt of an application relating to the land in respect of which the outline application is made, but on the assumption that if the order contains exceptions none of the exceptions apply to the application, or

(b) the office specified in a written arrangement made between the registrar and the applicant or between the registrar and the applicant’s conveyancer for the delivery of applications of the nature particularised in the outline application.]

(9) In this rule “reserved period” means the period expiring at 12 noon on the fourth business day following the day that the outline application was taken as made.

NOTE

Words in square brackets in paragraph (6) substituted, in paragraph 7 inserted, and in paragraph 8 substituted, by Schedule 1, paragraph 14 Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Priority of applications

55.—(1) Where two or more applications relating to the same registered title are under the provisions of rule 15 taken as having been made at the same time, the order in which, as between each other, they rank in priority shall be determined in the manner prescribed by this rule.

(2) Where the applications are made by the same applicant, they rank in such order as he may specify.

(3) Where the applications are not made by the same applicant, they rank in such order as the applicants may specify that they have agreed.

(4) Where the applications are not made by the same applicant, and the applicants have not specified the agreed order of priority, the registrar must notify the applicants that their applications are regarded as having been delivered at the same time and request them to agree, within a specified time (being not less than fifteen business days), their order of priority.

(5) Where the parties fail within the time specified by the registrar to indicate the order of priority of their applications the registrar must propose the order of priority and serve notice on the applicants of his proposal.

(6) Any notice served under paragraph (5) must draw attention to the right of any applicant who does not agree with the registrar’s proposal to object to another applicant’s application under the provisions of section 73 of the Act.

(7) Where one transaction is dependent upon another the registrar must assume (unless the contrary appears) that the applicants have specified that the applications will have priority so as to give effect to the sequence of the documents effecting the transactions.

Dispositions affecting two or more registered titles

56.—(1) A disposition affecting two or more registered titles may, on the written request of the applicant, be registered as to some or only one of the registered titles.

(2) The applicant may later apply to have the disposition registered as to any of the other registered titles affected by it.

Duty to disclose unregistered interests that override registered dispositions

57.—(1) Subject to paragraph (2), a person applying to register a registrable disposition of a registered estate must provide information to the registrar about any of the interests that fall within Schedule 3 to the Act that—

- (a) are within the actual knowledge of the applicant, and
- (b) affect the estate to which the application relates,

in Form DI.

(2) The applicant is not required to provide information about—

- (a) an interest that under section 33 or 90(4) of the Act cannot be protected by notice,
- (b) a public right,
- (c) a local land charge, or
- (d) a leasehold estate in land if—
 - (i) it is within paragraph 1 of Schedule 3 to the Act, and
 - (ii) at the time of the application, the term granted by the lease has one year or less to run.

(3) In this rule and in Form AP1, a “disclosable overriding interest” is an interest that the applicant must provide information about under paragraph (1).

(4) The applicant must produce to the registrar any documentary evidence of the existence of a disclosable overriding interest that is under his control.

(5) Where the applicant provides information about a disclosable overriding interest under this rule, the registrar may enter a notice in the register in respect of that interest.

Registrable dispositions – Form

Form of transfer of registered estates

58. A transfer of a registered estate must be in Form TP1, TP2, [...] TR1, TR2, TR5, AS1 or AS3, as appropriate.

NOTE

Words in square brackets omitted and revoked by Schedule 1, paragraph 15 Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

[Form and content of prescribed clauses leases

58A. —(1) Subject to paragraph (3), a prescribed clauses lease must begin with the required wording or that wording must appear immediately after any front sheet.

(2) Subject to paragraph (3), where a person applies for completion of a lease by registration and claims that the lease is not a prescribed clauses lease because the lease falls within (c) or (d) of the definition of prescribed clauses lease in paragraph (4), he must lodge with his application a certificate by a conveyancer to that effect or other evidence to satisfy the registrar as to his claim.

(3) If it appears to the registrar that a lease is not a prescribed clauses lease, then paragraph (1) and, so far as appropriate, paragraph (2) and rule 72A(3) shall not apply to that lease.

(4) In this rule— “front sheet” means a front cover sheet, or a contents sheet if it is at the lease's beginning, or a front cover sheet and contents sheet where the contents sheet is immediately after the front cover sheet, and a “contents sheet” means a contents sheet or index sheet (in each case, however described) or both, “prescribed clauses lease” means a lease which—

- (a) is within section 27(2)(b) of the Act,
- (b) is granted on or after 19 June 2006,
- (c) is not granted in a form expressly required—
 - (i) by an agreement entered into before 19 June 2006,
 - (ii) by an order of the court,
 - (iii) by or under an enactment, or

(iv) by a necessary consent or licence for the grant of the lease given before 19 June 2006, and

(d) is not a lease by virtue of a variation of a lease which is a deemed surrender and re-grant, and

"required wording" means the wording in clauses LR1 to LR14 of Schedule 1A completed in accordance with the instructions in that Schedule and as appropriate for the particular lease.]

NOTE

Rule inserted by r.5, Land Registration (Amendment) (No 2) Rules 2005, with effect from 9 January 2006.

Transfers by way of exchange

59.—(1) Where any registered estate is transferred wholly or partly in consideration of a transfer of another estate, the transaction must be effected by a transfer in one of the forms prescribed by rule 58.

(2) A receipt for the equality money (if any) must be given in the receipt panel and the following provision must be included in the additional provisions panel—

“This transfer is in consideration of a transfer (*or conveyance, or as appropriate*) of (*brief description of property exchanged*) dated today [*if applicable*, and of the sum stated above paid for equality of exchange].”.

Transfer of leasehold land, the rent being apportioned or land exonerated

60.—(1) A transfer of a registered leasehold estate in land which contains a legal apportionment of or exoneration from the rent reserved by the lease must include the following statement in the additional provisions panel, with any necessary alterations and additions—

“Liability for the payment of [*if applicable* the previously apportioned rent of (*amount*) being part of] the rent reserved by the registered lease is apportioned between the Transferor and the Transferee as follows—

(*amount*) shall be payable out of the Property and the balance shall be payable out of the land remaining in title number (*title number of retained land*) *or*

the whole of that rent shall be payable out of the Property and none of it shall be payable out of the land remaining in title number (*title number of retained land*) *or*

the whole of that rent shall be payable out of the land remaining in title number (*title number of retained land*) and none of it shall be payable out of the Property”.

(2) Where in a transfer of part of a registered leasehold estate which is held under an old tenancy that part is, without the consent of the lessor, expressed to be exonerated from the entire rent, and the covenants in paragraph 20(4) of Schedule 12 to the Act are included, that paragraph shall apply as if—

(a) the reference in paragraph 20(4)(a) to the rent apportioned to the part retained were to the entire rent, and

(b) the covenants in paragraphs 20(4)(b) and (c) extended to a covenant to pay the entire rent.

(3) Where in a transfer of part of a registered leasehold estate which is held under an old tenancy that part is, without the consent of the lessor, expressed to be subject to or charged with the entire rent, and the covenants in paragraph 20(3) of Schedule 12 to the Act are included, that paragraph shall apply as if—

(a) the reference in paragraph 20(3)(a) to the rent apportioned to the part transferred were to the entire rent, and

(b) the covenants in paragraphs 20(3)(b) and (c) extended to a covenant to pay the entire rent.

Execution by an attorney

Documents executed by attorney

61.—(1) If any document executed by an attorney is delivered to the land registry, there must be produced to the registrar—

- (a) the instrument creating the power, or
 - (b) a copy of the power by means of which its contents may be proved under section 3 of the Powers of Attorney Act 1971^(a), or
 - (c) [a document which under section 4 of the Evidence and Powers of Attorney Act 1940, paragraph 16 of Part 2 of Schedule 1, or paragraph 15(3) of Part 5 of Schedule 4 to the Mental Capacity Act 2005 (c.9) is sufficient evidence of the contents of the power, or]
 - (d) a certificate by a conveyancer in Form 1.
- (2) [If an order or direction under section 22 or 23 of, or paragraph 16 of Part 5 of Schedule 4 to, the Mental Capacity Act 2005 has been made with respect to a power or the donor of the power or the attorney appointed under it, the order or direction must be produced to the registrar.]
- (3) In this rule, “power” means the power of attorney.

NOTE

Words in square brackets in paragraphs 1(c) and (2) substituted by article 31(2), Mental Capacity Act 2005 (Transitional and Consequential Provisions) Order 2007, with effect from 1 October 2007.

Evidence of non-revocation of power more than 12 months old

62.—(1) If any transaction between a donee of a power of attorney and the person dealing with him is not completed within 12 months of the date on which the power came into operation, the registrar may require the production of evidence to satisfy him that the power had not been revoked at the time of the transaction.

(2) The evidence that the registrar may require under paragraph (1) may consist of or include a statutory declaration [or statement of truth] by the person who dealt with the attorney or a certificate given by that person’s conveyancer in Form 2.

NOTE

Words in square brackets in paragraph (2) inserted by Schedule 1, paragraph 16 Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Evidence in support of power delegating trustees’ functions to a beneficiary

63.—(1) If any document executed by an attorney to whom functions have been delegated under section 9 of the Trusts of Land and Appointment of Trustees Act 1996^(b) is delivered to the registrar, the registrar may require the production of evidence to satisfy him that the person who dealt with the attorney—

- (a) did so in good faith, and
 - (b) had no knowledge at the time of the completion of the transaction that the attorney was not a person to whom the functions of the trustees in relation to the land to which the application relates could be delegated under that section.
- (2) The evidence that the registrar may require under paragraph (1) may consist of or include a statutory declaration [or statement of truth] by the person who dealt with the attorney or a certificate given by that person’s conveyancer either in Form 3 or, where evidence of non-revocation is also required pursuant to rule 62, in Form 2.

^(a) 1971 c. 27.

^(b) 1996 c. 47.

NOTE

Words in square brackets in paragraph (2) inserted by Schedule 1, paragraph 17 Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Covenants

Positive covenants

64.—(1) The registrar may make an appropriate entry in the proprietorship register of any positive covenant that relates to a registered estate given by the proprietor or any previous proprietor of that estate.

(2) Any entry made under paragraph (1) must, where practicable, refer to the instrument that contains the covenant.

(3) If it appears to the registrar that a covenant referred to in an entry made under paragraph (1) does not bind the current proprietor of the registered estate, he must remove the entry.

Indemnity covenants

65.—(1) The registrar may make an appropriate entry in the proprietorship register of an indemnity covenant given by the proprietor of a registered estate in respect of any restrictive covenant or other matter that affects that estate or in respect of a positive covenant that relates to that estate.

(2) Any entry made under paragraph (1) must, where practicable, refer to the instrument that contains the indemnity covenant.

(3) If it appears to the registrar that a covenant referred to in an entry made under paragraph (1) does not bind the current proprietor of the registered estate, he must remove the entry.

Modification of implied covenants in transfer of land held under an old tenancy

66. Where a transfer of a registered leasehold estate which is an old tenancy modifies or negatives any covenants implied by paragraphs 20(2) and (3) of Schedule 12 to the Act, an entry that the covenants have been so modified or negated must be made in the register.

Covenants implied under Part I of the Law of Property (Miscellaneous Provisions) Act 1994 and under the Law of Property Act 1925

67.—(1) Subject to paragraph (2), a registrable disposition may be expressed to be made either with full title guarantee or with limited title guarantee and, in the case of a disposition which is effected by an instrument in the Welsh language, the appropriate Welsh expression specified in section 8(4) of the 1994 Act may be used.

(2) In the case of a registrable disposition to which section 76 of the LPA 1925 applies by virtue of section 11(1) of the 1994 Act—

(a) a person may be expressed to execute, transfer or charge as beneficial owner, settlor, trustee, mortgagee, or personal representative of a deceased person or under an order of the court, and the document effecting the disposition may be framed accordingly, and

(b) any covenant implied by virtue of section 76 of the LPA 1925 in such a disposition will take effect as though the disposition was expressly made subject to—

(i) all charges and other interests that are registered at the time of the execution of the disposition and affect the title of the covenantor,

(ii) any of the matters falling within Schedule 3 to the Act of which the purchaser has notice and subject to which it would have taken effect, had the land been unregistered.

(3) The benefit of any covenant implied under sections 76 and 77 of the LPA 1925 or either of them will, on and after the registration of the disposition in which it is implied, be annexed and incident to and will go with the registered proprietorship of the interest for the benefit of which it is given and will be capable of being enforced by the proprietor for the time being of that interest.

(4) The provisions of paragraphs (2)(b) and (3) are in addition to and not in substitution for the other provisions relating to covenants contained in the LPA 1925.

(5) Except as provided in paragraph (6), no reference to any covenant implied by virtue of Part I of the 1994 Act, or by section 76 of the LPA 1925 as applied by section 11(1) of the 1994 Act, shall be made in the register.

(6) A reference may be made in the register where a registrable disposition of leasehold land limits or extends [a covenant implied under section 4(1)(b)] of the 1994 Act.

(7) In this rule “the LPA 1925” means the Law of Property Act 1925^(a) and “the 1994 Act” means the Law of Property (Miscellaneous Provisions) Act 1994^(b).

NOTE

Words in square brackets in paragraph 6 inserted by Schedule 1, paragraph 18, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

[Additional provision as to implied covenants]

68. A document effecting a registrable disposition of leasehold land which limits or extends a covenant implied under section 4(1)(b) of the Law of Property (Miscellaneous Provisions) Act 1994^(c) must do so by express reference to that section.]

NOTE

Rule substituted by Schedule 1, paragraph 19, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Transfer of registered estate subject to a rentcharge

69.—(1) Where the covenants set out in Part VII or Part VIII of Schedule 2 to the LPA 1925 are included in a transfer, the references to “the grantees”, “the conveyance” and “the conveying parties” shall be treated as references to the transferees, the transfer and the transferors respectively.

(2) Where in a transfer to which section 77(1)(B) of the LPA 1925 does not apply, part of a registered estate affected by a rentcharge is, without the consent of the owner of the rentcharge, expressed to be exonerated from the entire rent, and the covenants in paragraph (ii) of Part VIII of Schedule 2 to the LPA 1925 are included, that paragraph shall apply as if—

(a) any reference to the balance of the rent were to the entire rent, and

(b) the words “, other than the covenant to pay the entire rent,” were omitted.

(3) Where in a transfer to which section 77(1)(B) of the LPA 1925 does not apply, part of a registered estate affected by a rentcharge is, without the consent of the owner of the rentcharge, expressed to be subject to or charged with the entire rent, and the covenants in paragraph (i) of Part VIII of Schedule 2 to the LPA 1925 are included, that paragraph shall apply as if—

(a) any reference to the apportioned rent were to the entire rent, and

(b) the words “(other than the covenant to pay the entire rent)” were omitted.

(4) On a transfer of a registered estate subject to a rentcharge—

(a) any covenant implied by section 77(1)(A) or (B) of the LPA 1925 may be modified or negated, and

(b) any covenant included in the transfer may be modified,

by adding suitable words to the transfer.

(5) In this rule “the LPA 1925” means the Law of Property Act 1925.

^(a) 1925 c. 20.

^(b) 1994 c. 36.

^(c) 1994 c. 36

Mines or minerals

[Description of land where mines or minerals situated]

70. Where the registrar is describing a registered estate in land in the property register by reference to land where mines and minerals are or may be situated, he may make an entry to the effect that the description is an entry made under rule 5(a) and is not a note that the registered estate includes the mines and minerals for the purposes of paragraph 2 of Schedule 8 to the Act.]

NOTE

Rule substituted by Schedule 1, paragraph 20, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

[Note as to inclusion of mines or minerals in the registered estate]

71.—(1) An application for a note to be entered that a registered estate includes the mines or minerals, or specified mines and minerals, must be accompanied by evidence to satisfy the registrar that those mines and minerals are included in the registered estate.

(2) If the registrar is satisfied that those mines or minerals are included in the registered estate, he must enter the appropriate note.]

NOTE

Rule substituted by Schedule 1, paragraph 21, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Miscellaneous entries

[Register entries arising from transfers and charges of part]

72.—(1) Subject to paragraphs (2) and (3), on registration of a transfer or charge of part of the registered estate in a registered title the registrar must make an entry in the property register of that registered title referring to the removal of the estate comprised in the transfer or charge.

(2) The registrar may, instead of making the entry referred to in paragraph (1), make a new edition of the registered title out of which the transfer or charge is made and, if the registrar considers it desirable, he may allot a new title number to that registered title.

(3) Paragraph (1) only applies to a charge of part of a registered estate in a registered title if the registrar decides that the charged part will be comprised in a separate registered title from the uncharged part.

(4) Subject to paragraph (5), on registration of a transfer or charge of part of the registered estate in a registered title the registrar must (where appropriate) make entries in the relevant individual registers in respect of any rights, restrictive covenants, provisions and other matters created by the transfer or charge which are capable of being entered in an individual register.

(5) The registrar need make no entries under paragraph (4) in individual registers where the title numbers of those registers in which entries are to be made have not been given in panel 2 of the Form AP1 lodged for the purpose of registering the transfer or charge, unless separate application is made in respect of the rights, restrictive covenants, provisions or other matters.

(6) Unless the Form AP1 contains a specific application, the registrar need not complete under paragraph 6 of Schedule 2 to the Act the registration of an interest of a kind falling within section 1(2)(b) of the Law of Property Act 1925 contained in a transfer or charge of part of the registered estate in a registered title.]

NOTE

Rule substituted by Schedule 1, paragraph 22, Land Registration (Amendment) Rules 2008, with effect from 10

November 2008.

[Register entries arising in respect of leases within section 27(2)(b) of the Act granted on or after 19 June 2006

72A.—(1) This rule applies to leases within section 27(2)(b) of the Act granted on or after 19 June 2006.

(2) Subject to paragraphs (3), (4) and (6), on completion of the lease by registration the registrar must (where appropriate) make entries in the relevant individual register in respect of interests contained in that lease which are of the nature referred to in clauses LR9, LR10, LR11 or LR12.

(3) Subject to rule 58A(3), where the lease is a prescribed clauses lease and contains a prohibition or restriction on disposal of the nature referred to in clause LR8 or contains interests of the nature referred to in clauses LR9, LR10, LR11 or LR12, but the prohibition or restriction or interests are not specified or referred to in those clauses or the lease does not contain the required wording in relation to them, then the registrar need take no action in respect of them unless separate application is made.

(4) The registrar need make no entries in individual registers in respect of interests of the nature referred to in clauses LR9, LR10 or LR11 or a restriction set out in clause LR13 where—

(a) in the case of a prescribed clauses lease, the title numbers of the individual registers have not been given in clause LR2.2, or

(b) in any other case, the title numbers of the individual registers required by clause LR2.2 have not been given in panel 2 of the Form AP1 lodged for the purpose of completing the lease by registration,

unless separate application is made in respect of the interests or restriction.

(5) Where a separate application required by paragraphs (3) or (4) is made in Form AP1 and is in respect of either a prohibition or restriction on disposal of the lease or the grant or reservation of an easement, the Form AP1 must specify the particular clause, schedule or paragraph of a schedule where the prohibition or restriction or easement is contained in the lease.

(6) The requirement under paragraph (2) to make an entry in respect of an interest of the nature referred to in clause LR12 is satisfied by entry (where appropriate) of notice of the interest created.

(7) In this rule—

(a) a reference to a clause with the prefix "LR" followed by a number is to the clause so prefixed and numbered in Schedule 1A, and

(b) "prescribed clauses lease" and "required wording" have the same meanings as in rule 58A(4).]

NOTE

Rule inserted by r.6, Land Registration (Amendment) (No 2) Rules 2005, with effect from 9 January 2006.

[Entries in the tenant's registered title in respect of notices in the landlord's registered title

72B. On completion of a lease within section 27(2)(b) or (c) of the Act by registration, the registrar must enter a notice or make another entry, as appropriate, in the individual register of the registered lease in respect of any interest which—

(a) at the time of registration, is the subject of a notice in the individual register of the registered estate out of which the lease is granted, and

(b) the registrar considers may affect the registered lease.]

NOTE

Rule inserted by Schedule 1, paragraph 23, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

[Register entries arising from other registrable dispositions

72C.—(1) This rule applies to dispositions of registered estates within section 27(2) of the Act, to which rules 72 and 72A do not apply.

(2) Subject to paragraph (3), on registration of a disposition within paragraph (1), the registrar must (where appropriate) make entries in the relevant individual registers in respect of any rights,

restrictive covenants, provisions and other matters created by the disposition which are capable of being entered in an individual register.

(3) The registrar need make no entries in individual registers under paragraph (2) where the title numbers of those registers have not been given in panel 2 of the Form AP1 lodged for the purpose of registering the disposition, unless separate application is made in respect of the rights, restrictive covenants, provisions or other matters.

(4) Unless the Form AP1 contains a specific application, the registrar need not complete under paragraph 6 of Schedule 2 to the Act the registration of an interest of a kind falling within section 1(2)(b) of the Law of Property Act 1925, contained in a disposition within paragraph (1).]

NOTE

Rule inserted by Schedule 1, paragraph 23, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

**[Application for register entries for express appurtenant rights over unregistered land
73. ...]**

NOTE

Rule revoked by Schedule 1, paragraph 24, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

**[Application for register entries for implied rights or prescriptive appurtenant rights
74. ...]**

NOTE

Rule revoked by Schedule 1, paragraph 24, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

**[Qualified register entries for appurtenant rights
75. ...]**

NOTE

Rule revoked by Schedule 1, paragraph 24, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

[Application for register entries for legal easements and profits a prendre

73A.—(1) A proprietor of a registered estate may apply to be registered as the proprietor of a legal easement or profit a prendre which—

- (a) has been expressly granted or reserved over an unregistered estate, or
- (b) has been acquired otherwise than by express grant or reservation.

(2) The application must be accompanied by evidence to satisfy the registrar that the easement or profit a prendre is a legal estate which subsists for the benefit of the applicant's registered estate.

(3) In paragraph (1)(a) the reference to express grant does not include a grant as a result of the operation of section 62 of the Law of Property Act 1925, but the reference in paragraph (1)(b) to acquisition otherwise than by express grant does include an acquisition as a result of the operation of that section.

(4) The evidence referred to in paragraph (2) may consist of, or include, a statement of truth, which may be made in Form ST4, if appropriate.

(5) Where the registrar is not satisfied that the right claimed is a legal estate which subsists for the benefit of the applicant's registered estate, the registrar may enter details of the right claimed in the property register with such qualification as he considers appropriate.]

NOTE

Rule inserted by Schedule 1, paragraph 24, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Note as to rights of light or air

76. If it appears to the registrar that an agreement prevents the acquisition of rights of light or air for the benefit of the registered estate, he may make an entry in the property register of that estate.

[No entry in the register of a right of entry in certain leases

77.—(1) This rule applies to a right of entry created in a grant of a term of years absolute, the right being exercisable over or in respect of that term of years.

(2) Where the grant is completed by registration, the disposition which consists of the creation of the right of entry is also completed by registration, without any specific entry relating to it being made in the register.]

NOTE

Rule substituted by Schedule 1, paragraph 25, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

[Note of variation of lease etc on register

78. ...]

NOTE

Rule revoked by Schedule 1, paragraph 26, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Determination of registered estates

79.—(1) An application to record in the register the determination of a registered estate must be accompanied by evidence to satisfy the registrar that the estate has determined.

(2) Subject to paragraph (3), if the registrar is satisfied that the estate has determined, he must close the registered title to the estate and cancel any notice in any other registered title relating to it.

(3) Where an entry is made under rule 173 the registrar need not close the registered title to the estate until a freehold legal estate in land in respect of the land in which such former estate subsisted has been registered.

[Acquisition of the right to manage by an RTM company

79A.—(1) This rule applies where a RTM company applies for an entry to be made in an individual register of a registered estate to the effect that the RTM company has acquired the right to manage.

(2) An application for such an entry must be accompanied by evidence to satisfy the registrar that—

- (a) the applicant is a RTM company,
- (b) the right to manage is in relation to premises comprised in the registered estate,
- (c) the registered proprietor of the registered estate is the landlord under a lease of the whole or part of the premises, and
- (d) the right to manage the premises has been acquired, and remains exercisable, by the RTM company.

(3) If the registrar is so satisfied, he must make an appropriate entry in the proprietorship register of the registered estate.

(4) In this rule, “right to manage” and “RTM company” have the same meanings as in sections 71 and 73 of the Commonhold and Leasehold Reform Act 2002^(a).]

NOTE

Rule inserted by Schedule 1, paragraph 27, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

PART 7 NOTICES

Certain interests to be protected by agreed notices

80. A person who applies for the entry of a notice in the register must apply for the entry of an agreed notice where the application is for—

- (a) a [...] home rights notice,
- (b) an inheritance tax notice,
- (c) a notice in respect of an order under the Access to Neighbouring Land Act 1992^(b),
- (d) a notice of any variation of a lease effected by or under an order under section 38 of the Landlord and Tenant Act 1987^(c) (including any variation as modified by an order under section 39(4) of that Act),
- (e) a notice in respect of a—
 - (i) public right, or
 - (ii) customary right.

NOTE

Word in square brackets in paragraph (a) revoked by r.10, Land Registration (Amendment) (No 2) Rules 2005, with effect from 5 December 2005.

Application for an agreed notice

81.—(1) Subject to paragraph (2), an application for the entry in the register of an agreed notice (including an agreed notice in respect of any variation of an interest protected by a notice) must be—

- (a) made in Form AN1,
- (b) accompanied by the order or instrument (if any) giving rise to the interest claimed or, if there is no such order or instrument, such other details of the interest claimed as satisfy the registrar as to the nature of the applicant’s claim, and
- (c) accompanied, where appropriate, by—
 - (i) the consent referred to in section 34(3)(b) of the Act, and, where appropriate, evidence to satisfy the registrar that the person applying for, or consenting to the entry of, the notice is entitled to be registered as the proprietor of the registered estate or charge affected by the interest to which the application relates, or
 - (ii) evidence to satisfy the registrar as to the validity of the applicant’s claim.

(2) Paragraph (1) does not apply to an application for the entry of a [...] home rights notice made under rule 82.

^(a) 2002 c. 15

^(b) 1992 c. 23.

^(c) 1987 c. 31.

NOTE

Word in square brackets in paragraph (2) revoked by r.11, Land Registration (Amendment) (No 2) Rules 2005, with effect from 5 December 2005.

Application for a [...] home rights notice or its renewal

82.—(1) An application under section 31(10)(a) or section 32 of, and paragraph 4(3)(b) of Schedule 4 to, the Family Law Act 1996^(a) for the entry of an agreed notice in the register must be in [Form HR1].

(2) An application to renew the registration of a [...] home rights notice or a matrimonial home rights caution under section 32 of, and paragraph 4(3)(a) of Schedule 4 to, the Family Law Act 1996 must be in [Form HR2].

(3) An application in [Form HR1], where the application is made under section 32 of, and paragraph 4(3)(b) of Schedule 4 to, the Family Law Act 1996, or in [Form HR2] must be accompanied by—

- (a) an office copy of the section 33(5) order, or
- (b) a conveyancer's certificate that he holds an office copy of the section 33(5) order.

NOTE

Words in square brackets in heading revoked by and in paragraphs (1), (2) and (3) substituted or revoked by r.12, Land Registration (Amendment) (No 2) Rules 2005, with effect from 5 December 2005.

Application for entry of a unilateral notice

83. An application for the entry in the register of a unilateral notice must be in Form UN1.

Entry of a notice in the register

84.—(1) A notice under section 32 of the Act must be entered in the charges register of the registered title affected.

(2) The entry must identify the registered estate or registered charge affected and, where the interest protected by the notice only affects part of the registered estate in a registered title, it must contain sufficient details, by reference to a plan or otherwise, to identify clearly that part.

(3) In the case of a notice (other than a unilateral notice), the entry must give details of the interest protected.

(4) In the case of a notice (other than a unilateral notice) of a variation of an interest protected by a notice, the entry must give details of the variation.

(5) In the case of a unilateral notice, the entry must give such details of the interest protected as the registrar considers appropriate.

Removal of a unilateral notice

85.—(1) An application for the removal of a unilateral notice from the register under section 35(3) of the Act must be in Form UN2.

(2) The personal representative or trustee in bankruptcy of the person shown in the register as the beneficiary of a unilateral notice may apply under section 35(3) of the Act; and if he does he must provide evidence to satisfy the registrar as to his appointment as personal representative or trustee in bankruptcy.

(3) If the registrar is satisfied that the application is in order he must remove the notice.

^(a) 1996 c. 27.

Cancellation of a unilateral notice

86.—(1) An application to cancel a unilateral notice under section 36 of the Act must be made in Form UN4.

(2) An application made under section 36(1)(b) of the Act must be accompanied by—

(a) evidence to satisfy the registrar of the applicant's entitlement to be registered as the proprietor of the estate or charge to which the unilateral notice the subject of the application relates, or

(b) a conveyancer's certificate that the conveyancer is satisfied that the applicant is entitled to be registered as the proprietor of the estate or charge to which the unilateral notice the subject of the application relates.

(3) The period referred to in section 36(3) of the Act is the period ending at 12 noon on the fifteenth business day after the date of issue of the notice or such longer period as the registrar may allow following a request under paragraph (4), provided that the longer period never exceeds a period ending at 12 noon on the thirtieth business day after the issue of the notice.

(4) The request referred to in paragraph (3) is one by the beneficiary to the registrar setting out why the longer period referred to in that paragraph should be allowed.

(5) If a request is received under paragraph (4) the registrar may, if he considers it appropriate, seek the views of the person who applied for cancellation and if after considering any such views and all other relevant matters he is satisfied that a longer period should be allowed he may allow such period (not exceeding a period ending at 12 noon on the thirtieth business day after the issue of the notice) as he considers appropriate, whether or not the period is the same as any period requested by the beneficiary.

(6) A request under paragraph (4) must be made before the period ending at 12 noon on the fifteenth business day after the date of issue of the notice under section 36(2) of the Act has expired.

(7) A person entitled to be registered as the beneficiary of a notice under rule 88 may object to an application under section 36(1) of the Act for cancellation of that notice and the reference to the beneficiary in section 36(3) includes such a person.

[(8) Where there are two or more persons—

(a) shown in the register as the beneficiary of the notice, or

(b) to whom paragraph (7) applies,

each such person is a beneficiary of the notice for the purpose of section 36(3) of the Act.]

NOTE

Words in square brackets inserted by Schedule 1, paragraph 28, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Cancellation of a notice (other than a unilateral notice or a [...] home rights notice)

87.—(1) An application for the cancellation of a notice (other than a unilateral notice or a [...] home rights notice) must be in Form CN1 and be accompanied by evidence to satisfy the registrar of the determination of the interest.

(2) Where a person applies for cancellation of a notice in accordance with paragraph (1) and the registrar is satisfied that the interest protected by the notice has come to an end, he must cancel the notice or make an entry in the register that the interest so protected has come to an end.

(3) If the interest protected by the notice has only come to an end in part, the registrar must make an appropriate entry.

[(4) If the registrar is not satisfied that the interest protected by the notice has come to an end, he may enter in the register details of the circumstances in which the applicant claims the interest has determined.]

NOTES

Words in square brackets in heading and paragraph (1) revoked by r.13, Land Registration (Amendment) (No 2)

Rules 2005, with effect from 5 December 2005.

Paragraph (4) inserted by Schedule 1, paragraph 29, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

[Cancellation of a home rights notice

87A. An application for the cancellation of a home rights notice must be made in Form HR4.]

NOTE

Rule inserted by Schedule 1, paragraph 30, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Registration of a new or additional beneficiary of a unilateral notice

88.—(1) A person entitled to the benefit of an interest protected by a unilateral notice may apply to be entered in the register in place of, or in addition to, the registered beneficiary.

(2) An application under paragraph (1) must be—

- (a) in Form UN3, and
- (b) accompanied by evidence to satisfy the registrar of the applicant's title to the interest protected by the unilateral notice.

(3) Subject to paragraph (4), if an application is made in accordance with paragraph (2) and the registrar is satisfied that the interest protected by the unilateral notice is vested—

- (a) in the applicant, the registrar must enter the applicant in the register in place of the registered beneficiary, or
- (b) in the applicant and the registered beneficiary, the registrar must enter the applicant in addition to the registered beneficiary.

(4) Except where one of the circumstances specified in paragraph (5) applies, the registrar must serve notice of the application on the registered beneficiary before entering the applicant in the register.

(5) The registrar is not obliged to serve notice on the registered beneficiary if—

- (a) the registered beneficiary signs Form UN3 or otherwise consents to the application, or
- (b) the applicant is the registered beneficiary's personal representative and evidence of his title to act accompanies the application.

(6) In this rule, "registered beneficiary" means the person shown in the register as the beneficiary of the notice at the time an application is made under paragraph (1).

Notice of unregistered interests

89.—(1) If the registrar enters a notice of an unregistered interest under section 37(1) of the Act, he must give notice—

- (a) subject to paragraph (2), to the registered proprietor, and
- (b) subject to paragraph (3), to any person who appears to the registrar to be entitled to the interest protected by the notice or whom the registrar otherwise considers appropriate.

(2) The registrar is not obliged to give notice to a registered proprietor under paragraph (1)(a) who applies for entry of the notice or otherwise consents to an application to enter the notice.

(3) The registrar is not obliged to give notice to a person referred to in paragraph (1)(b) if—

- (a) that person applied for the entry of the notice or consented to the entry of the notice, or
- (b) that person's name and his address for service under rule 198 are not set out in the individual register in which the notice is entered.

Application for entry of a notice under paragraph 5(2) or, in certain cases, paragraph 7(2)(a) of Part 1 of Schedule 2 to the Act

90. An application to meet the registration requirements under —

- (a) paragraph 5(2) of Part 1 of Schedule 2 to the Act, or

(b) paragraph 7(2)(a) of that Part, where the interest is created for the benefit of an unregistered estate,

must be made in Form AP1.

PART 8 RESTRICTIONS

Standard forms of restriction

91.—(1) The forms of restriction set out in Schedule 4 [(varied, where appropriate, as permitted by rule 91A)] are standard forms of restriction prescribed under section 43(2)(d) of the Act.

(2) The word “conveyancer”, where it appears in any of the standard forms of restriction, has the same meaning as in these rules.

(3) The word “registered”, where it appears in any of the standard forms of restriction in relation to a disposition, means completion of the registration of that disposition by meeting the relevant registration requirements under section 27 of the Act.

NOTE

Words in square brackets in paragraph (1) inserted by r.3, Land Registration (Amendment) Rules 2005, with effect from 24 October 2005.

[Completion of standard forms of restriction

91A. —(1) Subject to paragraphs (2) and (3), [if] a standard form of restriction is to affect part only of the registered estate, then, where it refers to a disposition, or to a disposition of a specified type, to which it applies, that reference may be followed by the words “of the part of the registered estate” together with a sufficient description, by reference to a plan or otherwise, to identify clearly the part so affected.

(2) The words incorporated [under] paragraph (1) shall be in place of the words “of the registered estate” where those latter words appear in a standard form of restriction and are referring to a disposition, or to a disposition of a specified type, to which the restriction applies.

(3) The registrar may alter the words of any restriction affecting part of the registered estate [...] that he intends to enter in the register so that such part is described by reference to the relevant title plan or in another appropriate way.

[(4) A restriction in Form L, N, S, T, II, NN or OO may commence with—

(a) the words “Until the death of [*name*]”,

(b) the words “Until the death of the survivor of [*names of two or more persons*]”, or

(c) the word “Until” followed by a calendar date.

(5) A restriction in Form M, O, P or PP may commence with the word “Until” followed by a calendar date.

(6) Where a restriction in Form J, K, Q, S, T, BB, DD, FF, HH, JJ, LL or OO relates to a registered charge, which is one of two or more registered charges bearing the same date and affecting the same registered estate, the words “in favour of” followed by the name of the registered proprietor of the charge must be inserted in the restriction after the date of the charge.

(7) Where in a standard form of restriction the word “they” or “their” refers to a person named in the restriction, it may be replaced as appropriate by the word “he”, “she”, “it”, “his”, “her” or “its”.

(8) Where a standard form of restriction permits a type of disposition to be specified in place of the word “disposition”, the types of disposition that may be specified are “transfer”, “lease”, “charge” or “sub-charge”, or any appropriate combination of those types.]]

NOTES

Rule inserted by r.4, Land Registration (Amendment) Rules 2005, with effect from 24 October 2005.

Words in square brackets in paragraphs (1) and (2) inserted, and words omitted in paragraph (3) revoked by Schedule 1, paragraph 31, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Paragraph (4) substituted, and paragraphs (5) to (8) inserted, by Schedule 1, paragraph 31, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

[Where a certificate or consent under a restriction is given by a corporation

91B.—(1) Subject to paragraphs (2), (3) and (4), where a certificate or written consent required by the terms of a restriction is given by a corporation aggregate, it must be signed on its behalf by—

- (a) its clerk, secretary or other permanent officer,
- (b) a member of its board of directors, council or other governing body,
- (c) its conveyancer, or
- (d) its duly authorised employee or agent.

(2) This rule does not apply where the certificate or written consent is given in a deed executed by the company or in a document to which section 91 of the Act applies.

(3) Paragraph (1) does not apply if a contrary intention appears in the restriction, except where paragraph (4) applies.

(4) Where a restriction requires a certificate or consent to be signed on behalf of a corporation aggregate by its secretary (whether or not it also permits signature by its conveyancer), and the corporation has no secretary, the certificate or consent must be signed on its behalf by a person specified in paragraph (1).

(5) A document signed on behalf of a corporation in accordance with this rule must state the full name of the signatory and the capacity in which the signatory signs.]

NOTE

Rule inserted by Schedule 1, paragraph 32, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Application for a restriction and the prescribed period under section 45(2) of the Act

92.—(1) Subject to paragraphs (5), (6), (7) and (8) an application for a restriction to be entered in the register must be made in Form RX1.

(2) The application must be accompanied by—

- (a) full details of the required restriction,
- (b) [where rule 198(2)(d) applies, the address for service of the person named in the restriction,]
- (c) if the application is made with the consent of the relevant registered proprietor, or a person entitled to be registered as such proprietor, and that consent is not given in Form RX1, the relevant consent,
- (d) if the application is made by or with the consent of a person entitled to be registered as the relevant registered proprietor, evidence to satisfy the registrar of his entitlement, and
- (e) if the application is made by a person who claims that he has a sufficient interest in the making of the entry, the statement referred to in paragraph (3) signed by the applicant or his conveyancer.

[(3) The statement required under paragraph (2)(e) must—

- (a) give details of the nature of the applicant's interest in the making of the entry of the required restriction, and
- (b) give details of how the applicant's interest arose.]

(4) If requested to do so, an applicant within paragraph (2)(e) must supply further evidence to satisfy the registrar that he has a sufficient interest.

(5) The registrar may accept a certificate given by a conveyancer that the conveyancer is satisfied that the person making or consenting to the application is entitled to be registered as the relevant proprietor, and that either—

- (a) the conveyancer holds the originals of the documents that contain evidence of that person's entitlement, or
 - (b) an application for registration of that person as proprietor is pending at the land registry.
- (6) If an application is made with the consent of the relevant registered proprietor, or a person entitled to be registered as such proprietor, the registrar may accept a certificate given by a conveyancer that the conveyancer holds the relevant consent.
- [(7) Paragraph (1) of this rule does not apply where a person applies for the entry of a standard form of restriction—
- (a) in the additional provisions panel of Form TP1, TP2, TR1, TR2, TR4, TR5, AS1, AS2 or AS3,
 - (b) in panel 8 of Form CH1 or in an electronic legal charge,
 - (c) in an approved charge,
 - (d) in clause LR13 (as set out in Schedule 1A) of a relevant lease, or
 - (e) in Form A, using Form SEV.]
- (8) This rule does not apply to an application to the registrar to give effect to an order of the court made under section 46 of the Act.
- (9) The period for the purpose of section 45(2) of the Act is the period ending at 12 noon on the fifteenth business day after the date of issue of the notice under section 45(1) or, if more than one such notice is issued, the date of issue of the latest notice.
- (10) [In this rule— "approved charge" means a charge the form of which (including the application for the restriction) has first been approved by the registrar, and "relevant lease" means—
- (a) a prescribed clauses lease as defined in rule 58A(4), or
 - (b) any other lease which complies with the requirements as to form and content set out in rule 58A(1) and which either is required to be completed by registration under section 27(2)(b) of the Act or is the subject of an application for first registration of the title to it.]

NOTES

Paragraph (2)(b) substituted by r.5, Land Registration (Amendment) Rules 2005, with effect from 24 October 2005.

Paragraph (1) substituted by r.7, Land Registration (Amendment) (No 2) Rules 2005, with effect from 9 January 2006

Paragraph (3) substituted by Schedule 1, paragraph 33, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Paragraph (7) substituted by Schedule 1, paragraph 33, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Persons regarded as having a sufficient interest to apply for a restriction

93. The following persons are to be regarded as included in section 43(1)(c) of the Act—

- (a) any person who has an interest in a registered estate held under a trust of land where a sole proprietor or a survivor of joint proprietors (unless a trust corporation) will not be able to give a valid receipt for capital money, and who is applying for a restriction in Form A to be entered in the register of that registered estate,
- (b) any person who has a sufficient interest in preventing a contravention of section 6(6) or section 6(8) of the Trusts of Land and Appointment of Trustees Act 1996^(a) and who is applying for a restriction in order to prevent such a contravention,
- (c) any person who has an interest in a registered estate held under a trust of land where the powers of the trustees are limited by section 8 of the Trusts of Land and Appointment of Trustees Act 1996, and who is applying for a restriction in Form B to be entered in the register of that

^(a) 1996 c.47.

registered estate,

(d) any person who has an interest in the due administration of the estate of a deceased person, where—

(i) the personal representatives of the deceased hold a registered estate on a trust of land created by the deceased's will and the personal representatives' powers are limited by section 8 of the Trusts of Land and Appointment of Trustees Act 1996, and

(ii) he is applying for a restriction in Form C to be entered in the register of that registered estate,

(e) the donee of a special power of appointment in relation to registered land affected by that power,

(f) the Charity Commissioners in relation to registered land held upon charitable trusts,

(g) the Church Commissioners, the Parsonages Board or the Diocesan Board of Finance if applying for a restriction—

(i) to give effect to any arrangement which is made under any enactment or Measure administered by or relating to the Church Commissioners, the Parsonages Board or the Diocesan Board of Finance, or

(ii) to protect any interest in registered land arising under any such arrangement or statute,

(h) any person with the benefit of a freezing order or an undertaking given in place of a freezing order, who is applying for a restriction in Form AA or BB,

(i) any person who has applied for a freezing order and who is applying for a restriction in Form CC or DD,

[(j) a trustee in bankruptcy in whom a beneficial interest in registered land held under a trust of land has vested, and who is applying for a restriction in Form J to be entered in the register of that land,]

(k) any person with the benefit of a charging order over a beneficial interest in registered land held under a trust of land who is applying for a restriction in Form K to be entered in the register of that land,

(l) a person who has obtained a restraint order under—

(i) paragraph 5(1) or 5(2) of Schedule 4 to the Terrorism Act 2000^(a), or

(ii) section 41 of the Proceeds of Crime Act 2002^(b), and who is applying for a restriction in Form EE or FF,

(m) a person who has applied for a restraint order under the provisions referred to in paragraph (l) and who is applying for a restriction in Form GG or HH,

(n) a person who has obtained an acquisition order under section 28 of the Landlord and Tenant Act 1987^(c) and who is applying for a restriction in Form L or N,

(o) a person who has applied for an acquisition order under section 28 of the Landlord and Tenant Act 1987 and who is applying for a restriction in Form N,

(p) a person who has obtained a vesting order under section 26(1) or 50(1) of the Leasehold Reform, Housing and Urban Development Act 1993^(d) and who is applying for a restriction in Form L or N,

(q) a person who has applied for a vesting order under section 26(1) or 50(1) of the Leasehold Reform, Housing and Urban Development Act 1993 and who is applying for a restriction in Form N,

(r) the International Criminal Court where it applies for a restriction—

^(a) 2000 c. 11.

^(b) 2002 c. 29.

^(c) 1987 c. 31.

^(d) 1993 c. 28.

- (i) in Form AA or BB to give effect to a freezing order under Schedule 6 to the International Criminal Court Act 2001^(a), or
- (ii) in Form CC or DD to protect an application for such a freezing order,
- (s) a receiver or a sequestrator appointed by order who applies for a restriction in Form L or N,
- (t) a trustee under a deed of arrangement who applies for a restriction in Form L or N,
- (u) a person who has obtained an interim receiving order under section 246 of the Proceeds of Crime Act 2002 and who is applying for a restriction in Form EE or FF, [...]
- (v) a person who has applied for an interim receiving order under section 246 of the Proceeds of Crime Act 2002 and who is applying for a restriction in Form GG or HH [...]
- (w) [the <Lord Chancellor where the Lord Chancellor> has a statutory charge, created by section 16(6) of the Legal Aid Act 1988^(b) or by section 10(7) of the Access to Justice Act 1999^(c) <or by section 25(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012>, over a beneficial interest in registered land held under a trust of land and is applying for a restriction in Form JJ to be entered in the register of that land]{...}
- [(x) a local authority where it has a statutory charge created under section 22 of the Health and Social Services and Social Security Adjudications Act 1983^(d) <<or, as the case may be, under the terms of a deferred payment agreement within the meaning of section 68(2) of the Social Services and Well-being (Wales) Act 2014>> on the beneficial interest of an equitable joint tenant in a registered estate and is applying for a restriction in Form MM to be entered in the register of that estate,]
- [(y) a local authority where it has entered land, the title to which is registered, in its list of assets of community value which it maintains in accordance with section 87(1) of the Localism Act 2011, and is applying for a restriction in form QQ to be entered in the register for that land, and
- (z) a mortgagee under a mortgage falling within section 4(1)(g) of the Act who makes an application for first registration under rule 21, where the estate charged relates to land entered in a local authority's list of assets of community value maintained under section 87(1) of the Localism Act 2011, and is applying for a restriction in Form QQ to be entered in the register of that estate.]

NOTES

Words in square brackets in paragraph (u) revoked by and in paragraph (w) inserted by r.6, Land Registration (Amendment) Rules 2005, with effect from 24 October 2005.

Paragraph (j) substituted by Schedule 1, paragraph 34, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Words omitted in paragraph (v) revoked by Schedule 1, paragraph 34, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Words in curly brackets in paragraph (w) and paragraph (x) inserted by Schedule 1, paragraph 34, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

The word “and” at the end of paragraph (w) was revoked by, and paragraphs (y) and (z) were inserted by, Schedule 4, paragraph 3, Assets of Community Value (England) Regulations 2012, with effect from 21 September 2012. Paragraphs (y) and (z) apply in relation to England only.

Words in chevrons in paragraph (w) substituted or inserted by the Schedule, paragraph 5(1), Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) Regulations 2013, with effect from 1 April 2013.

Words in double chevrons in paragraph (x) inserted by The Social Services and Well-being (Wales) Act 2014

^(a) 2001 c. 17.

^(b) 1988 c. 34.

^(c) 1999 c. 22.

^(d) 1983 c. 41

(Consequential Amendments) (Secondary Legislation) Regulations 2016, Reg 3, Schedule 3, paragraph 52 with effect from 6 April 2016.

When an application for a restriction must be made

94.—(1) [Subject to paragraph (9), a proprietor] of a registered estate must apply for a restriction in Form A where—

(a) the estate becomes subject to a trust of land, other than on a registrable disposition, and the proprietor or the survivor of joint proprietors will not be able to give a valid receipt for capital money, or

(b) the estate is held on a trust of land and, as a result of a change in the trusts, the proprietor or the survivor of joint proprietors will not be able to give a valid receipt for capital money.

(2) A sole or last surviving trustee of land held on a trust of land must, when applying to register a disposition of a registered estate in his favour or to be registered as proprietor of an unregistered estate, at the same time apply for a restriction in Form A.

[(2A) Where two or more persons apply to register a disposition of a registered estate in their favour or to be registered as proprietors of an unregistered estate, they must at the same time apply for a restriction in Form A if—

(a) the estate is a rentcharge, profit a prendre in gross, franchise or manor, and

(b) a sole proprietor or the survivor of joint proprietors will not be able to give a valid receipt for capital money.]

(3) Subject to [paragraphs (6) and (10)], a personal representative of a deceased person who holds a registered estate on a trust of land created by the deceased's will, or on a trust of land arising under the laws of intestacy which is subsequently varied, and whose powers have been limited by section 8 of the Trusts of Land and Appointment of Trustees Act 1996, must apply for a restriction in Form C.

(4) Subject to [paragraphs (6), (7) and (9)], a proprietor of a registered estate must apply for a restriction in Form B where—

(a) a declaration of trust of that estate imposes limitations on the powers of the trustees under section 8 of the Trusts of Land and Appointment of Trustees Act 1996, or

(b) a change in the trusts on which that estate is held imposes limitations or changes the limitations on the powers of the trustees under section 8 of the Trusts of Land and Appointment of Trustees Act 1996.

(5) Subject to paragraphs (6) and (7), an applicant for first registration of a legal estate held on a trust of land where the powers of the trustees are limited by section 8 of the Trusts of Land and Appointment of Trustees Act 1996 must at the same time apply for a restriction in Form B.

(6) Paragraphs (3), (4) and (5) do not apply to legal estates held on charitable, ecclesiastical or public trusts.

(7) Paragraphs (4) and (5) apply not only where the legal estate is held by the trustees, but also where it is vested in the personal representatives of a sole or last surviving trustee.

(8) An application for a restriction must be made where required by paragraphs (2) or (3) of rule 176 or paragraph (2) of rule 178. [(9) Where there are two or more persons entered in the register as the proprietor of a registered estate, an application for the appropriate restriction by one or more of them satisfies the obligation in paragraph (1) or (4).

(10) Where there are two or more personal representatives of a deceased proprietor, an application for a restriction in Form C by one or more of them satisfies the obligation in paragraph (3).]

[(11) Where a local authority has entered land in its list of assets of community value which it maintains in accordance with section 87(1) of the Localism Act 2011, an application for a restriction in Form QQ must be made—

(a) if that land includes a registered estate the proprietor of which is an owner as defined in section 107 of that Act, as soon as practicable by the local authority in respect of that registered estate unless there is an existing restriction in Form QQ in respect of that estate, or

(b) if the title to the land is unregistered, where required by rule 27A(1).]

NOTES

Words in square brackets in paragraphs (1), (3) and (4) inserted by Schedule 1, paragraph 35, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Paragraph (2A) and paragraphs (9) and (10) inserted by Schedule 1, paragraph 35, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Paragraph (11) inserted by Schedule 4, paragraph 4, Assets of Community Value (England) Regulations 2012, with effect from 21 September 2012. The paragraph applies in relation to England only.

Form of obligatory restrictions

95.—(1) The form of any restriction that the registrar is obliged to enter under any enactment shall be—

- (a) as specified in these rules,
 - (b) as required by the relevant enactment, or
 - (c) in other cases, such form as the registrar may direct having regard to the provisions of the relevant enactment.
- (2) The form of the restriction required under—
- (a) section 44(1) of the Act is Form A,
 - (b) section 37(5A) of the Housing Act 1985^(a) is Form U,
 - (c) section 157(7) of the Housing Act 1985 is Form V,

 - (d) section 81(10) of the Housing Act 1988^(a) is Form X,
 - (e) section 133 of the Housing Act 1988 is Form X,
 - (f) paragraph 4 of Schedule 9A to the Housing Act 1985 is Form W,
 - (g) section 173(9) of the Local Government and Housing Act 1989^(b) is Form X, and
 - (h) section 13(5) of the Housing Act 1996^(c) is Form Y.

Application for an order that a restriction be disapplied or modified

96.—(1) An application to the registrar for an order under section 41(2) of the Act must be made in Form RX2.

- (2) The application must—
- (a) state whether the application is to disapply or to modify the restriction and, if the latter, give details of the modification requested,
 - (b) explain why the applicant has a sufficient interest in the restriction to make the application,
 - (c) give details of the disposition or the kind of dispositions that will be affected by the order, and
 - (d) state why the applicant considers that the registrar should make the order.
- (3) If requested to do so, the applicant must supply further evidence to satisfy the registrar that he should make the order.
- (4) The registrar may make such enquiries and serve such notices as he thinks fit in order to determine the application.
- (5) A note of the terms of any order made by the registrar under section 41(2) of the Act must [if

^(a) 1985 c. 68.

^(a) 1988 c. 50.

^(b) 1989 c. 42.

^(c) 1996 c. 52.

appropriate] be entered in the register.

NOTE

Words in square brackets inserted by Schedule 1, paragraph 36, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Application to cancel a restriction

- 97.**—(1) An application to cancel a restriction must be made in Form RX3.
- (2) The application must be accompanied by evidence to satisfy the registrar that the restriction is no longer required.
- (3) If the registrar is satisfied that the restriction is no longer required, he must cancel the restriction.

[Applications to withdraw a restriction from the register

- 98.**—(1) An application to withdraw a restriction must be made in Form RX4 and be accompanied by the required consent.
- (2) The required consent is—
- (a) where the restriction requires the consent of a specified person, the consent of that person,
 - (b) where the restriction requires a certificate to be given by a specified person, the consent of that person,
 - (c) where the restriction requires notice to be given to a specified person, the consent of that person,
 - (d) where the restriction requires the consent of a specified person, or alternatively a certificate to be given by a specified person, the consent of all such persons,
 - (e) in any other case, the consent of all persons who appear to the registrar to have an interest in the restriction.
- (3) No application may be made to withdraw a restriction—
- (a) that is entered under section 42(1)(a) of the Act and reflects some limitation on the registered proprietor's powers of disposition imposed by statute or the general law,
 - (b) that is entered in the register following an application under rule 94,
 - (c) that the registrar is under an obligation to enter in the register,
 - (d) that reflects a limitation under an order of the court or registrar, or an undertaking given in place of such an order,
 - (e) that is entered pursuant to a court order under section 46 of the Act.
- (4) The registrar may accept a certificate given by a conveyancer that the conveyancer holds a required consent.”]

NOTE

Rule substituted by Schedule 1, paragraph 37, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Cancellation of a restriction relating to a trust

99. When registering a disposition of a registered estate, the registrar must cancel a restriction entered for the purpose of protecting an interest, right or claim arising under a trust of land if he is satisfied that the registered estate is no longer subject to that trust of land.

Entry following a direction of the court regarding overriding priority in connection with a restriction

100.—(1) Any entry in the register required under section 46(4) of the Act shall be in such form as the registrar may determine so as to ensure that the priority of the restriction ordered by the court is apparent from the register.

(2) Where the making of the entry is completed by the registrar during the priority period of an official search which was delivered before the making of the application for the entry, he must give notice of the entry to the person who applied for the official search or, if a conveyancer or other agent applied on behalf of that person, to that agent, unless he is satisfied that such notice is unnecessary.

PART 9

CHARGES

How ranking of registered charges as between themselves to be shown on register

101. Subject to any entry in the individual register to the contrary, for the purpose of section 48(1) of the Act the order in which registered charges are entered in an individual register shows the order in which the registered charges rank as between themselves.

Alteration of priority of registered charges

102.—(1) An application to alter the priority of registered charges, as between themselves, must be made by or with the consent of the proprietor or a person entitled to be registered as the proprietor of any registered charge whose priority is adversely affected by the alteration, but no such consent is required from a person who has executed the instrument which alters the priority of the charges.

(2) The registrar may accept a conveyancer's certificate confirming that the conveyancer holds any necessary consents.

(3) The registrar must make an entry in the register in such terms as the registrar considers appropriate to give effect to the application.

Form of charge of registered estate

103. A legal charge of a registered estate may be made in Form CH1.

Application for registration of the title to a local land charge

104. An application to register the title to a charge over registered land which is a local land charge must be supported by evidence of the charge.

Overriding statutory charges

105.—(1) An applicant for registration of a statutory charge that has the effect mentioned in section 50 of the Act must lodge Form SC with the application.

(2) If the applicant satisfies the registrar that the statutory charge has the priority specified in that Form SC, the registrar must make an entry showing that priority in the charges register of the affected registered title.

(3) If the applicant does not satisfy the registrar as mentioned in paragraph (2) but the registrar considers that the applicant has an arguable case, the registrar may make an entry in the charges register of the affected registered title that the applicant claims the priority specified in that Form SC.

(4) If the registrar makes an entry under paragraph (3) the registrar must give notice of the entry to the persons mentioned in rule 106(1) (subject to rule 106(2)).

(5) Where an entry has been made under paragraph (3)—

(a) the proprietor of the statutory charge which gave rise to the entry, or

(b) the proprietor of a charge entered in the charges register of the affected registered title which, subject to the effect of the entry, would rank in priority to or have equal priority with that statutory charge under rule 101,

may apply for the entry to be removed or to be replaced by an entry of the kind referred to in paragraph (2).

(6) Paragraph (5)(b) includes the proprietor of a statutory charge entered in the charges register of the affected registered title which has had an entry made in respect of it under paragraph (3) claiming priority over the statutory charge referred to in paragraph (5)(a).

(7) An applicant under paragraph (5) must provide evidence to satisfy the registrar that the registrar should take the action sought by the applicant under that paragraph.

(8) Before taking the action sought by the applicant under paragraph (5), the registrar must give notice of the application to any proprietors within that paragraph (other than the applicant).

Service of notice of overriding statutory charges

106.—(1) The registrar shall give notice under section 50 of the Act to—

(a) the registered proprietor of a registered charge, and

(b) subject to paragraph (2), any person who appears to the registrar to be entitled to a charge protected by a notice,

entered in the charges register of the affected registered title at the time of registration of the statutory charge.

(2) The registrar shall not be obliged to give notice to a person referred to in paragraph (1)(b) if that person's name and his address for service under rule 198 are not set out in the individual register in which the notice is entered.

Further advances – notice of creation of subsequent charge

107.—(1) A notice given for the purposes of section 49(1) of the Act by one of the methods mentioned in paragraph (2) ought to have been received at the time shown in the table in paragraph (4).

(2) The methods referred to in paragraph (1) are—

(a) by post, to the postal address, whether or not in the United Kingdom, entered in the register as the prior chargee's address for service, or

(b) by leaving the notice at that address, or

(c) by sending to the box number at the relevant document exchange entered in the register as an additional address for service of the prior chargee, or

(d) by electronic transmission to the electronic address entered in the register as an additional address for service of the prior chargee, or

(e) where paragraph (3) applies, by post, document exchange, fax or electronic transmission to the address, box number or fax number provided.

(3) This paragraph applies where the prior chargee has provided to the subsequent chargee a postal address, document exchange box number, fax number, e-mail or other electronic address, and stated in writing to the subsequent chargee that notices to the prior chargee under section 49(1) of the Act may be sent to that address, box number or fax number.

(4) For the purposes of section 49(2) of the Act a notice sent in accordance with paragraph

(2) or (3) ought to have been received at the time shown in the table below—

<i>Method of delivery</i>	<i>Time of receipt</i>
Post to an address in the United Kingdom	The second working day after posting
Leaving at a postal address	The working day after it was left
Post to an address outside the United Kingdom	The seventh working day after posting
Document exchange	On the second working day after it was left at the sender's document exchange
Fax	The working day after transmission
Electronic transmission to an electronic address entered in the register as an address for service or e-mail or other electronic means of delivery under paragraph (3)	The second working day after transmission

(5) A notice posted or transmitted after 1700 hours on a working day or posted or transmitted on a day which is not a working day is to be treated as having been posted or transmitted on the next working day.

(6) In this rule—

“post” means pre-paid delivery by a postal service which seeks to deliver documents within the United Kingdom no later than the next working day in all or the majority of cases, and to deliver outside the United Kingdom within such a period as is reasonable in all the circumstances,

“prior chargee” means the proprietor of a registered charge to whom notice is being given under section 49(1) of the Act,

“subsequent chargee” means the chargee giving notice under section 49(1) of the Act,

[...]

NOTE

Words in square brackets in paragraph (6) revoked by Schedule 1, paragraph 38, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Obligations to make further advances

108.—(1) The proprietor of a registered charge or a person applying to be so registered, who is under an obligation to make further advances on the security of that charge, may apply to the registrar for such obligation to be entered in the register for the purposes of section 49(3) of the Act.

(2) Except as provided in paragraph (3), the application must be made in Form CH2.

(3) Form CH2 need not be used if the application is contained in panel [8] of Form CH1, [in an electronic legal charge] or in a charge received for registration where the form of that charge has been approved by the registrar.

(4) The registrar must make an entry in the register in such terms as he considers appropriate to give effect to an application under this rule.

NOTE

Words in square brackets in paragraph (3) inserted by the Land Registration (Electronic Conveyancing) Rules 2008, r.5 and Schedule 2, Part 1, paragraph 4, with effect from 4 August 2008. Number in square brackets in paragraph 3 inserted by Schedule 1, paragraph 39, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Agreement of maximum amount of security

109.—(1) Where the parties to a legal charge which is a registered charge or which is a registrable disposition have agreed a maximum amount for which the charge is security, the proprietor of the registered charge or a person applying to be registered as proprietor of the registrable disposition may apply to the registrar for such agreement to be entered in the register under section 49(4) of the Act.

(2) The application must be made in Form CH3.

(3) The registrar must make an entry in the register in such terms as he considers appropriate to give effect to an application under this rule.

Consolidation of registered charges

110.—(1) A chargee who has a right of consolidation in relation to a registered charge may apply to the registrar for an entry to be made in respect of that right in the individual register in which the charge is registered.

(2) The application must be made in Form CC.

(3) The registrar must make an entry in the individual register in such terms as he considers appropriate to give effect to an application under this rule.

[Certificate of registration of company charges

111.—(1) When making an application for the registration of a charge created by a company registered under the Companies Acts or a limited liability partnership incorporated under the Limited Liability Partnerships Act 2000^(a) or the Limited Liability Partnership Act (Northern Ireland) 2002^(b) the applicant must produce to the registrar the {...} certificate issued under {section 859I} of the Companies Act 2006^(c) that the charge has been registered under {section 859A} of that Act.

(2) If the applicant does not produce the certificate required by paragraph (1) with the application for registration of the charge, the registrar must enter a note in the register stating that no evidence of registration of the charge in accordance with {section 859A} of the Companies Act 2006 {...} has been lodged.]

NOTE

Rule substituted by Schedule 1, paragraph 40, Land Registration (Amendment) Rules 2008, with effect from the coming into force of section 869 of the Companies Act 2006 (1 October 2009).

Words in curly brackets revoked or substituted by Schedule 2, paragraph 5, Companies Act 2006 (Amendment of Part 25) Regulations 2013, with effect from 6 April 2013.

[Registration of charges by certain overseas companies

111A.—(1) An application to register a charge created by an overseas company must—

(a) be accompanied by evidence to satisfy the registrar that the charge has been registered under Part 3 of the Regulations, or

(b) include a statement that the charge, when created, did not require to be so registered.

(2) If the application does not comply with paragraph (1) the registrar must enter a note in the register to the effect that no evidence has been lodged either that the charge has been registered in accordance with Part 3 of the Regulations or that such registration was not required.

(3) In this rule, “the Regulations” means the Overseas Companies (Execution of Documents and Registration of Charges) Regulations 2009^(a).]

NOTE

Rule inserted by r.3, Land Registration (Amendment) Rules 2009, with effect from 1 October 2009.

Foreclosure – registration requirements

112.—(1) Subject to paragraph (3), an application by a person who has obtained an order for foreclosure absolute to be entered in the register as proprietor of the registered estate in respect of which the charge is registered must be accompanied by the order.

(2) The registrar must—

(a) cancel the registration of the charge in respect of which the order was made,

(b) cancel all entries in respect of interests over which the charge has priority, and

(c) enter the applicant as proprietor of the registered estate.

^(a) 2000 c. 12

^(b) 2002 c. 12 (N.I.)

^(c) 2006 c. 46.

^(a) S.I. 2009/1917.

(3) The registrar may accept a conveyancer's certificate confirming that the conveyancer holds the order for foreclosure absolute or an office copy of it.

[Variation of the terms of a registered charge

113.—(1) Subject to paragraph (2), an application to register an instrument varying the terms of a registered charge must be made—

(a) by, or with the consent of, the proprietor of the registered charge and the proprietor of the estate charged,

(b) with the consent of the proprietor, or a person entitled to be registered as proprietor, of every other registered charge of equal or inferior priority that is prejudicially affected by the variation, and

(c) with the consent of the proprietor, or a person entitled to be registered as proprietor, of a registered sub-charge of every registered charge of equal or inferior priority that is prejudicially affected by the variation.

(2) A consent under paragraph (1) is not required if—

(a) the consent of that person is not required by the terms of the registered charge or registered sub-charge of which that person is the proprietor or in respect of which that person is entitled to be registered as proprietor, or

(b) the person from whom a consent would otherwise be required has executed the instrument.

(3) The registrar may accept a conveyancer's certificate confirming that the conveyancer holds any necessary consents.

(4) If the registrar is satisfied that the proprietor of any other registered charge, and of any registered sub-charge of that registered charge, of equal or inferior priority to the varied charge that is prejudicially affected by the variation is bound by it, he shall make a note of the variation in the register.

(5) If the registrar is not so satisfied, he may make an entry in the register that an instrument which is expressed to vary the terms of the registered charge has been entered into.

(6) In this rule a reference to a registered sub-charge includes any registered sub-charge which derives directly or indirectly from the registered charge.]

NOTE

Rule substituted by Schedule 1, paragraph 41, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Discharges and releases of registered charges

114.—(1) Subject to rule 115, a discharge of a registered charge must be in Form DS1.

(2) Subject to rule 115, a release of part of the registered estate in a registered title from a registered charge must be in Form DS3.

(3) Any discharge or release in Form DS1 or DS3 must be executed as a deed or authenticated in such other manner as the registrar may approve.

(4) Notwithstanding paragraphs (1) and (2) and rule 115, the registrar is entitled to accept and act upon any other proof of satisfaction of a charge that he may regard as sufficient.

(5) An application to register a discharge in Form DS1 must be made in Form AP1 or DS2 and an application to register a release in Form DS3 must be made in Form AP1.

Discharges and releases of registered charges in electronic form

115.—(1) During the currency of a notice given under Schedule 2 and subject to and in accordance with the limitations contained in such notice, notification of—

(a) the discharge of, or

(b) the release of part of a registered estate in a registered title from,

a registered charge may be delivered to the registrar in electronic form.

(2) Notification of discharge or release of part given in accordance with paragraph (1) shall be regarded as having the same effect as a discharge in Form DS1, or a release of part in Form DS3, as appropriate, executed in accordance with rule 114 by or on behalf the person who has delivered it to the registrar.

Transfer of a registered charge

116. A transfer of a registered charge must be in Form [...], TR4 or AS2, as appropriate.

NOTE

Words in square brackets revoked by Schedule 1, paragraph 42, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

[Information relating to deeds of postponement in respect of registered charges and noted charges

116A. - The registrar may, upon application, make an entry in an individual register referring to an agreement which it is claimed relates to priorities between a registered charge and a charge which is the subject of a notice in the same individual register.]

NOTE

Rule inserted by Schedule 1, paragraph 43, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

PART 10 BOUNDARIES

Definition

117. In this Part, except in rule 121, “boundary” includes part only of a boundary.

Application for the determination of the exact line of a boundary

118.—(1) A proprietor of a registered estate may apply to the registrar for the exact line of the boundary of that registered estate to be determined.

(2) An application under paragraph (1) must be made in Form DB and be accompanied by—

- (a) a plan, or a plan and a verbal description, identifying the exact line of the boundary claimed and showing sufficient surrounding physical features to allow the general position of the boundary to be drawn on the Ordnance Survey map, and
- (b) evidence to establish the exact line of the boundary.

Procedure on an application for the determination of the exact line of a boundary

119.—(1) [Subject to paragraph (2), where] the registrar is satisfied that—

- (a) the plan, or plan and verbal description, supplied in accordance with rule 118(2)(a) identifies the exact line of the boundary claimed,
- (b) the applicant has shown an arguable case that the exact line of the boundary is in the position shown on the plan, or plan and verbal description, supplied in accordance with rule 118(2)(a), and
- (c) he can identify all the owners of the land adjoining the boundary to be determined and has an address at which each owner may be given notice,

he must give the owners of the land adjoining the boundary to be determined (except the applicant) notice of the application [...] and of the effect of paragraph (6).

[(2) The registrar need not give notice of the application to an owner of the land adjoining the boundary to be determined where the evidence supplied in accordance with rule 118(2)(b) includes—

- (a) an agreement in writing with that owner as to the line of the boundary, or
- (b) a court order determining the line of the boundary.]

(3) Subject to paragraph (4), the time fixed by the notice to the owner of the land to object to the application shall be the period ending at 12 noon on the twentieth business day after the date of issue of the notice or such longer period as the registrar may decide before the issue of the notice.

(4) The period set for the notice under paragraph (3) may be extended for a particular recipient of the notice by the registrar following a request by that recipient, received by the registrar before that period has expired, setting out why an extension should be allowed.

(5) If a request is received under paragraph (4) the registrar may, if he considers it appropriate, seek the views of the applicant and if, after considering any such views and all other relevant matters, he is satisfied that a longer period should be allowed he may allow such period as he considers appropriate, whether or not the period is the same as any period requested by the recipient of the notice.

(6) Unless any recipient of the notice objects to the application to determine the exact line of the boundary within the time fixed by the notice (as extended under paragraph (5), if applicable), the registrar must complete the application.

(7) Where the registrar is not satisfied as to paragraph (1)(a), (b) and (c), he must cancel the application.

(8) In this rule, the “owner of the land” means—

- (a) a person entitled to apply to be registered as the proprietor of an unregistered legal estate in land under section 3 of the Act,
- (b) the proprietor of any registered estate or charge affecting the land, [or]

(c) if the land is demesne land, Her Majesty.

NOTES

Words in square brackets in paragraphs (1) and (8) inserted and words omitted in paragraph (1) revoked by Schedule 1, paragraph 44, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Paragraph (2) substituted by Schedule 1, paragraph 44, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Completion of application for the exact line of a boundary to be determined

120.—(1) Where the registrar completes an application under rule 118, he must—

(a) make an entry in the individual register of the applicant's registered title and, if appropriate, in the individual register of any superior or inferior registered title, and any registered title affecting the other land adjoining the determined boundary, stating that the exact line of the boundary is determined under section 60 of the Act, and

(b) subject to paragraph (2), add to the title plan of the applicant's registered title and, if appropriate, to the title plan of any superior or inferior registered title, and any registered title affecting the other land adjoining the determined boundary, such particulars of the exact line of the boundary as he considers appropriate.

(2) Instead of, or as well as, adding particulars of the exact line of the boundary to the title plans mentioned in paragraph (1)(b), the registrar may make an entry in the individual registers mentioned in paragraph (1)(a) referring to any other plan showing the exact line of the boundary.

Relationship between determined and undetermined parts of a boundary

121. Where the exact line of part of the boundary of a registered estate has been determined, the ends of that part of the boundary are not to be treated as determined for the purposes of adjoining parts of the boundary the exact line of which has not been determined.

Determination of the exact line of a boundary without application

122.—(1) This rule applies where—

(a) there is—

(i) a transfer of part of a registered estate in land, or

(ii) the grant of a term of years absolute which is a registrable disposition of part of a registered estate in land,

(b) there is a common boundary, and

(c) there is sufficient information in the disposition to enable the registrar to determine the exact line of the common boundary.

(2) The registrar may determine the exact line of the common boundary and if he does he must—

(a) make an entry in the individual registers of the affected registered titles stating that the exact line of the common boundary is determined under section 60 of the Act, and

(b) subject to paragraph (3), add to the title plan of the disponor's affected registered title (whether or not the disponor is still the proprietor of that title, or still entitled to be registered as proprietor of that title) and to the title plan of the registered title under which the disposition is being registered, such particulars of the exact line of the common boundary as he considers appropriate.

(3) Instead of, or as well as, adding particulars of the exact line of the common boundary to the title plans mentioned in paragraph (2)(b), the registrar may make an entry in the individual registers of the affected registered titles referring to the description of the common boundary in the disposition.

(4) In this rule—

“common boundary” means any boundary of the land disposed of by a disposition which adjoins land in which the disponor at the date of the disposition had a registered estate in land or of which such disponor was entitled to be registered as proprietor, and

“disposition” means a transfer or grant mentioned in paragraph (1)(a).

Agreement about accretion or diluvion

123.—(1) An application to register an agreement about the operation of accretion or diluvion in relation to a registered estate in land must be made by, or be accompanied by the consent of, the proprietor of the registered estate and of any registered charge, except that no such consent is required from a person who is party to the agreement.

(2) On registration of such an agreement the registrar must make a note in the property register that the agreement is registered for the purposes of section 61(2) of the Act.

PART 11

QUALITY OF TITLE

Application to upgrade title under section 62 of the Act

124.—(1) An application for the registrar to upgrade title under section 62 of the Act must be made in Form UT1.

(2) An application referred to in paragraph (1) must, except where made under sections 62(2), (4) or (5) of the Act, be accompanied by such documents as will satisfy the registrar as to the title.

(3) An application under section 62(2) of the Act must be accompanied by—

- (a) such documents as will satisfy the registrar as to any superior title which is not registered,
- (b) where any superior title is registered with possessory, qualified or good leasehold title, such evidence as will satisfy the registrar that that title qualifies for upgrading to absolute title, and
- (c) evidence of any consent to the grant of the lease required from—

- (i) any chargee of any superior title, and
- (ii) any superior lessor.

(4) An application under section 62(3)(b) of the Act must, in addition to the documents referred to in paragraph (2), be accompanied by the documents listed at paragraph (3)(a) to (c).

(5) An application by a person entitled to be registered as the proprietor of the estate to which the application relates must be accompanied by evidence of that entitlement.

(6) An application by a person interested in a registered estate which derives from the estate to which the application relates must be accompanied by—

- (a) details of the interest, and
- (b) where the interest is not apparent from the register, evidence to satisfy the registrar of the applicant’s interest.

Use of register to record defects in title

125.—(1) An entry under section 64 of the Act that a right to determine a registered estate in land is exercisable shall be made in the property register.

(2) An application for such an entry must be supported by evidence to satisfy the registrar that the applicant has the right to determine the registered estate and that the right is exercisable.

(3) Subject to paragraph (4), the registrar must make the entry on receipt of an application which relates to a right to determine the registered estate on non-payment of a rentcharge.

(4) Before making an entry under this rule the registrar must give notice of the application to the proprietor of the registered estate to which the application relates and the proprietor of any registered charge on that estate.

(5) A person may apply to the registrar for removal of the entry if he is—

- (a) the person entitled to determine the registered estate,
 - (b) the proprietor of the registered estate to which the entry relates,
 - (c) a person entitled to be registered as proprietor of that estate, or
 - (d) any other person whom the registrar is satisfied has an interest in the removal of the entry.
- (6) An application for removal of the entry must be supported by evidence to satisfy the registrar that the right to determine the registered estate is not exercisable.

PART 12 ALTERATIONS AND CORRECTIONS

Alteration under a court order – not rectification

126.—(1) Subject to paragraphs (2) and (3), if in any proceedings the court decides that—

- (a) there is a mistake in the register,
- (b) the register is not up to date, or
- (c) there is an estate, right or interest excepted from the effect of registration that should be given effect to,

it must make an order for alteration of the register under the power given by paragraph 2(1) of Schedule 4 to the Act.

(2) The court is not obliged to make an order if there are exceptional circumstances that justify not doing so.

(3) This rule does not apply to an alteration of the register that amounts to rectification.

Court order for alteration of the register – form and service

127.—(1) An order for alteration of the register must state the title number of the title affected and the alteration that is to be made, and must direct the registrar to make the alteration.

(2) Service on the registrar of an order for alteration of the register must be made by making an application for the registrar to give effect to the order, accompanied by the order.

Alteration otherwise than pursuant to a court order – notice and enquiries

128.—(1) Subject to paragraph (5), this rule applies where an application for alteration of the register has been made, or where the registrar is considering altering the register without an application having been made.

(2) The registrar must give notice of the proposed alteration to—

- (a) the registered proprietor of any registered estate,
- (b) the registered proprietor of any registered charge, and
- (c) subject to paragraph (3), any person who appears to the registrar to be entitled to an interest protected by a notice, where that estate, charge or interest would be affected by the proposed alteration, unless he is satisfied that such notice is unnecessary.

(3) The registrar is not obliged to give notice to a person referred to in paragraph (2)(c) if that person's name and his address for service under rule 198 are not set out in the individual register in which the notice is entered.

(4) The registrar may make such enquiries as he thinks fit.

(5) This rule does not apply to alteration of the register in the specific circumstances covered by any other rule.

Alteration otherwise than under a court order – evidence

129. Unless otherwise provided in these rules, an application for alteration of the register (otherwise than under a court order) must be supported by evidence to justify the alteration.

Correction of mistakes in an application or accompanying document

130.—(1) This rule applies to any alteration made by the registrar for the purpose of correcting a mistake in any application or accompanying document.

- (2) The alteration will have effect as if made by the applicant or other interested party or parties—
- (a) in the case of a mistake of a clerical or like nature, in all circumstances,
 - (b) in the case of any other mistake, only if the applicant and every other interested party has requested, or consented to, the alteration.

PART 13

INFORMATION ETC

Interpretation of this Part

Definitions

131. In this Part—

“commencement date” means the date of commencement of this Part,

“edited information document” means, where the registrar has designated a document an exempt information document, the edited copy of that document lodged under rule 136(2)(b) [or the document prepared by the registrar under either rule 136(6) or rule 138(4),]

“exempt information document” means the original and copies of a document so designated under rule 136(3),

“prejudicial information” means—

(a) information that relates to an individual who is the applicant under rule 136 and if disclosed to other persons (whether to the public generally or specific persons) would, or would be likely to, cause substantial unwarranted damage or substantial unwarranted distress to the applicant or another, or

(b) information that if disclosed to other persons (whether to the public generally or specific persons) would, or would be likely to, prejudice the commercial interests of the applicant under rule 136,

“priority period” means—

(a) where the application for an official search is entered on the day list before the date referred to in rule 216(3), the period beginning at the time when that application is entered on the day list and ending at midnight marking the end of the thirtieth business day thereafter, and

(b) where the application for an official search is entered on the day list on or after the date referred to in rule 216(3), the period beginning at the time when that application is entered on the day list and ending at midnight marking the end of the thirty sixth business day thereafter,

“protectable disposition” means a registrable disposition (including one by virtue of rule 38) of a registered estate or registered charge made for valuable consideration,

“purchaser” means a person who has entered into or intends to enter into a protectable disposition as donee,

“registrable estate or charge” means the legal estate and any charge which is sought to be registered as a registered estate or registered charge in an application for first registration,

“search from date” means—

(a) the date stated on an official copy of the individual register of the relevant registered title, as the date on which the entries shown on that official copy were subsisting,

(b) the date stated at the time of an access by remote terminal, where provided for under these rules, to the individual register of the relevant registered title as the date on which the entries accessed were subsisting,

[...]

NOTE

Words in square brackets inserted and words omitted revoked by Schedule 1, paragraph 45, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Delivery of applications and issuing of certificates

Delivery of applications and issuing of certificates by electronic and other means

132.—(1) During the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in that notice, any application under this Part may be made by delivering the application to the registrar by any means of communication other than post, document exchange or personal delivery, and the applicant must provide, in such order as may be required by that notice, such of the particulars required for an application of that type as are appropriate in the circumstances and as are required by the notice.

(2) During the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in that notice, any certificates and other results of applications and searches under this Part may be issued by any means of communication other than post, document exchange or personal delivery.

(3) Except where otherwise provided in this Part, where information is issued under paragraph (2) it must be to like effect to that which would have been provided had the information been issued in paper form.

Inspection and copying

[Inspection and copying

133.—(1) This rule applies to the right to inspect and make copies of the registers and documents under section 66(1) of the Act.

(2) Excepted documents are excepted from the right.

(3) Subject to rule 132(1), an application under section 66 of the Act must be in Form PIC.

(4) Where inspection and copying under this rule takes place at an office of the land registry it must be undertaken in the presence of a member of the land registry.

(5) In paragraph (2) an “excepted document” is—

(a) an exempt information document,

(b) an edited information document which has been replaced by another edited information document under rule 136(6),

(c) a Form EX1A,

(d) a Form CIT,

(e) any form to which a Form CIT has been attached under rule 140(3) or (4),

(f) any document or copy of any document prepared by the registrar in connection with an application in a form to which Form CIT has been attached under rule 140(3) or (4),

(g) any document relating to an application for a network access agreement under paragraph 1(4) of Schedule 5 to the Act,

(h) an identity document, and

(i) an investigation of crime document.

(6) Subject to paragraph (7), in paragraph (5)(h) an “identity document” means any document within section 66(1)(c) of the Act provided to the registrar as evidence of identity of any person or prepared or obtained by the registrar in connection with such identity.

(7) Forms AP1, DS2 and FR1 are not identity documents.

(8) In paragraph 5(i) an “investigation of crime document” is any document within section 66(1)(c) of the Act (other than an identity document) which relates to the prevention or detection of crime and is not—

(a) a document received by the registrar as part of or in support of an application to the registrar,

- (b) a document received by the registrar as part of or in support of an objection made under section 73 of the Act, or
 - (c) a document to which paragraph (9) applies.
- (9) This paragraph applies to a document if—
- (a) it is a document prepared by, or at the request of, the registrar as part of the process of considering an application or objection, and
 - (b) it is not so prepared principally in connection with the prevention or detection of crime.
- (10) In paragraph (5), the references to Form EX1A and Form CIT and forms to which Form CIT has been attached include any equivalent information provided under rule 132 and the reference to an application in a form to which Form CIT has been attached includes an equivalent application made by virtue of rule 132.]

NOTE

Rule substituted by Schedule 1, paragraph 46, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Official copies

Application for official copies of a registered title, the cautions register or for a certificate of inspection of the title plan

- 134.**—(1) A person may apply for—
- (a) an official copy of an individual register,
 - (b) an official copy of any title plan referred to in an individual register,
 - (c) an official copy of an individual caution register and any caution plan referred to in it, and
 - (d) a certificate of inspection of any title plan.
- (2) Subject to rule 132(1), an application under paragraph (1) must be in Form OC1.
- (3) A separate application must be made in respect of each registered title or individual caution register.
- (4) Where, notwithstanding paragraph (3), an application is in respect of more than one registered title or individual caution register, but the applicant fails to provide a title number, or the title number provided does not relate to any part of the property in respect of which the application is made, the registrar may—
- (a) deal with the application as if it referred only to one of the title numbers relating to the property,
 - (b) deal with the application as if it referred to all of the title numbers relating to the property, or
 - (c) cancel the application.
- (5) In paragraph (4) the reference to title number includes in the case of an individual caution register a caution title number.
- (6) Where the registrar deals with the application under paragraph (4)(b), the applicant is to be treated as having made a separate application in respect of each of the registered titles or each of the individual caution registers.
- (7) An official copy of an individual caution register and any caution plan referred to in it must be issued disregarding any application or matter that may affect the subsistence of the caution.

[Application for official copies of documents referred to in the register of title and other documents kept by the registrar

- 135.**—(1) Subject to paragraph (2), a person may apply for an official copy of—
- (a) any document referred to in the register of title and kept by the registrar,
 - (b) any other document kept by the registrar that relates to an application to the registrar.
- (2) Excepted documents are excepted from paragraph (1).

(3) Subject to rule 132(1), an application under paragraph (1) must be made in Form OC2.

(4) In this rule, “excepted document” has the same meaning as in rule 133.]

NOTE

Rule substituted by Schedule 1, paragraph 47, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Exempt information documents

Application that the registrar designate a document an exempt information document

136.—(1) A person may apply for the registrar to designate a relevant document an exempt information document if he claims that the document contains prejudicial information.

[(2) Subject to rule 132(1), an application under paragraph (1) must be made in Form EX1 and EX1A and include a copy of the relevant document which—

(a) excludes the prejudicial information,

(b) includes the words “excluded information” where the prejudicial information has been excluded, and

(c) is certified as being a true copy of the relevant document, except that it does not include the prejudicial information and includes the words required by sub-paragraph (b).]

(3) Subject to paragraph (4), provided that the registrar is satisfied that the applicant’s claim is not groundless he must designate the relevant document an exempt information document.

(4) Where the registrar considers that designating the document an exempt information document could prejudice the keeping of the register, he may cancel the application.

(5) Where a document is an exempt information document, the registrar may make an appropriate entry in the individual register of any affected registered title.

(6) Where a document is an exempt information document and a further application is made under paragraph (1) which would, but for the existing designation, have resulted in its being so designated, the registrar must prepare another edited information document which excludes—

(a) the information excluded from the existing edited information document, and

(b) any further information excluded from the edited information document lodged by the applicant.

(7) In this rule a “relevant document” is a document—

(a) referred to in the register of title, or one that relates to an application to the registrar, the original or a copy of which is kept by the registrar, or

(b) that will be referred to in the register of title as a result of an application (the “accompanying application”) made at the same time as an application under this rule, or that relates to the accompanying application, the original or a copy of which will be or is for the time being kept by the registrar.

NOTE

Paragraph (2) substituted by Schedule 1, paragraph 48, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Application for an official copy of an exempt information document

137.—(1) A person may apply for an official copy of an exempt information document.

(2) Subject to rule 132(1), application under paragraph (1) must be made in Form EX2.

(3) The registrar must give notice of an application under paragraph (1) to the person who made the relevant application under rule 136(1) unless he is satisfied that such notice is unnecessary or impracticable.

- (4) If the registrar decides that—
- (a) none of the information excluded from the edited information document is prejudicial information, or
 - (b) although all or some of the information excluded is prejudicial information, the public interest in providing an official copy of the exempt information document to the applicant outweighs the public interest in not doing so,

then he must provide an official copy of the exempt information document to the applicant.

(5) Where the registrar has decided an application under paragraph (1) on the basis that none of the information is prejudicial information, he must remove the designation of the document as an exempt information document and any entry made in respect of the document under rule 136(5).

Application for removal of the designation of a document as an exempt information document

138.—(1) Where a document is an exempt information document, the person who applied for designation under rule 136(1) may apply for the designation to be removed.

(2) Subject to rule 132(1), an application made under paragraph (1) must be in Form EX3.

(3) Subject to paragraph (4), where the registrar is satisfied that the application is in order, he must remove the designation of the document as an exempt information document and remove any entry made in respect of the document under rule 136(5).

(4) Where—

- (a) the document has been made an exempt information document under more than one application,
- (b) an application under paragraph (1) is made by fewer than all of the applicants under rule 136(1), and
- (c) the registrar is satisfied that the application is in order,

the registrar must replace the existing edited information document with one that excludes only the information excluded both from that edited information document and the edited information documents lodged under rule 136(2)(b) by those applicants not applying under paragraph (1).

Transitional period documents

[Inspection, copying and official copies of transitional period documents

139. ...]

NOTE

Rule revoked by Schedule 1, paragraph 49, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Inspection, official copies and searches of the index of proprietors' names in connection with court proceedings, insolvency and tax liability

Application in connection with court proceedings, insolvency and tax liability

140.—(1) In this rule, a qualifying applicant is a person referred to in column 1 of Schedule 5 who gives the registrar the appropriate certificate referred to in column 2 of the Schedule or, where rule 132 applies, an equivalent certificate in accordance with a notice given under Schedule 2.

(2) A qualifying applicant may apply—

- (a) to inspect or make copies of any document (including a form) within rule 133(2), [...]
- (b) for official copies of any document (including a form) within rule 135(2), [...] and

(c) for a search in the index of proprietors' names in respect of the name of a person specified in the application.

(3) Subject to rule 132(1), an application under paragraph (2) must be made in Form PIC, OC2 or PN1, as appropriate, with Form CIT attached.

(4) A qualifying applicant who applies—

(a) to inspect and make copies of registers and documents not within paragraph (2)(a) under section 66 of the Act,

(b) for official copies of registers and plans under rule 134(1) and of documents not within paragraph (2)(b) under rule 135,

(c) for an historical edition of a registered title under rule 144,

(d) for an official search of the index map under rule 145, or

(e) for an official search of the index of relating franchises and manors under rule 146, may attach Form CIT to the Form PIC, OC1, OC2, HC1, SIM or SIF, as appropriate, used in the application.

[(4A) A qualifying applicant who applies for a search in the index of proprietors' names under paragraph (2) may apply at the same time in the Form CIT attached to the Form PN1 for official copies of every individual register referred to in the entries (if any) in the index relating to the particulars given in the search application.]

(5) In Form CIT and Schedule 5, references to tax are references to any of the taxes mentioned in the definition of tax in section 118(1) of the Taxes Management Act 1970^(a).

NOTES

Paragraph 4A inserted by r.7, Land Registration (Amendment) Rules 2005, with effect from 24 October 2005.

Words omitted in paragraph (2) revoked by Schedule 1, paragraph 50, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Information about the day list, electronic discharges of registered charges and title plans

Day list information

141.—(1) In this rule “day list information” means information kept by the registrar under rule 12.

(2) A person may only apply for the day list information relating to a specified title number during the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice.

(3) The registrar must provide the day list information in the manner specified in the relevant notice.

(4) Unless otherwise stated by the registrar, the day list information provided must be based on the entries subsisting in the day list immediately before the information is provided.

(5) The registrar is not required to disclose under this rule details of an application under rule 136.

Enquiry as to discharge of a charge by electronic means

142.—(1) A person may apply in respect of a specified registered title for confirmation of receipt by the registrar of notification of—

(a) the discharge of a registered charge given by electronic means, or

(b) the release of part of a registered estate from a registered charge given by electronic means.

(2) An application under paragraph (1) may only be made during the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice.

(3) The registrar is not required to disclose under this rule any information concerning a notification

^(a) 1970 c. 9.

once the entries of the registered charge to which it relates have been cancelled from the relevant registered title, or the affected part of it.

Certificate of inspection of title plan

143.—(1) Where a person has applied under rule 134 for a certificate of inspection of a title plan, on completion of the inspection the registrar must issue a certificate of inspection.

(2) Subject to rule 132(2), the certificate of inspection must be issued by the registrar in Form CI or to like effect.

Historical information

Application for an historical edition of a registered title kept by the registrar in electronic form

144.—(1) A person may apply for a copy of—

- (a) the last edition for a specified day, or
- (b) every edition for a specified day,

of a registered title, and of a registered title that has been closed, kept by the registrar in electronic form.

(2) Subject to rule 132(1), an application under paragraph (1) must be made in Form HC1.

(3) Subject to paragraph (4), if an application under paragraph (1) is in order and the registrar is keeping in electronic form an edition of the registered title for the day specified in the application, he must issue—

- (a) if the application is under paragraph (1)(a), subject to rule 132(2), a paper copy of the edition of the registered title at the end of that day, or
- (b) if the application is under paragraph (1)(b), subject to rule 132(2), a paper copy of the edition of the registered title at the end of that day and any prior edition kept in electronic form of the registered title for that day.

(4) Where only part of the edition of the registered title requested is kept by the registrar in electronic form he must issue, subject to rule 132(2), a paper copy of that part.

Official searches of the index kept under section 68 of the Act

Searches of the index map

145.—(1) Any person may apply for an official search of the index map.

(2) Subject to rule 132(1), an application under paragraph (1) must be made in Form SIM.

(3) If the registrar so requires, an applicant must provide a copy of an extract from the Ordnance Survey map on the largest scale published showing the land to which the application relates.

(4) If an application under paragraph (1) is in order, subject to rule 132(2), a paper certificate must be issued including such information specified in Part 1 of Schedule 6 as the case may require.

Searches of the index of relating franchises and manors

146.—(1) Any person may apply for an official search of the index of relating franchises and manors.

(2) Subject to rule 132(1), an application under paragraph (1) must be made in Form SIF.

(3) If an application under paragraph (1) is in order, subject to rule 132(2), a paper certificate must be issued including such information specified in Part 2 of Schedule 6 as the case may require.

Official searches with priority

Application for official search with priority by purchaser

147.—(1) A purchaser may apply for an official search with priority of the individual register of a registered title to which the protectable disposition relates.

(2) Where there is a pending application for first registration, the purchaser of a protectable disposition which relates to that pending application may apply for an official search with priority in relation to that pending application.

(3) Subject to rule 132(1), an application for an official search with priority must be made in Form OS1 or Form OS2, as appropriate.

(4) Where the application is made in Form OS2 and an accompanying plan is required, unless the registrar allows otherwise, the plan must be delivered in duplicate.

Entry on day list of application for official search with priority

148.—(1) An application for an official search with priority is to be taken as having been made on the date and at the time of the day notice of it is entered on the day list.

(2) Paragraph (3) has effect where—

(a) an application for an official search is in order, and

(b) the applicant has not withdrawn the official search.

(3) Subject to paragraph (4), the entry on the day list of notice of an application for an official search with priority confers a priority period on an application for an entry in the register in respect of the protectable disposition to which the official search relates.

(4) Paragraph (3) does not apply if the application for an official search with priority is cancelled subsequently because it is not in order.

Issue of official search certificate with priority

149.—(1) If an application for an official search with priority is in order an official search certificate with priority must be issued giving the result of the search as at the date and time that the application was entered on the day list.

(2) An official search certificate with priority relating to a registered estate or to a pending application for first registration may, at the registrar's discretion, be issued in one or both of the following ways—

(a) in paper form, or

(b) under rule 132(2).

(3) Subject to paragraph (4), an official search certificate issued under paragraph (2) must include such information as specified in Part 3 or Part 4 of Schedule 6 as the case may require and may be issued by reference to an official copy of the individual register of the relevant registered title.

(4) If an official search certificate is to be, or has been, issued in paper form under paragraph (2)(a), another official search certificate issued under paragraph (2)(b) in respect of the same application need only include the information specified at A, F, G and H of Part 3 and A, H and I of Part 4 of Schedule 6, as the case may require.

Withdrawal of official search with priority

150.—(1) Subject to paragraph (2), a person who has made an application for an official search with priority of a registered title or in relation to a pending first registration application, may withdraw that official search by application to the registrar.

(2) An application under paragraph (1) cannot be made if an application for an entry in the register in respect of the protectable disposition made pursuant to the official search has been made and completed.

(3) Once an official search has been withdrawn under paragraph (1) rule 148(3) shall cease to apply in relation to it.

Protection of an application on which a protected application is dependent

151.—(1) Subject to paragraph (4), paragraph (2) has effect where an application for an entry in the register is one on which an official search certificate confers a priority period and there is a prior registrable disposition affecting the same registered land, on which that application is dependent.

(2) An application for an entry in the register in relation to that prior registrable disposition is for the purpose of section 72(1)(a) of the Act an application to which a priority period relates.

(3) The priority period referred to in paragraph (2) is a period expiring at the same time as the priority period conferred by the official search referred to in paragraph (1).

(4) Paragraph (2) does not have effect unless both the application referred to in paragraph

(1) and the application referred to in paragraph (2) are—

- (a) made before the end of that priority period, and
- (b) in due course completed by registration.

Protection of an application relating to a pending application for first registration on which a protected application is dependent

152.—(1) Subject to paragraphs (4) and (5), paragraph (2) has effect where—

- (a) there is a pending application for first registration,
- (b) there is a pending application for an entry in the register on which an official search confers a priority period,
- (c) there is an application for registration of a prior registrable disposition affecting the same registrable estate or charge as the pending application referred to in subparagraph (b),
- (d) the pending application referred to in sub-paragraph (b) is dependent on the application referred to in sub-paragraph (c), and
- (e) the application referred to in sub-paragraph (c) is subject to the pending application for first registration referred to in sub-paragraph (a).

(2) An application for an entry in the register in relation to the prior registrable disposition referred to in paragraph (1)(c) is for the purpose of section 72(1)(a) of the Act an application to which a priority period relates.

(3) The priority period referred to in paragraph (2) is a period expiring at the same time as the priority period conferred by the official search referred to in paragraph (1)(b).

(4) Paragraph (2) does not have effect unless the pending application for first registration referred to in paragraph (1)(a) is in due course completed by registration of all or any part of the registrable estate.

(5) Paragraph (2) does not have effect unless both the pending application on which an official search confers priority referred to in paragraph (1)(b) and the application relating to the prior registrable disposition referred to in paragraph (1)(c) are—

- (a) made before the end of that priority period, and
- (b) in due course completed by registration.

Priority of concurrent applications for official searches with priority and concurrent official search certificates with priority

153.—(1) Where two or more official search certificates with priority relating to the same registrable estate or charge or to the same registered land have been issued and are in operation, the certificates take effect, as far as relates to the priority conferred, in the order of the times at which the applications for official search with priority were entered on the day list, unless the applicants agree otherwise.

(2) Where one transaction is dependent upon another the registrar must assume (unless the contrary appears) that the applicants for official search with priority have agreed that their applications have priority so as to give effect to the sequence of the documents effecting the transactions.

Applications lodged at the same time as the priority period expires

154.—(1) Where an official search with priority has been made in respect of a registered title and an application relating to that title is taken as having been made at the same time as the expiry of the priority period relating to that search, the time of the making of that application is to be taken as within that priority period.

(2) Where an official search with priority has been made in respect of a pending application for first registration and a subsequent application relating to a registrable estate which is subject to that pending application for first registration, or was so subject before completion of the registration of that registrable estate, is taken as having been made at the same time as the expiry of the priority period relating to that search, the time of the making of that subsequent application is to be taken as within that priority period.

Official searches without priority

Application for official search without priority

155.—(1) A person may apply for an official search without priority of an individual register of a registered title.

(2) Subject to rule 132(1), an application for an official search without priority must be made in Form OS3.

(3) Where the application is in Form OS3 and an accompanying plan is required, unless the registrar allows otherwise, the plan must be delivered in duplicate.

Issue of official search certificate without priority

156.—(1) If an application for an official search without priority is in order, an official search certificate without priority must be issued.

(2) An official search certificate without priority may, at the registrar's discretion, be issued in one or both of the following ways—

(a) in paper form, or

(b) under rule 132(2).

(3) Subject to paragraph (4), an official search certificate without priority issued under paragraph (2) must include such information specified in Part 3 of Schedule 6 as the case may require and may be issued by reference to an official copy of the individual register of the relevant registered title.

(4) If an official certificate of search is to be, or has been, issued in paper form under paragraph (2)(a), another official search certificate issued under paragraph (2)(b) in respect of the same application need only include the information specified at A, F, G and H of Part 3 of Schedule 6, as the case may require.

Request for information

Information requested by telephone, oral or remote terminal application for an official search

157.—(1) If an application under rule 147(3) or rule 155(2) has been made by telephone or orally by virtue of rule 132(1) in respect of a registered title, the registrar may, before or after the official search has been completed, at his discretion, inform the applicant, by telephone or orally, whether or not—

- (a) there have been any relevant adverse entries made in the individual register since the search from date given in the application, or
- (b) there is any relevant entry subsisting on the day list.

(2) If an application under rule 147(3) has been made by telephone or orally by virtue of rule 132(1) in respect of a legal estate subject to a pending application for first registration, the registrar may, before or after the official search has been completed, at his discretion, inform the applicant, by telephone or orally, whether or not there is any relevant entry subsisting on the day list.

(3) If an application under rule 147(3) or rule 155(2) has been made to the land registry computer system from a remote terminal by virtue of rule 132(1), the registrar may, before or after the official search has been completed, at his discretion, inform the applicant, by a transmission to the remote terminal, whether or not—

- (a) in the case of an official search of a registered title, there have been any relevant entries of the kind referred to in paragraph (1)(a) or (b), or
- (b) in the case of an official search of a legal estate subject to a pending application for first registration, there have been any relevant entries of the kind referred to in paragraph (2).

(4) Under this rule the registrar need not provide the applicant with details of any relevant entries.

Official searches for the purpose of the Family Law Act 1996 and information requests

Application for official search for the purpose of the Family Law Act 1996 by a mortgagee

158.—(1) A mortgagee of land comprised in a registered title that consists of or includes all or part of a dwelling-house may apply for an official search certificate of the result of a search of the relevant individual register for the purpose of section 56(3) of the Family Law Act 1996^(a).

(2) Subject to rule 132(1), an application under paragraph (1) must be made in [Form HR3].

NOTE

Words in square brackets in paragraph 2 substituted by r.14, Land Registration (Amendment) (No 2) Rules 2005, with effect from 5 December 2005.

Issue of official search certificate result following an application made by a mortgagee for the purpose of section 56(3) of the Family Law Act 1996

159.—(1) An official search certificate giving the result of a search in respect of an application made under rule 158 may, at the registrar's discretion, be issued in one or both of the following ways—

- (a) in paper form, or
- (b) under rule 132(2).

(2) Subject to paragraph (3), an official search certificate issued under paragraph (1) must include the information specified in Part 5 of Schedule 6.

(3) If an official search certificate is to be, or has been, issued under paragraph (1)(a), another official search certificate issued under rule 132(2) by virtue of paragraph (1)(b) in respect of the same application need only include the information specified at A, E and F of Part 5 of Schedule 6.

^(a) 1996 c. 27.

Information requested by an applicant for an official search for the purpose of the Family Law Act 1996

160. If an application has been made under rule 158 the registrar may, at his discretion, during the currency of a relevant notice given under Schedule 2, and in accordance with the limitations contained in that notice, before the official search has been completed, inform the applicant, by any means of communication, whether or not—

- (a) a [...] home rights notice or matrimonial home rights caution has been entered in the individual register of the relevant registered title, or
- (b) there is a pending application for the entry of a [...] home rights notice entered on the day list.

NOTE

Words in square brackets in paragraphs (a) and (b) revoked by r.15, Land Registration (Amendment)(No.2) Rules 2005, with effect from 5 December 2005.

PART 14 MISCELLANEOUS AND SPECIAL CASES

Dispositions by operation of law within section 27(5) of the Act

Applications to register dispositions by operation of law which are registrable dispositions

161.—(1) Subject to paragraphs (2) and (3), an application to register a disposition by operation of law which is a registrable disposition must be accompanied by sufficient evidence of the disposition.

(2) Where a vesting order has been made, it must accompany the application.

(3) Where there is a vesting declaration to which section 40 of the Trustee Act 1925^(a) applies, the application must be accompanied by the deed of appointment or retirement, and—

- (a) a certificate from the conveyancer acting for the persons making the appointment or effecting the retirement that they are entitled to do so, or
- (b) such other evidence to satisfy the registrar that the persons making the appointment or effecting the retirement are entitled to do so.

Death of proprietor

Transfer by a personal representative

162.—(1) An application to register a transfer by a personal representative, who is not already registered as proprietor, must be accompanied by—

- (a) the original grant of probate of the deceased proprietor and, where section 7 of the Administration of Justice Act 1925^(b) applies, the original grant of probate showing the chain of representation, to prove that the transferor is his personal representative,
- (b) the original letters of administration of the deceased proprietor showing the transferor as his personal representative,
- (c) a court order appointing the transferor as the deceased's personal representative, or
- (d) (where a conveyancer is acting for the applicant) a certificate given by a conveyancer that the conveyancer holds the original or a certified or office copy of such grant of probate, letters of administration or court order.]

(2) The registrar shall not be under a duty to investigate the reasons a transfer of registered land by a personal representative of a deceased sole proprietor or last surviving joint proprietor is made nor to

^(a) 1925 c. 19.

^(b) 1925 c. 23.

consider the contents of the will and, provided the terms of any restriction on the register are complied with, he must assume, whether he knows of the terms of the will or not, that the personal representative is acting correctly and within his powers.

NOTE

Paragraph (1) substituted by Schedule 1, paragraph 51, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Registration of a personal representative

163.—(1) An application by a personal representative to become registered as proprietor of a registered estate or registered charge—

- (a) in place of a deceased sole proprietor or the last surviving joint proprietor, or
- (b) jointly with another personal representative who is already so registered, or
- (c) in place of another personal representative who is already registered as proprietor,

must be accompanied by the evidence specified in paragraph (2).

[(2) Subject to paragraph (3), the evidence that must accompany an application under paragraph (1) is—

- (a) the original grant of probate of the deceased proprietor and, where section 7 of the Administration of Justice Act 1925 applies, the original grant of probate showing the chain of representation, to prove that the transferor is his personal representative,
- (b) the original letters of administration of the deceased proprietor showing the transferor as his personal representative,
- (c) a court order appointing the applicant as the deceased's personal representative, or
- (d) (where a conveyancer is acting for the applicant) a certificate given by the conveyancer that he holds the original or an office copy of such grant of probate, letters of administration or court order.]

(2) An application under paragraph (1)(c) must be accompanied by evidence to satisfy the registrar that the appointment of the personal representative whom the applicant is replacing has been terminated.

(3) When registering a personal representative of a deceased proprietor, the registrar must

add the following after the personal representative's name— “*executor or executrix (or administrator or administratrix) of [name] deceased*”.

(4) Before registering another personal representative as a result of an application made under paragraph (1)(b) the registrar must serve notice upon the personal representative who is registered as proprietor.

NOTE

Paragraph (2) substituted by Schedule 1, paragraph 52, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Death of joint proprietor

164. An application for alteration of the register by the removal from the register of the name of a deceased joint proprietor of a registered estate or registered charge must be accompanied by evidence of his death.

Bankruptcy of proprietor

Bankruptcy notice

165.—(1) The bankruptcy notice in relation to a registered estate must be entered in the proprietorship register and the bankruptcy notice in relation to a registered charge must be entered in the charges register{.

(1A) The bankruptcy notice on registration of a petition in bankruptcy must be in the following form—}

“BANKRUPTCY NOTICE entered under section 86(2) of the Land Registration Act 2002 in respect of a pending action, as the title of the [proprietor of the registered estate] *or* [the proprietor of the charge dated.....referred to above] appears to be affected by a petition in bankruptcy against [*name of debtor*], presented in the [*name*] Court (Court Reference Number.....) (Land Charges Reference Number PA.....).”

{(1B) The bankruptcy notice on registration of a bankruptcy application must be in the following form—

“BANKRUPTCY NOTICE entered under section 86(2) of the Land Registration Act 2002 in respect of a pending action, as the title of [the proprietor of the registered estate] *or* [the proprietor of the charge dated.....referred to above] appears to be affected by a bankruptcy application made by [name of debtor] (reference.....) (Land Charges Reference Number PA.....).” }

(2) The registrar must give notice of the entry of a bankruptcy notice to the proprietor of the registered estate or registered charge to which it relates.

(3) In this rule, “bankruptcy notice” means the notice which the registrar must enter in the register under section 86(2) of the Act.

Words in curly brackets substituted by The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016, article 3, Schedule 3(8) with effect from 6 April 2016.

Bankruptcy restriction

166.—(1) The bankruptcy restriction in relation to a registered estate must be entered in the proprietorship register and the bankruptcy restriction in relation to a registered charge must be entered in the charges register{.

(1A) The bankruptcy restriction on registration of a bankruptcy order made by the court must be in the following form—}

“BANKRUPTCY RESTRICTION entered under section 86(4) of the Land Registration Act 2002, as the title of [the proprietor of the registered estate] *or* [the proprietor of the charge dated.....referred to above] appears to be affected by a bankruptcy order made by the [*name*] Court (Court Reference Number) against [*name of debtor*] (Land Charges Reference Number WO.....).

[No disposition of the registered estate] *or* [No disposition of the charge] is to be registered until the trustee in bankruptcy of the property of the bankrupt is registered as proprietor of the [registered estate] *or* [charge].”

{(1B) The bankruptcy restriction on registration of a bankruptcy order made by the adjudicator must be in the following form—

“BANKRUPTCY RESTRICTION entered under section 86(4) of the Land Registration Act 2002 as the title of [the proprietor of the registered estate] *or* [the proprietor of the charge dated.....referred to above] appears to be affected by a bankruptcy order made by the adjudicator (reference.....) against [name of debtor] (Land Charges Reference Number WO.....).

[No disposition of the registered estate] *or* [No disposition of the charge] is to be registered until the trustee in bankruptcy of the property of the bankrupt is registered as proprietor of the [registered estate] *or* [charge].” }

(2) The registrar must give notice of the entry of a bankruptcy restriction to the proprietor of the registered estate or registered charge to which it relates.

(3) In this rule, “bankruptcy restriction” means the restriction which the registrar must enter in the register under section 86(4) of the Act.

Words in curly brackets substituted by The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016, article 3, Schedule 3(8) with effect from 6 April 2016.

Action of the registrar in relation to bankruptcy entries

167.—(1) Where the registrar is satisfied that—

- (a) the bankruptcy order has been annulled, or
- [(ab) the adjudicator has refused to make a bankruptcy order, or]
- (b) the bankruptcy petition has been dismissed or withdrawn with the court’s permission, or
- (c) the bankruptcy proceedings do not affect or have ceased to affect the registered estate or registered charge in relation to which a bankruptcy notice or bankruptcy restriction has been entered on the register,

he must as soon as practicable cancel any bankruptcy notice or bankruptcy restriction which relates to that bankruptcy order, [to that bankruptcy application,] to that bankruptcy petition or to those proceedings from the register.

(2) Where it appears to the registrar that there is doubt as to whether the debtor or bankrupt is the same person as the proprietor of the registered estate or registered charge in relation to which a bankruptcy notice or bankruptcy restriction has been entered, he must as soon as practicable take such action as he considers necessary to resolve the doubt.

(3) In this rule—

“bankruptcy notice” means the notice which the registrar must enter in the register under section 86(2) of the Act, and

“bankruptcy restriction” means the restriction which the registrar must enter in the register under section 86(4) of the Act.

Words in square brackets inserted by The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016, article 3, Schedule 3(8) with effect from 6 April 2016.

Registration of trustee in bankruptcy

168.—(1) Where—

- (a) a proprietor has had a bankruptcy order made against him, or
 - (b) an insolvency administration order has been made in respect of a deceased proprietor, and the bankrupt's or deceased's registered estate or registered charge has vested in the trustee in bankruptcy, the trustee may apply for the alteration of the register by registering himself in place of the bankrupt or deceased proprietor.
- (2) The application must be supported by, as appropriate—
- (a) the bankruptcy order relating to the bankrupt or the insolvency administration order relating to the deceased's estate, and
 - (b) a certificate signed by the trustee that the registered estate or registered charge is comprised in the bankrupt's estate or deceased's estate, and
 - (c) where the official receiver is the trustee, a certificate by him to that effect, and, where the trustee is another person, the evidence referred to in paragraph (3).
- (3) The evidence referred to at paragraph 2(c) is—
- (a) his certificate of appointment as trustee by the meeting of the bankrupt's or deceased debtor's creditors, or
 - (b) his certificate of appointment as trustee by the Secretary of State, or
 - (c) the order of the court appointing him trustee.
- (4) In this rule, “insolvency administration order” has the same meaning as in section 385(1) of the Insolvency Act 1986^(a).

Trustee in bankruptcy vacating office

169.—(1) This rule applies where—

- (a) a trustee in bankruptcy, who has been registered as proprietor, vacates his office, and
 - (b) the official receiver or some other person has been appointed the trustee of the relevant bankrupt's estate, and
 - (c) the official receiver or that person applies to be registered as proprietor in place of the former trustee.
- (2) The application referred to in paragraph (1)(c) must be supported by the evidence required by rule 168(2)(c).

Description of trustee in register

170. Where the official receiver or another trustee in bankruptcy is registered as proprietor, the words “Official Receiver and trustee in bankruptcy of [name]” or “Trustee in bankruptcy of [name]” must be added to the register, as appropriate.

Overseas insolvency proceedings

Proceedings under the EC Regulation on insolvency proceedings

171.—(1) A relevant person may apply for a note of a judgment opening insolvency proceedings to be entered in the register.

(2) An application under paragraph (1) must be accompanied by such evidence as the registrar may reasonably require.

^(a) 1986 c. 45.

- (3) Following an application under paragraph (1) if the registrar is satisfied that the judgment opening insolvency proceedings has been made he may enter a note of the judgment in the register
- (4) In this rule—

“judgment opening insolvency proceedings” means a judgment opening proceedings within the meaning of article 3(1) of the Regulation,

“Regulation” means Council Regulation (EC) No 1346/2000^(a),

“relevant person” means any person or body authorised under the provisions of article 22 of the Regulation to request or require an entry to be made in the register in respect of the judgment opening insolvency proceedings the subject of the application.

Pending land actions, writs and orders

Benefit of pending land actions, writs and orders

172.—(1) For the purposes of section 34(1) of the Act, a relevant person shall be treated as having the benefit of the pending land action, writ or order, as appropriate.

(2) In determining whether a person has a sufficient interest in the making of an entry of a restriction under section 43(1)(c) of the Act, a relevant person shall be treated as having the benefit of the pending land action, writ or order, as appropriate.

(3) In this rule, “a relevant person” means a person (or his assignee or chargee, if appropriate) who is taking any action or proceedings which are within section 87(1)(a) of the Act, or who has obtained a writ or order within section 87(1)(b) of the Act.

The Crown

Escheat etc

173.—(1) Where a registered freehold estate in land has determined, the registrar may enter a note of that fact in the property register and in the property register of any inferior affected registered title.

(2) Where the registrar considers that there is doubt as to whether a registered freehold estate in land has determined, the entry under paragraph (1) must be modified by a statement to that effect.

Church of England

Entry of Incumbent on a transfer to the Church Commissioners

174.—(1) Where by virtue of any Act or Measure a transfer to the Church Commissioners has the effect, subject only to being completed by registration, of vesting any registered land either immediately or at a subsequent time in an incumbent or any other ecclesiastical corporation sole, the registrar must register the incumbent or such other ecclesiastical corporation as proprietor upon

^(a) OJ No. L160, 30.6.00. p. 1.

receipt of—

- (a) an application,
 - (b) the transfer to the Church Commissioners, and
 - (c) a certificate by the Church Commissioners in Form 4.
- (2) The certificate in Form 4 may be given either in the transfer or in a separate document.
- (3) In this rule, “Measure” means a Measure of the National Assembly of the Church of England or of the General Synod of the Church of England.

Entry of Church Commissioners etc as proprietor

175.—(1) When any registered land is transferred to or (subject only to completion by registration) vested in the Church Commissioners, any ecclesiastical corporation, aggregate or sole, or any other person, by—

- (a) a scheme of the Church Commissioners, or
- (b) an instrument taking effect on publication in the London Gazette made pursuant to any Act or Measure relating to or administered by the Church Commissioners, or
- (c) any transfer authorised by any such Act or Measure,

the registrar must, on application, register the Church Commissioners, such ecclesiastical corporation or such other person as proprietor.

- (2) The application must be accompanied by—
- (a) a certificate by the Church Commissioners in Form 5, and
 - [(b) one of the following, as appropriate—
 - (i) a sealed copy of the scheme of the Church Commissioners,
 - (ii) a copy of the London Gazette publishing the instrument, or
 - (iii) the transfer.]
- (3) The certificate in Form 5 may be given either in the transfer or in a separate document.
- (4) In this rule, “Measure” means a Measure of the National Assembly of the Church of England or of the General Synod of the Church of England.

NOTE

Paragraph (2)(b) substituted by Schedule 1, paragraph 53, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Charities

Non-exempt charities – restrictions

176.—(1) The restriction which the registrar is required by section 37(8) or section 39(1B) of the Charities Act 1993^(a) to enter in the register where one of those subsections applies must be the appropriate restriction.

- (2) Any of the following applications must, if they relate to a registered or unregistered estate held by or in trust for a non-exempt charity, be accompanied by an application for entry of the appropriate restriction unless, in the case of a registered estate, that restriction is already in the register—
- (a) an application for first registration of an unregistered estate unless the disposition which triggers the requirement of registration is effected by an instrument containing the statement set out in rule 179(b) or rule 180(2)(b) or (c),
 - (b) an application to register a transfer of a registered estate unless the disposition is effected by an instrument containing the statement set out in rule 179(b),
 - (c) an application under rule 161 to register the vesting of a registered estate in a person other

^(a) 1993 c. 10.

than the proprietor of that estate.

(3) Where a registered estate is held by or in trust for a corporation and the corporation becomes a non-exempt charity, the charity trustees must apply for entry of the appropriate restriction.

(4) In this rule “the appropriate restriction” means a restriction in Form E.

NOTE:

The effect of Schedule 8, paragraph 3(1), to the Charities Act 2011, is that on and after 14 March 2012 the references to sections 37(8) and 39(1B) of the Charities Act 1993 are to be read respectively as references to sections 123(2) and 126(3) the Charities Act 2011. See [Table of Destinations](#).

Registration of trustees incorporated under Part VII of the Charities Act 1993

177. In any registrable disposition in favour of charity trustees incorporated under Part VII of the Charities Act 1993 they must be described as “a body corporate under Part VII of the Charities Act 1993” and the application to register the disposition must be accompanied by the certificate granted by the Charity Commissioners under section 50 of that Act.

NOTE:

The effect of Schedule 8, paragraph 3(1), to the Charities Act 2011, is that on and after 14 March 2012, the references to Part VII and section 50 of the Charities Act 1993 are to be read respectively as references to Part 12 and section 251 of the Charities Act 2011. See [Table of Destinations](#).

Registration of official custodian

178.—(1) An application to register the official custodian as proprietor of a registered estate or a registered charge must be accompanied by—

- (a) an order of the court made under section 21(1) of the Charities Act 1993, or
- (b) an order of the Charity Commissioners made under sections 16 or 18 of the Charities Act 1993.

(2) Where the estate or charge is vested in the official custodian by virtue of an order under section 18 of the Charities Act 1993, an application to register him as proprietor (whether under Chapter 1 of Part 2 of the Act or following a registrable disposition) must be accompanied by an application for the entry of a restriction in Form F.

(3) Where the official custodian is registered as proprietor of a registered estate or a registered charge, except where the estate or charge is vested in him by virtue of an order under section 18 of the Charities Act 1993, the address of the charity trustees or, where the registered estate or registered charge is held on behalf of a charity which is a corporation, the address of the charity, must be entered in the register as his address for service under rule 198.

NOTE:

The effect of Schedule 8, paragraph 3(1), to the Charities Act 2011, is that on and after 14 March 2012 the:

- reference to an order under section 16 of the Charities Act 1993 is to be read as a reference to an order under section 69 of the Charities Act 2011,
- reference to an order under section 18 of the Charities Act 1993 are to be read as references to an order under section 76 of the Charities Act 2011, and
- reference to an order under section 21(1) of the Charities Act 1993 is to be read as a reference to an order under section 90(1) of the Charities Act 2011.

See [Table of Destinations](#).

Statements to be contained in dispositions in favour of a charity

179. The statement required by section 37(5) of the Charities Act 1993 must, in an instrument to which section 37(7) of that Act applies, be in one of the following forms—

- (a) “The land transferred (*or as the case may be*) will, as a result of this transfer (*or as the case may be*) be held by (or in trust for) (*charity*), an exempt charity.”
- (b) “The land transferred (*or as the case may be*) will, as a result of this transfer (*or as the case may be*) be held by (or in trust for) (*charity*), a non-exempt charity, and the restrictions on

disposition imposed by section 36 of the Charities Act 1993 will apply to the land (subject to section 36(9) of that Act).”.

NOTE:

The effect of Schedule 8, paragraph 3(1), to the Charities Act 2011, is that on and after 14 March 2012 the:

- reference to sections 37(5) and 37(7) of the Charities Act 1993 are to be read as references respectively to sections 122(7) and (8) and to section 123(1) of the Charities Act 2011,
- reference to section 36 of the Charities Act 1993 is to be read as a reference to sections 117 to 121 of the Charities Act 2011, and
- reference to section 36(9) of the Charities Act 1993 is to be read as a reference to section 117(3) of the Charities Act 2011.

See [Table of Destinations](#).

Statements to be contained in dispositions by a charity

180.—(1) The statement required by section 37(1) of the Charities Act 1993 must, in an instrument to which section 37(7) of that Act applies, be in one of the following forms—

(a) “The land transferred (*or as the case may be*) is held by [(*proprietors*) in trust for] (*charity*), an exempt charity.”

(b) “The land transferred (*or as the case may be*) is held by [(*proprietors*) in trust for] (*charity*), a non-exempt charity, but this transfer (*or as the case may be*) is one falling within {paragraph ((a), (aa), (b) or (c))} *as the case may be* of section 36(9) of the Charities Act 1993.”

(c) “The land transferred (*or as the case may be*) is held by [(*proprietors*) in trust for] (*charity*), a non-exempt charity, and this transfer (*or as the case may be*) is not one falling within {paragraph (a), (aa), (b) or (c)} of section 36(9) of the Charities Act 1993, so that the restrictions on disposition imposed by section 36 of that Act apply to the land.”.

(2) The statement required by section 39(1) of the Charities Act 1993 must, in a mortgage which is a registrable disposition or to which section 4(1)(g) of the Act applies, be in one of the following forms—

(a) “The land charged is held by (*or in trust for*) (*charity*), an exempt charity.”

(b) “The land charged is held by (*or in trust for*) (*charity*), a non-exempt charity, but this charge (*or mortgage*) is one falling within section 38(5) of the Charities Act 1993.”

(c) “The land charged is held by (*or in trust for*) (*charity*), a non-exempt charity, and this charge (*or mortgage*) is not one falling within section 38(5) of the Charities Act 1993, so that the restrictions imposed by section 38 of that Act apply.”.

(3) The statement required by section 39(1A)(b) of the Charities Act 1993 must be in the following form—

“The restrictions on disposition imposed by section 36 of the Charities Act 1993 also apply to the land (subject to section 36(9) of that Act).”.

NOTE

Words in curly brackets in paragraphs (1)(b) and (1)(c) substituted by Schedule 1, paragraph 4, Charities Act 2006 (Changes in Exempt Charities) Order 2010, with effect from 1 June 2010.

The effect of Schedule 8, paragraph 3(1), to the Charities Act 2011, is that on and after 14 March 2012 the:

- references to section 36 and to section 36(9)(a) to (c) of the Charities Act 1993 are to be read as references respectively to sections 117 to 121 and to section 117(3)(a) to (d) of the Charities Act 2011,
- references to section 37(1) and 37(7) of the Charities Act 1993 are to be read as references respectively to section 122(1) and (2) and to section 123(1) of the Charities Act 2011,
- reference to section 38 of the Charities Act 1993 is to be read as a reference to section 124 of the Charities Act 2011,
- references to section 38(5) of the Charities Act 1993 are to be read as a reference to section 124(9) of the Charities Act 2011,
- reference to section 39(1) of the Charities Act 1993 is to be read as a reference to sections 125(1) and 126(1) of the Charities Act 2011, and
- reference to section 39(1A)(b) of the Charities Act 1993 is to be read as reference to section 126(2)(b) of the

Charities Act 2011.
See [Table of Destinations](#).

Companies and other corporations

[Registration of companies and limited liability partnerships

181. ...]

NOTE

Rule revoked by Schedule 1, paragraph 54, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Registration of trustees of charitable, ecclesiastical or public trust

182.—(1) Subject to paragraph [(2)], where a corporation or body of trustees holding on charitable, ecclesiastical or public trusts applies to be registered as proprietor of a registered estate or registered charge, the application must be accompanied by the document creating the trust.

[.....]

[(2)] Paragraph (1) of this rule does not apply in the case of a registered estate or a registered charge held by or in trust for a non-exempt charity.

NOTE

Numbering in square brackets in paragraph (1) substituted, paragraphs (2) and (3) revoked, and paragraph (4) renumbered as paragraph (2), by Schedule 1, paragraph 55, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

[Registration of certain corporations

183.—(1) Where a corporation to which this rule applies makes an application to be registered as proprietor of a registered estate or registered charge the application must also be accompanied by evidence of the extent of its powers to hold and sell, mortgage, lease and otherwise deal with, or to lend money on a mortgage or charge of, land.

(2) The evidence must include—

(a) the charter, statute, rules, memorandum and articles of association or other documents constituting the corporation, or a certificate given either—

(i) in Form 7 by a qualified lawyer practising in the territory of incorporation of the corporation, where the corporation is incorporated outside the United Kingdom, or

(ii) in Form 8 by the applicant's conveyancer, in respect of any other corporation to which this rule applies, and

(b) such further evidence as the registrar may require.

(3) This rule applies to any corporation aggregate which is not—

(a) a company incorporated in any part of the United Kingdom under the Companies Acts,

(b) a limited liability partnership incorporated under the Limited Liability Partnerships Act 2000^(a) or the Limited Liability Partnerships Act (Northern Ireland) 2002^(b), or

(c) a corporation to which rule 182(1) applies.]

^(a) 2000 c. 12

^(b) 2002 c. 12 (N.I.).

NOTE

Rule substituted by Schedule 1, paragraph 56, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

[Registration of registered social landlords{, private registered providers of social housing} and unregistered housing associations

183A.—(1) If an applicant for registration as proprietor of a registered estate or a registered charge is, or holds on trust for, a registered social landlord within the meaning of the Housing Act 1996^(c), the application must include a certificate to that effect.

{(1A)}

(2) If an applicant for registration as proprietor of a registered estate or a registered charge is, or holds on trust for, an unregistered housing association within the meaning of the Housing Associations Act 1985^(d) and the application relates to grant-aided land as defined in Schedule 1 to that Act, the application must include a certificate to that effect.]

NOTES

Rule inserted by Schedule 1, paragraph 57, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Paragraph (1A) inserted by Housing and Regeneration Act 2008 (Consequential Provisions) (No. 2) Order 2010, article 4, Sched 1, para 32, with effect from 1 April 2010, and revoked by The Housing and Planning Act 2016 (Consequential Provisions) (England) Regulations 2017, article 2, with effect from 6 April 2017.

Administration orders and liquidation of a company

184.—(1) Paragraph (2) applies where a company which is the registered proprietor of a registered estate or registered charge [enters administration] under the Insolvency Act 1986^(e).

(2) Upon the application of the company's administrator, supported by the order [or notice of appointment], the registrar must make an entry in the individual register of the relevant registered title as to the making of the order [or notice of appointment] and the appointment of the administrator.

(3) Paragraphs (4) and (5) apply where a company which is the registered proprietor of a registered estate or registered charge is in liquidation.

(4) Upon the application of the company's liquidator, the registrar must make an entry in the individual register of the relevant registered title as to the appointment of the liquidator.

(5) The application under paragraph (4) must be supported by the order, appointment by the Secretary of State or resolution under which the liquidator was appointed and such other evidence as the registrar may require.

NOTE

Words in square brackets in paragraph (1) substituted, and words in square brackets in paragraph (2) inserted, before the rule came into force, by article 5 and the Schedule, Part 2, paragraph 80, Enterprise Act 2002 (Insolvency) Order 2003, which came into force on 15 September 2003.

Note of dissolution of a corporation

185. Where a corporation shown in an individual register as the proprietor of the registered estate or of a registered charge has been dissolved, the registrar may enter a note of that fact in the

^(c) 1996 c. 52

^(d) 1985 c. 69.

^(e) 1986 c. 45.

proprietorship register or in the charges register, as appropriate.

Settlements

Settlements

186. Schedule 7 (which makes provision for the purposes of the Act in relation to the application to registered land of the enactments relating to settlements under the Settled Land Act 1925^(a)) has effect.

Adverse Possession

[Interpretation

187.—(1) Where the application is to be registered as proprietor of a registered rentcharge, the references in rules 188, 188A, 189, 190, 192, 193, 194A, 194B, 194C, 194F and 194G to Schedule 6 to the Act are to Schedule 6 as applied by rule 191.

(2) In rules 194A, 194B and 194F, “post” means pre-paid delivery by a postal service which seeks to deliver documents within the United Kingdom no later than the next working day in all or the majority of cases, and to deliver outside the United Kingdom within such period as is reasonable in all the circumstances.

(3) In rules 194A, 194B, 194C, 194F and 194G, “qualified surveyor” means a fellow or professional associate of the Royal Institution of Chartered Surveyors.]

NOTE

Rule substituted by Schedule 1, paragraph 58, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Applications for registration – procedure

188.—(1) An application under paragraphs 1 or 6 of Schedule 6 to the Act must be in Form ADV1 and be accompanied by—

(a) a statutory declaration [or statement of truth] made by the applicant not more than one month before the application is taken to have been made, together with any supporting statutory declarations [or statements of truth], to provide evidence of adverse possession of the registered estate in land or rentcharge against which the application is made for a period which if it were to continue from the date of the applicant’s statutory declaration [or statement of truth] to the date of the application would be—

(i) where the application is under paragraph 1, of not less than ten years (or sixty years, if paragraph 13 of Schedule 6 to the Act applies) ending on the date of the application, or

(ii) where the application is under paragraph 6, of not less than two years beginning with the date of rejection of the original application under paragraph 1 and ending on the date of the application,

(b) any additional evidence which the applicant considers necessary to support the claim.

(2) The statutory declaration [or statement of truth] by an applicant in support of an application under paragraph 1 of Schedule 6 to the Act must also—

(a) if the application relates to part only of the land in a registered title, exhibit a plan which enables that part to be identified on the Ordnance Survey map, unless that part is referred to in the statutory declaration or statement of truth by reference to the title plan and this enables that part to be so identified,

(b) if reliance is placed on paragraph 1(2) of Schedule 6 to the Act, contain the facts relied upon with any appropriate exhibits,

^(a) 1925 c. 18.

- (c) contain confirmation that paragraph 1(3) of Schedule 6 to the Act does not apply,
 - (d) where the application is to be registered as proprietor of a registered rentcharge, contain confirmation that the proprietor of the registered rentcharge has not reentered the land out of which the rentcharge issues,
 - (e) contain confirmation that to the best of his knowledge the restriction on applications in paragraph 8 of Schedule 6 to the Act does not apply,
 - (f) contain confirmation that to the best of his knowledge the estate or rentcharge is not, and has not been during any of the period of alleged adverse possession, subject to a trust (other than one where the interest of each of the beneficiaries is an interest in possession),
 - (g) if, should a person given notice under paragraph 2 of Schedule 6 to the Act require the application to be dealt with under paragraph 5 of that Schedule, it is intended to rely on one or more of the conditions set out in paragraph 5 of Schedule 6 to the Act, contain the facts supporting such reliance.
- (3) The statutory declaration [or statement of truth] by an applicant in support of an application under paragraph 6 of Schedule 6 to the Act must also—
- (a) if the application relates to part only of the land in a registered title, exhibit a plan which enables that part to be identified clearly on the Ordnance Survey map, unless the previous rejected application related only to that part, or that part is referred to in the statutory declaration or statement of truth by reference to the title plan and this enables that part to be so identified,
 - (b) contain full details of the previous rejected application,
 - (c) contain confirmation that to the best of his knowledge the restriction on applications in paragraph 8 of Schedule 6 to the Act does not apply,
 - (d) contain confirmation that to the best of his knowledge the estate or rentcharge is not, and has not been during any of the period of alleged adverse possession, subject to a trust (other than one where the interest of each of the beneficiaries is an interest in possession),
 - (e) contain confirmation that paragraph 6(2) of Schedule 6 to the Act does not apply, and
 - (f) where the application is to be registered as proprietor of a registered rentcharge, contain confirmation that the proprietor of the registered rentcharge has not reentered the land out of which the rentcharge issues.
- [(4) A statement of truth by an applicant under paragraphs 1 or 6 of Schedule 6 to the Act, and any supporting statements of truth, may be made in Form ST1 or Form ST2, as appropriate.]

NOTE

The words “or statement of truth” in paragraphs (1) to (3) inserted, paragraphs (2)(a) and (3)(a) substituted, and paragraph (4) inserted, by Schedule 1, paragraph 59, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

[Notification of application where registered proprietor is a dissolved company]

188A.—(1) This rule applies where an application under paragraph 1 of Schedule 6 to the Act is made.

(2) Where the registrar considers that the proprietor of the estate to which the application relates is, or may be, a company which is dissolved and that its last registered office was, or may have been, situated in the county palatine of Lancaster, the registrar must give notice of the application to the Solicitor for the affairs of the Duchy of Lancaster.

(3) Where the registrar considers that the proprietor of the estate to which the application relates is, or may be, a company which is dissolved and that its last registered office was, or may have been, situated in the county of Cornwall or in the Isles of Scilly, the registrar must give notice of the application to the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall.

(4) Where the registrar considers that the proprietor of the estate to which the application relates is, or may be, a company which is dissolved and that its last registered office was, or may have been, situated outside the areas referred to in paragraphs (2) and (3), the registrar must give notice of the application to the Treasury Solicitor.

(5) The notice referred to in paragraphs (2) to (4) is notice under paragraph 2 of Schedule 6 to the Act.

(6) In this rule, “company” means a company incorporated in any part of the United Kingdom under the Companies Acts.]

NOTE

Rule inserted by Schedule 1, paragraph 60, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Time limit for reply to a notice of an application

189. The period for the purpose of paragraph 3(2) of Schedule 6 to the Act is the period ending at 12 noon on the sixty-fifth business day after the date of issue of the notice.

Notice under paragraph 3(2) of Schedule 6 to the Act

190.—(1) A notice to the registrar under paragraph 3(2) of Schedule 6 to the Act from a person given a registrar’s notice must be—

- (a) in Form NAP, and
- (b) given to the registrar in the manner and at the address stated in the registrar’s notice.

(2) Form NAP must accompany a registrar’s notice.

(3) In this rule a “registrar’s notice” is a notice given by the registrar under paragraph 2 of Schedule 6 to the Act.

Adverse possession of rentcharges

191. Schedule 6 to the Act applies to the registration of an adverse possessor of a registered rentcharge in the modified form set out in Schedule 8.

Adverse possession of a rentcharge; non-payment of rent

192.—(1) This rule applies where—

- (a) a person is entitled to be registered as proprietor of a registered rentcharge under Schedule 6 to the Act, and
- (b) if that person were so registered he would not be subject to a registered charge or registered lease or other interest protected in the register, and
- (c) that person’s adverse possession is based on non-payment of rent due under the registered rentcharge.

(2) Where paragraph (1) applies the registrar must—

- (a) close the whole of the registered title of the registered rentcharge, or
- (b) cancel the registered rentcharge, if the registered title to it also comprises other rentcharges.

Prohibition of recovery of rent after adverse possession of a rentcharge

193.—(1) When—

- (a) a person has been registered as proprietor of a rentcharge, or
- (b) the registered title to a rentcharge has been closed, or
- (c) a registered rentcharge has been cancelled, where the registered title also comprises other rentcharges,

following an application made under Schedule 6 to the Act, and, if appropriate, closure or cancellation under rule 192, no previous registered proprietor of the rentcharge may recover any rent due under the rentcharge from a person who has been in adverse possession of the rentcharge.

(2) Paragraph (1) applies whether the adverse possession arose either as a result of non-payment of the rent or by receipt of the rent from the person liable to pay it.

Registration as a person entitled to be notified of an application for adverse possession

194.—(1) Any person who can satisfy the registrar that he has an interest in a registered estate in land or a registered rentcharge which would be prejudiced by the registration of any other person as proprietor of that estate under Schedule 6 to the Act or as proprietor of a registered rentcharge under that Schedule as applied by rule 191 may apply to be registered as a person to be notified under paragraph 2(1)(d) of Schedule 6.

(2) An application under paragraph (1) must be made in Form ADV2.

(3) The registrar must enter the name of the applicant in the proprietorship register as a person entitled to be notified under paragraph 2 of Schedule 6 to the Act.

[Arbitration requested by proprietor]

194A.—(1) This rule applies where a proprietor with the right under paragraph 10(1) of Schedule 6 to the Act to require apportionment has given the chargor notice in accordance with paragraph (2).

(2) The notice referred to in paragraph (1) must—

(a) identify the proprietor and give an address for communications to the proprietor from the chargor,

(b) make proposals as to the values of the registered estate and the other property subject to the charge,

(c) state the proprietor's intention, in the absence of agreement on the respective values of the registered estate and the other property subject to the charge, to request the President of the Royal Institution of Chartered Surveyors to appoint a qualified surveyor to determine these values, and

(d) be served by post to, or by leaving the notice at, any postal address or by electronic transmission to an electronic address (if there is one) entered in the register as an address for service for the chargor.

(3) If the chargor does not provide the proprietor with the chargor's written agreement to the values referred to in paragraph (2)(b), or to any other valuations acceptable to the proprietor, within one month of when the notice was received, the proprietor may make the request referred to in paragraph (2)(c).

(4) Where a qualified surveyor has been appointed pursuant to a request under paragraph (3)—

(a) the proprietor shall be liable for the costs of that appointment,

(b) the qualified surveyor shall act as an arbitrator and the provisions of the Arbitration Act 1996^(a) shall apply,

(c) the proprietor and the chargor shall be parties to the arbitration,

(d) the chargee may elect to be joined as a party to the arbitration, and the qualified surveyor must ascertain whether the chargee so elects, and

(e) the proprietor and the chargor must allow the qualified surveyor access to the land any estate in which is subject to the charge.

(5) In this rule, "an address for communications" means a postal address but if additionally the proprietor provides an e-mail address then that is also an address for communications.

Notice of required apportionment

194B.—(1) The right of the proprietor of a registered estate under paragraph 10(1) of Schedule 6 to the Act to require a chargee to apportion the amount secured by a charge is exercisable by notice being given by the proprietor to the chargee.

(2) The notice referred to in paragraph (1) must—

(a) identify the proprietor and give an address for communications to him from the chargee,

(b) state that apportionment is required under paragraph 10 of Schedule 6 to the Act,

(c) identify the chargor and the date of the charge,

(d) state whether the valuations accompanying the notice were by a qualified surveyor appointed

^(a) 1996 c. 23.

pursuant to a request under rule 194A and, if they were, state the effect of rule 194C(1), and (e) be served by post to, or by leaving the notice at, any postal address or by electronic transmission to an electronic address (if there is one) entered in the register as an address for service for the chargee.

- (3) Subject to paragraph (4), the notice referred to in paragraph (1) must be accompanied by—
- (a) valuations of the registered estate and of the other property subject to the charge by a qualified surveyor dated no earlier than two months before the notice is sent,
 - (b) the chargor's written agreement to the valuations,
 - (c) an official copy of the individual register and title plan of the registered estate, and
 - (d) a copy of the individual register and title plan, supplied in response to an application under rule 144, in respect of the registered title which immediately before the registration under Schedule 6 to the Act comprised the registered estate, unless such a copy is unavailable.
- (4) If the valuations of the registered estate and of the other property subject to the charge are by a qualified surveyor appointed pursuant to a request under rule 194A, the requirements in paragraph (3)(b), (c) and (d) do not apply.
- (5) In this rule, "an address for communications" means a postal address but if additionally the proprietor provides an e-mail address then that is also an address for communications.

Apportionment

194C.—(1) If the valuations accompanying the notice referred to in rule 194B(1) are by a qualified surveyor appointed pursuant to a request under rule 194A, the chargee must, within two months of when the notice was received, apportion the amount secured by the charge at the time referred to in paragraph 10(1) of Schedule 6 to the Act on the basis of these valuations.

(2) If the valuations accompanying the notice referred to in rule 194B(1) are not by a qualified surveyor pursuant to a request under rule 194A, the chargee must, within two months of when the notice was received, either—

(a) apportion the amount secured by the charge at the time referred to in paragraph 10(1) of Schedule 6 to the Act on the basis of the valuations accompanying the notice, or on the basis of other valuations agreed by the proprietor and the chargor, or

(b) request the President of the Royal Institution of Chartered Surveyors to appoint a qualified surveyor to value the registered estate and the other property subject to the charge.

(3) Where a qualified surveyor has been appointed pursuant to a request under paragraph (2)(b)—

(a) the chargee shall be liable for the costs of that appointment,

(b) the qualified surveyor shall act as an arbitrator and the provisions of the Arbitration Act 1996 shall apply,

(c) the proprietor and the chargee shall be parties to the arbitration,

(d) the chargor may elect to be joined as a party to the arbitration, and the qualified surveyor must ascertain whether the chargor so elects, and

(e) the proprietor and the chargor must allow the qualified surveyor access to the land any estate in which is subject to the charge.

(4) Where a qualified surveyor has been appointed pursuant to a request under paragraph (2)(b), the chargee must, within two months of when the valuations by the qualified surveyor were received, apportion the amount secured by the charge at the time referred to in paragraph 10(1) of Schedule 6 to the Act on the basis of those valuations.

Basis of valuation

194D.—(1) For the purposes of rules 194A, 194B and 194C, where the other property affected by the charge includes an estate in land, the value of the proprietor's registered estate shall be the diminution in value of that other property as determined in accordance with paragraph (2).

(2) The diminution in value of the other property is the difference between—

(a) the value of all the property subject to the charge if the chargor were the proprietor and in possession of the proprietor's registered estate, and

(b) the value of the property subject to the charge without the proprietor's registered estate.

Receipt of notice etc

194E.—(1) Notices and valuations shall be treated as received for the purposes of rules 194A(3) and 194C(1), (2) and (4) on—

- (a) the second working day after posting, where the notice is posted to an address in the United Kingdom,
- (b) the working day after it was left, where the notice is left at a postal address,
- (c) the seventh working day after posting, where the notice is posted to an address outside the United Kingdom, and
- (d) the second working day after transmission, where the notice is sent by electronic transmission (including email).

Notice of apportionment

194F.—(1) Within ten working days of any apportionment under rule 194C, the chargee must issue notice of the apportionment to the proprietor and to the chargor.

(2) The notice referred to in paragraph (1) must state—

- (a) the amount secured by the charge at the time referred to in paragraph 10(1) of Schedule 6 to the Act,
- (b) the amount apportioned to the registered estate, and
- (c) the costs incurred by the chargee as a result of the apportionment and payable under paragraph 10(2)(b) of Schedule 6 to the Act.

(3) The notice referred to in paragraph (1) which is issued to the proprietor must be served by post to, or by leaving the notice at, the postal address or by electronic transmission to any e-mail address given in the notice of required apportionment under rule 194B(1) or at another postal or e-mail address agreed in writing by the chargee and the proprietor.

Costs

194G.—(1) Where in the award under rule 194A(4) or rule 194C(3) the qualified surveyor decides that the chargee shall be responsible for payment of the costs incurred by the chargee or any other party to the arbitration, such costs shall be excluded from the costs payable under paragraph 10(2)(b) of Schedule 6 to the Act.

(2) Subject to paragraph (3), the chargor shall be entitled to be paid by the proprietor those costs reasonably incurred by the chargor in the apportionment and, in particular, those in relation to valuations obtained for the purpose of the apportionment.

(3) Where in the award the qualified surveyor decides that the chargor shall be responsible for payment of the costs incurred by the chargor or any other party to the arbitration, such costs shall be excluded from the costs payable under paragraph (2).]

NOTE

Rules 194A to 194G inserted by Schedule 1, paragraph 61, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Indemnity; interest on

[Payment of interest on an indemnity

195.—(1) Subject to paragraph (3), interest is payable in accordance with paragraph (4) on the amount of any indemnity paid under Schedule 8 to the Act—

- (a) where paragraph 1(1)(a) of Schedule 8 applies other than in respect of any indemnity on account of costs or expenses, from the date of the rectification to the date of payment,
- (b) where any other sub-paragraph of paragraph 1(1) of Schedule 8 applies other than in respect of any indemnity on account of costs or expenses, from the date the loss is suffered by reason of the relevant mistake, loss, destruction or failure to the date of payment,

- (c) in respect of an indemnity on account of costs or expenses within paragraph 3 of Schedule 8, from the date when the claimant pays them to the date of payment.
- (2) A reference in this rule to a period from a date to the date of payment excludes the former date but includes the latter date.
- (3) No interest is payable under paragraph (1) for any period or periods where the registrar or the court is satisfied that the claimant has not taken reasonable steps to pursue with due diligence the claim for indemnity or, where relevant, the application for rectification.
- (4) Simple interest is payable—
- (a) where the period specified in paragraph (1) starts on or after 10 November 2008, at one percent above the applicable Bank of England base rate or rates, or
 - (b) where the period specified in paragraph (1) starts before that date,
 - (i) for the part of the period before that date, at the applicable rate or rates set for court judgment debts, and
 - (ii) for the part of the period on or after that date, at one percent above the applicable Bank of England base rate or rates.
- (5) In this rule “Bank of England base rate” means—
- (a) the rate announced from time to time by the Monetary Policy Committee of the Bank of England as the official dealing rate, being the rate at which the Bank is willing to enter into transactions for providing short term liquidity in the money markets, or
 - (b) where an order under section 19 of the Bank of England Act 1998^(a) is in force, any equivalent rate determined by the Treasury under that section.]

NOTE

Rule substituted by Schedule 1, paragraph 62, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Statements under the Leasehold Reform, Housing and Urban Development Act 1993

Statements in transfers or conveyances and leases under the Leasehold Reform, Housing and Urban Development Act 1993

196.—(1) The statement required by section 34(10) of the Leasehold Reform, Housing and Urban Development Act 1993^(b) to be contained in a conveyance executed for the purposes of Chapter I of Part I of that Act must be in the following form:

“This conveyance (or transfer) is executed for the purposes of Chapter I of Part I of the Leasehold Reform, Housing and Urban Development Act 1993.”.

(2) The statement required by section 57(11) of the Leasehold Reform, Housing and Urban Development Act 1993 to be contained in any new lease granted under section 56 of that Act must be in the following form:

“This lease is granted under section 56 of the Leasehold Reform, Housing and Urban Development Act 1993.”

[Modification of Parts 2 and 3 of the Act in their application to incorporeal hereditaments

Possessory titles to rentcharges

196A. In their application to rentcharges, sections 9(5) and 10(6) of the Act have effect as if for the

^(a) 1998 c. 11..

^(b) 1993 c. 28.

words “in actual possession of the land, or in receipt of the rents and profits of the land,” there were substituted the words “in receipt of the rent”.

Application of sections 11, 12 and 29 of the Act to franchises

196B.—(1) In their application to franchises, sections 11(4) and 12(4) of the Act have effect without prejudice to any right of the Crown to forfeit the franchise.

(2) In its application to franchises, section 29(2)(a) of the Act has effect with the deletion of the word “or” at the end of sub-paragraph (ii) and with the insertion between the words “registration,” and “and” at the end of sub-paragraph (iii) of—

“or

(iv) is a right of the Crown to forfeit the franchise.”.]

NOTE

Section heading and rules inserted by Schedule 1, paragraph 63, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

PART 15 GENERAL PROVISIONS

Notices and Addresses for Service

Content of notice

197.—(1) Every notice given by the registrar must—

- (a) fix the time within which the recipient is to take any action required by the notice,
- (b) state what the consequence will be of a failure to take such action as is required by the notice within the time fixed,
- (c) state the manner in which any reply to the notice must be given and the address to which it must be sent.

(2) Except where otherwise provided by these rules, the time fixed by the notice will be the period ending at 12 noon on the fifteenth business day after the date of issue of the notice.

Address for service of notice

198.—(1) A person who is (or will as a result of an application be) a person within paragraph (2) must give the registrar an address for service to which all notices and other communications to him by the registrar may be sent, as provided by paragraph (3).

(2) The persons referred to in paragraph (1) are—

- (a) the registered proprietor of a registered estate or registered charge,
- (b) the registered beneficiary of a unilateral notice,
- (c) a cautioner named in an individual caution register, [(d) a person named in—
 - (i) a standard form of restriction set out in Schedule 4, whose address is required by that restriction, or
 - (ii) any other restriction, whose consent or certificate is required, or to whom notice is required to be given by the registrar or another person, except where the registrar is required to enter the restriction without application,]
- (e) a person entitled to be notified of an application for adverse possession under rule 194,
- (f) a person who objects to an application under section 73 of the Act,
- (g) a person who gives notice to the registrar under paragraph 3(2) of Schedule 6 to the Act, and
- (h) any person who while dealing with the registrar in connection with registered land or a

- caution against first registration is requested by the registrar to give an address for service.
- (3) A person within paragraph (1) must give the registrar an address for service which is a postal address, whether or not in the United Kingdom.
- (4) A person within paragraph (1) may give the registrar one or two additional addresses for service, provided that he may not have more than three addresses for service, and the address or addresses must be—
- (a) a postal address, whether or not in the United Kingdom, or
 - (b) subject to paragraph (7), a box number at a United Kingdom document exchange, or
 - (c) an electronic address.
- (5) Subject to paragraphs (3) and (4) a person within paragraph (1) may give the registrar a replacement address for service.
- (6) A cautioner who is entered in the register of title in respect of a caution against dealings under section 54 of the Land Registration Act 1925 may give the registrar a replacement or additional address for service provided that—
- (a) he may not have more than three addresses for service,
 - (b) one of his addresses for service must be a postal address, whether or not in the United Kingdom, and
 - (c) all of his addresses for service must be such addresses as are mentioned in paragraph (4).
- [(6A) Where a cautioner who is shown in the register of title as having been entered in that register in respect of a caution against dealings under section 54 of the Land Registration Act 1925 has died, his personal representative may apply to the registrar for the entry of a replacement or additional address for service provided that—
- (a) there may not be more than three addresses for service,
 - (b) one of the addresses for service must be a postal address, whether or not in the United Kingdom,
 - (c) all of the addresses for service must be such addresses as are mentioned in paragraph (4), and
 - (d) the application must be accompanied by—
 - (i) the original grant of probate of the deceased proprietor and, where section 7 of the Administration of Justice Act 1925^(a) applies, the original grant of probate showing the chain of representation, to prove that the transferor is his personal representative,
 - (ii) the original letters of administration of the deceased proprietor showing the transferor as his personal representative,
 - (iii) a court order appointing the applicant as the deceased's personal representative, or
 - (iv) (where a conveyancer is acting for the applicant) a certificate given by a conveyancer that he holds the original or a certified office copy of such grant of probate, letters of administration or court order.]
- (7) The box number referred to at paragraph (4)(b) must be at a United Kingdom document exchange to which delivery can be made on behalf of the land registry under arrangements already in existence between the land registry and a service provider at the time the box number details are provided to the registrar under this rule.
- (8) In this rule an electronic address means—
- (a) an e-mail address, or
 - (b) any other form of electronic address specified in a direction under paragraph (9).
- (9) If the registrar is satisfied that a form of electronic address, other than an e-mail address, is a suitable form of address for service he may issue a direction to that effect.
- (10) A direction under paragraph (9) may contain such conditions or limitations or both as the registrar considers appropriate.
- (11) A person within paragraph (2)(d) shall be treated as having complied with any duty imposed on him under paragraph (1) where rule 92(2)(b) has been complied with.

^(a) 1925 c. 23

NOTES

Paragraph 2(d) substituted by r.8, Land Registration (Amendment) Rules 2005, with effect from 24 October 2005.

Paragraph 6A inserted by Schedule 1, paragraph 64, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Service of notice

199.—(1) All notices which the registrar is required to give may be served—

(a) by post, to any postal address in the United Kingdom entered in the register as an address for service,

(b) by post, to any postal address outside the United Kingdom entered in the register as an address for service,

(c) by leaving the notice at any postal address in the United Kingdom entered in the register as an address for service,

(d) by directing the notice to the relevant box number at any document exchange entered in the register as an address for service,

(e) by electronic transmission to the electronic address entered in the register as an address for service,

(f) subject to paragraph (3), by fax, or

(g) by any of the methods of service given in sub-paragraphs (a), (b), (c) and (d) to any other address where the registrar believes the addressee is likely to receive it.

(2) In paragraph (1) references to an address or box number “entered in the register as an address for service” include an address for service given under rule 198(2)(h), whether or not it is entered in the register.

(3) The notice may be served by fax if the recipient has informed the registrar in writing—

(a) that the recipient is willing to accept service of the notice by fax, and

(b) of the fax number to which it should be sent.

(4) Service of a notice which is served in accordance with this rule shall be regarded as having taken place at the time shown in the table below—

(5) In this rule “post” means pre-paid delivery by a postal service which seeks to deliver documents within the United Kingdom no later than the next working day in all or the majority of cases, and to deliver outside the United Kingdom within such a period as is reasonable in all the circumstances.

[(6) ...]

NOTE

Paragraph (6) revoked by Schedule 1, paragraph 65, Land Registration (Amendment) Rules 2008, with effect from 10

<i>Method of service</i>	<i>Time of service</i>
Post to an address in the United Kingdom	The second working day after posting
Leaving at a postal address	The working day after it was left
Post to an address outside the United Kingdom	The seventh working day after posting
Document exchange	On the second working day after it was left at the registrar’s document exchange
Fax	The working day after transmission
Electronic transmission to an electronic address	The second working day after transmission
<i>Method of service</i>	<i>Time of service</i>
Post to an address in the United Kingdom	The second working day after posting
Leaving at a postal address	The working day after it was left
Post to an address outside the United Kingdom	The seventh working day after posting
Document exchange	On the second working day after it was left at the registrar’s document exchange
Fax	The working day after transmission

November 2008

Specialist assistance

Use of specialist assistance by the registrar

200.—(1) The registrar may refer to an appropriate specialist—

(a) the examination of the whole or part of any title lodged with an application for first registration, or

(b) any question or other matter which arises in the course of any proceedings before the registrar and which, in his opinion, requires the advice of an appropriate specialist.

(2) The registrar may act upon the advice or opinion of an appropriate specialist to whom he has referred a matter under paragraph (1).

(3) In this rule, “appropriate specialist” means a person who the registrar considers has the appropriate knowledge, experience and expertise to advise on the matter referred to him.

Proceedings before the registrar

Production of documents

201.—(1) The registrar may only exercise the power conferred on him by section 75(1) of the Act if he receives from a person who is a party to proceedings before him a request that he should require a document holder to produce a document for the purpose of those proceedings.

(2) The request must be made—

(a) in paper form in Form PRD1 delivered to such office of the land registry as the registrar may direct, or

(b) during the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice, by delivering the request to the registrar, by any means of communication, other than as mentioned in subparagraph (a).

(3) The registrar must give notice of the request to the document holder.

(4) The address for the document holder provided in Form PRD1 is to be regarded for the purpose of rule 199 as an address for service given under rule 198(2)(h).

(5) The notice must give the document holder a period ending at 12 noon on the twentieth business day after the issue of the notice, or such other period as the registrar thinks appropriate, to deliver a written response to the registrar by the method and to the address stated in the notice.

(6) The response must—

(a) state whether or not the document holder opposes the request,

(b) if he does, state in full the grounds for that opposition,

(c) give an address to which communications may be sent, and

(d) be signed by the document holder or his conveyancer.

(7) The registrar must determine the matter on the basis of the request and any response submitted to him and, subject to paragraph (8), he may make the requirement by sending a notice in Form PRD2 to the document holder if he is satisfied that—

(a) the document is in the control of the document holder, and

(b) the document may be relevant to the proceedings, and

(c) disclosure of the document is necessary in order to dispose fairly of the proceedings or to save costs,

and he is not aware of any valid ground entitling the document holder to withhold the document.

(8) The registrar may, as a condition of making the requirement, provide that the person who has made the request should pay the reasonable costs incurred in complying with the requirement by the document holder.

(9) In this rule, “document holder” means the person who is alleged to have control of a document

which is the subject of a request under paragraph (1).

Costs

202.—(1) A person who has incurred costs in relation to proceedings before the registrar may request the registrar to make an order requiring a party to those proceedings to pay the whole or part of those costs.

(2) The registrar may only order a party to proceedings before him to pay costs where those costs have been occasioned by the unreasonable conduct of that party in relation to the proceedings.

(3) Subject to paragraph (5), a request for the payment of costs must be made by delivering to the registrar a written statement in paper form by 12 noon on the twentieth business day after the completion of the proceedings to which the request relates.

(4) The statement must—

- (a) identify the party against whom the order is sought and include an address where notice may be served on that party,
- (b) state in full the grounds for the request,
- (c) give an address to which communications may be sent, and
- (d) be signed by the person making the request or his conveyancer.

(5) During the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice, a request under this rule may also be made by delivering the written statement to the registrar, by any means of communication, other than as mentioned in paragraph (3).

(6) The registrar must give notice of the request to the party against whom the order is sought at the address provided under paragraph (4)(a) and if that party has an address for service in an individual register that relates to the proceedings, at that address.

(7) An address for a party provided under paragraph (4)(a) is to be regarded for the purpose of rule 199 as if it was an address for service given under rule 198(2)(h).

(8) The notice must give the recipient a period ending at 12 noon on the twentieth business day after the issue of the notice, or such other period as the registrar thinks appropriate, to deliver a written response to the registrar by the method and to the address stated in the notice.

(9) The response must—

- (a) state whether or not the recipient opposes the request,
- (b) if he does, state in full the grounds for that opposition,
- (c) give an address to which communications may be sent, and
- (d) be signed by the recipient or his conveyancer.

(10) The registrar must determine the matter on the basis of: the written request and any response submitted to him, all the circumstances including the conduct of the parties, and the result of any enquiries he considers it necessary to make.

(11) The registrar must send to all parties his written reasons for any order he makes under paragraph (1).

(12) An order under paragraph (1) may—

- (a) require a party against whom it is made to pay to the requesting party the whole or such part as the registrar thinks fit of the costs incurred in the proceedings by the requesting party,
- (b) specify the sum to be paid or require the costs to be assessed by the court (if not otherwise agreed), and specify the basis of the assessment to be used by the court.

Retention and return of documents

Retention of documents on completion of an application

203.—(1) Subject to paragraphs (2) to (5), on completion of any application the registrar may retain all or any of the documents that accompanied the application and must return all other such

documents to the applicant or as otherwise specified in the application.

(2) When making an application, an applicant or his conveyancer may request the return of all or any of the documents accompanying the application.

(3) Except on an application for first registration, a person making a request under paragraph (2) must deliver with the application certified copies of the documents which are the subject of the request.

(4) On an application for first registration, a person making a request under paragraph (2) for the return of any statutory declaration, [statement of truth,] subsisting lease, subsisting charge[, a certificate relating to stamp duty land tax as required by section 79 of the Finance Act 2003^(a),] or the latest document of title must deliver with the application certified copies of any such documents as are the subject of the request, but shall not be required to deliver copies of any other documents.

(5) Subject to the delivery of any certified copies required under paragraphs (3) or (4), the registrar must comply with any request made under paragraph (2).

(6) The registrar may destroy any document retained under paragraph (1) if he is satisfied that either—

(a) he has made and retained a sufficient copy of the document, or

(b) further retention of the document is unnecessary.

(7) If the registrar considers that he no longer requires delivery of certified copies of documents, or classes of documents, under this rule he may, in such manner as he thinks appropriate for informing persons who wish to make applications, give notice to that effect and on and after the date specified in such notice—

(a) the requirement under this rule to deliver certified copies of the documents covered by the notice no longer applies, and

(b) the registrar may amend any Schedule 1 form to reflect that fact.

(8) In paragraph (4) the “latest document of title” means the document vesting the estate sought to be registered in the applicant or where the estate vested in the applicant by operation of law the most recent document that vested the estate in a predecessor of the applicant.

NOTE

Words in square brackets in paragraph (4) inserted by Schedule 1, paragraph 66, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Request for the return of certain documents

204.—(1) This rule applies to all documents on which any entry in the register of title is or was founded and which are kept by the registrar on the relevant date.

(2) During the period of 5 years beginning with the relevant date any person who delivered a document to the registrar may request the return of that document.

(3) Where at the time of the delivery of the document the person delivering the document was the registered proprietor, or was applying to become the registered proprietor, of any registered estate or registered charge in respect of which the entry referred to in paragraph (1) was made, a person who is at the date of the request the registered proprietor of any part of the same registered estate or registered charge may make a request under paragraph (2) for the document to be returned to him.

(4) Subject to paragraph (5), if, at the date of the request under paragraph (2), the document is kept by the registrar he must return it to the person making the request.

(5) If the registrar receives more than one request under paragraph (2) in respect of the same document, he may either retain the document or, in his discretion, return it to one of the persons making a request.

(6) At the end of the period mentioned in paragraph (2) if there is no outstanding request in relation to the document the registrar may destroy any document if he is satisfied that—

(a) he has retained a copy of the document, or

^(a) 2003 c. 14.

(b) further retention of the document is unnecessary.

(7) Where a request is made for the return of a document after the end of the period mentioned in paragraph (2), the registrar may treat the request as a request under paragraph (2).

(8) The “relevant date” for the purpose of this rule is the date on which these rules come into force.

Release of documents kept by the registrar

205. The registrar may release any document retained under rule 203(1) or to which rule 204 applies upon such terms, if any, for its return as he considers appropriate. *Forms*

Use of forms

206.—(1) Subject to paragraph (4) and to rules [207A,] 208 and 209, the Schedule 1 forms must be used where required by these rules and must be prepared in accordance with the requirements of rules 210 and 211.

(2) Subject to paragraph (4) and to rules 208 and 209, except where these rules require the use of a Schedule 1 form, the Schedule 3 forms must be used in all matters to which they refer, or are capable of being applied or adapted, with such alterations and additions as are desired and the registrar allows.

(3) Subject to rule 208(2), the forms of execution in Schedule 9 must be used in the execution of dispositions in the scheduled forms in the cases for which they are provided, or are capable of being applied or adapted, with such alterations and additions, if any, as the registrar may allow.

(4) A requirement in these rules to use a scheduled form is subject, where appropriate, to the provisions in these rules relating to the making of applications and issuing results of applications other than in paper form, during the currency of a notice given under Schedule 2.

NOTE

Number in square brackets in paragraph (1) inserted by Schedule 1, paragraph 67, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

[Adaptation of certain Schedule 1 forms to provide for direct debit

207. ...]

NOTE

Rule revoked by Schedule 1, paragraph 68, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

[Amendment of certain Schedule 1 forms to provide for explanatory information to be altered

207A.—(1) In order to assist applicants in completing a form or in making an application in relation to a form, the registrar may remove, add to, or alter any explanatory information outside the panels of a Schedule 1 form.

(2) Any amendment under paragraph (1) must not alter the name and description of the form at the top of the first page or instructions as to what must be entered in the form.

(3) Where a form has been amended under paragraph (1) a person may use the form for the

purposes of these rules as amended or as unamended.] **NOTE**

Rule inserted by Schedule 1, paragraph 69, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Welsh language forms

208.—(1) Where the registrar, in exercise of his powers under section 100(4) of the Act, publishes an instrument as the Welsh language version of a scheduled form, the instrument shall be regarded as being in the scheduled form.

(2) In place of the form of execution provided by Schedule 9, an instrument referred to in paragraph (1) may be executed using a form of execution approved by the registrar as the Welsh language version of the Schedule 9 form.

(3) An instrument containing a statement approved by the registrar as the Welsh language version of a statement prescribed by these rules shall be regarded as containing the prescribed statement.

(4) An instrument containing a provision approved by the registrar as the Welsh language version of a provision prescribed by these rules shall be regarded as containing the prescribed provision.

Use of non-prescribed forms

209.—(1) This rule applies where—

(a) an application should be accompanied by a scheduled form and a person wishes to make an application relying instead upon an alternative document that is not the relevant scheduled form, and

(b) it is not possible for that person to obtain and lodge the relevant scheduled form (duly executed, if appropriate) at the land registry or it is only possible to do so at unreasonable expense.

(2) Such a person may make a request to the registrar, either before or at the time of making the application which should be accompanied by the relevant scheduled form, that he be permitted to rely upon the alternative document.

(3) The request must contain evidence to satisfy the registrar as mentioned in paragraph (1)(b) and include the original, or, if the request is made before the application, a copy, of the alternative document.

(4) If, after considering the request, the registrar is satisfied as mentioned at paragraph (1)(b) and that neither the rights of any person nor the keeping of the register are likely to be materially prejudiced by allowing the alternative document to be relied upon instead of the relevant scheduled form, he may permit such reliance.

(5) If the registrar allows the request it may be on condition that the person making the request provides other documents or evidence in support of the application.

(6) This rule is without prejudice to any of the registrar's powers under the Act.

Documents in a Schedule 1 form

210.—(1) Subject to rule 211, any application or document in one of the Schedule 1 forms must—

(a) be printed on durable A4 size paper,

(b) [subject to rule 215A(4) and (5),] be reproduced as set out in the Schedule as to its wording, layout, ruling, font and point size, and

(c) contain all the information required in an easily legible form.

(2) Where on a Schedule 1 form (other than Form DL) any panel is insufficient in size to contain the required insertions, and the method of production of the form does not allow the depth of the panel to be increased, the information to be inserted in the panel must be continued on a continuation sheet in Form CS.

(3) When completing a Schedule 1 form containing an additional provisions panel, any statement, certificate or application required or permitted by these rules to be included in the form for which the form does not otherwise provide and any additional provisions desired by the parties must be inserted in that panel or a continuation of it.

(4) Where the form consists of more than one sheet of paper, or refers to an attached plan or a continuation sheet, all the sheets and any plan must be securely fastened together.

NOTE

Words in square brackets in paragraph (1)(b) inserted by Schedule 1, paragraph 70, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Electronically produced forms

211.[...] Where the method of production of a Schedule 1 form permits—

(a) the depth of a panel may be increased or reduced to fit the material to be comprised in it, and a panel may be divided at a page break,

[(b) the text outside the panels of a Schedule 1 form, other than—

(i) the name and description of the form at the top of the first page, and

(ii) any text after the final panel,

may be omitted,]

(c) inapplicable certificates and statements may be omitted,

(d) the plural may be used instead of the singular and the singular instead of the plural,

(e) panels which would contain only the panel number and the panel heading may be omitted, but such omission must not affect the numbering of subsequent panels,

(f) “X” boxes may be omitted where all inapplicable statements and certificates have been omitted,

(g) the sub-headings in an additional provisions panel may be added to, amended, repositioned or omitted,

(h) “Seller” may be substituted for “Transferor” and “Buyer” for “Transferee” in a transfer on sale,

(i) the vertical lines which define the left and right boundaries of the panel may be omitted.

NOTE

Numbering in square brackets at start of rule revoked, and paragraph (b) substituted, by Schedule 1, paragraph 71, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Documents where no form is prescribed

212.—(1) Documents for which no form is prescribed must be in such form as the registrar may direct or allow.

(2) A document prepared under this rule must not bear the number of a Schedule 1 form.

(3) A document affecting a registered title must refer to the title number.

Documents accompanying applications

Identification of part of the registered title dealt with

213.—(1) Subject to paragraphs (4) and (5) of this rule, a document lodged at the land registry dealing with part of the land in a registered title must have attached to it a plan identifying clearly the land dealt with.

(2) Where the document is a disposition, the disponent must sign the plan.

(3) Where the document is an application, the applicant must sign the plan.

(4) If the land dealt with is identified clearly on the title plan of the registered title, it may instead be described by reference to that title plan.

(5) Where a disposition complies with this rule, the application lodged in respect of it need not.

Lodging of copy instead of an original document

214.—(1) Subject to paragraphs (2), (3) and (4), where a rule requires that an application be accompanied by an original document (for instance, a grant of representation) the applicant may, instead of lodging the original, lodge a certified or office copy of that document.

(2) This rule does not apply to—

(a) any document required to be lodged under Part 4,

(b) a scheduled form,

(c) a document that is a registrable disposition.

(3) This rule does not apply also where the registrar considers that the circumstances are such that the original of a document should be lodged and the applicant has possession, or the right to possession, of that original document.

(4) Where this rule permits a certified or office copy of a document to be lodged the registrar may permit an uncertified copy of the document to be lodged instead.

Documents and other evidence in support of an application

215.—(1) This rule applies where—

(a) the lodging of a document (not being a scheduled form) or other evidence in support of an application is required by these rules, and

(b) the document or other evidence is in the particular case unnecessary or the purpose of the lodging of the document or other evidence can be achieved by another document or other evidence.

(2) An applicant may request the registrar to be relieved of the requirement.

(3) The request must contain evidence to satisfy the registrar as mentioned in paragraph (1)(b).

(4) If, after considering the request, the registrar is satisfied as mentioned at paragraph (1)(b) and that neither the rights of any person nor the keeping of the register are likely to be materially prejudiced by relieving the applicant of the requirement, he may so relieve the applicant.

(5) If the registrar allows the request it may be on condition that the applicant provides other documents or evidence in support of the application.

(6) This rule is without prejudice to any of the registrar's powers under the Act.

[Statements of truth

215A.—(1) In these rules, a statement of truth means a statement which—

- (a) is made by an individual in writing,
 - (b) contains a declaration of truth in the following form— ‘I believe that the facts and matters contained in this statement are true’, and
 - (c) is signed in accordance with paragraphs (2) to (6).
- (2) Subject to paragraph (5), a statement of truth must be signed by the individual making the statement.
- (3) The full name of the individual who signs a statement of truth must be printed clearly beneath his signature.
- (4) Where a statement of truth is to be signed by an individual who is unable to read, it must—
- (a) be signed in the presence of a conveyancer, and
 - (b) contain a certificate made and signed by that conveyancer in the following form—

‘I [*name and address of conveyancer*] certify that I have read over the contents of this statement of truth and explained the nature and effect of any documents referred to in it and the consequences of making a false declaration to the person making this statement who signed it or made [his] *or* [her] mark in my presence having first (a) appeared to me to understand the statement (b) approved its content as accurate and

(c) appeared to me to understand the declaration of truth and the consequences of making a false declaration.’

(5) Where a statement of truth is to be made by an individual who is unable to sign it, it must—

- (a) state that individual’s full name,
- (b) be signed by a conveyancer at the direction and on behalf of that individual, and
- (c) contain a certificate made and signed by that conveyancer in the following form—

‘I [*name and address of conveyancer*] certify that [the person making this statement of truth has read it in my presence, approved its content as accurate and directed me to sign it on [his] *or* [her] behalf] *or* [I have read over the contents of this statement of truth and explained the nature and effect of any documents referred to in it and the consequences of making a false declaration to the person making this statement who directed me to sign it on [his] *or* [her] behalf] having first (a) appeared to me to understand the statement (b) approved its content as accurate and (c) appeared to me to understand the declaration of truth and the consequences of making a false declaration.’

(6) Where a statement of truth, or a certificate under paragraph (4) or (5), is signed by a conveyancer—

- (a) the conveyancer must sign in their own name and not that of their firm or employer, and
- (b) the conveyancer must state the capacity in which they sign and where appropriate the name of their firm or employer.]

NOTE

Rule inserted by Schedule 1, paragraph 72, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Land Registry – when open to public

Days on which the Land Registry is open to the public

216.—[(1) Subject to paragraph (2), the land registry shall be open to the public daily except on—

- (a) Saturdays, Sundays, Christmas Day and Good Friday, or
- (b) any other day—
 - (i) specified or declared by proclamation under section 1 of the Banking and Financial

Dealings Act 1971(a),

(ii) appointed by the [Secretary of State], or

(iii) certified as an interrupted day under paragraph (6).]

(2) If the registrar is satisfied that adequate arrangements have been made or will be in place for opening the land registry to the public on Saturdays, he may, in such manner as he considers appropriate, give notice to that effect.

(3) On and after the date specified in any notice given pursuant to paragraph (2), paragraph (1) shall have effect as though the word “Saturdays” had been omitted.

(4) The date referred to in paragraph (3) must be at least eight weeks after the date of the notice.

(5) On and after the date specified in any notice given pursuant to paragraph (2), the periods in column 3 in the table below are substituted for the periods in column 2 in that table in the rules to which they relate.

(1) Rule	(2) Prescribed period before any notice given under rule 216(2) takes effect	(3) Prescribed period after any notice given under rule 216(2) takes effect
16(1)	twenty business days	twenty-four business days
31(2)	the twentieth business day	the twenty-fourth business day
53(1)	the fifteenth business day	the eighteenth business day
53(1)	the thirtieth business day	the thirty-sixth business day
53(3)	the thirtieth business day	the thirty-sixth business day
53(4)	the fifteenth business day	the eighteenth business day
54(9)	the fourth business day	the fourth business day
55(4)	fifteen business days	eighteen business days
86(3)	the fifteenth business day	the eighteenth business day
86(3)	the thirtieth business day	the thirty-sixth business day
86(5)	the thirtieth business day	the thirty-sixth business day
86(6)	the fifteenth business day	the eighteenth business day
92(9)	the fifteenth business day	the eighteenth business day
119(3)	the twentieth business day	the twenty-fourth business day
189	the sixty-fifth business day	the seventy-eighth business day
197(2)	the fifteenth business day	the eighteenth business day
201(5)	the twentieth business day	the twenty-fourth business day
202(3)	the twentieth business day	the twenty-fourth business day
202(8)	the twentieth business day	the twenty-fourth business day
218	the fifteenth business day	the eighteenth business day

[(6) The registrar may certify any day as an interrupted day if he is satisfied that on that day there is likely to be—

(a) a general delay in, or failure of, a communication service in England and Wales, or

(b) any other event or circumstance, causing a substantial interruption in the normal operation of the land registry.

(7) The registrar must give notice of any certification under paragraph (6) in such manner as he considers appropriate.

(8) Any certification under paragraph (6) must take place before the start of the day being certified.

(9) In this rule, “communication service” means a service by which documents may be sent and delivered and includes a post service, a document exchange service and electronic communications.]

NOTE

Words in square brackets in paragraph (1) substituted, and words in square brackets in paragraphs (6) to (9) inserted, by Schedule 1, paragraph 73, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Words in square brackets in paragraph (2)(b)(ii) substituted by Transfer of Functions (Her Majesty's Land Registry, the Meteorological Office and Ordnance Survey) Order 2011, article 6, Sched 2, para 8(2) with effect from 9 November 2011.

Interpretation

General Interpretation

217.—(1) In these rules—

“the Act” means the Land Registration Act 2002^(a),

[“adjudicator” means an adjudicator appointed by the Secretary of State under section 398A (appointment etc of adjudicators and assistants) of the Insolvency Act 1986,]

Inserted by The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016, article 3, Schedule 3(8) with effect from 6 April 2016.

“affecting franchise” means a franchise which relates to a defined area of land and is an adverse right affecting, or capable of affecting, the title to an estate or charge,

“business day” means a day when the land registry is open to the public under rule 216,

“caution plan” has the meaning given by rule 41(4),

“caution title number” has the meaning given by rule 41(1),

“certified copy” means a copy of a document which a conveyancer, or such other person as the registrar may permit, has certified on its face to be a true copy of the original and endorsed with his name and address, and the reference to a conveyancer includes where the document is one referred to in—

- (a) rule 168(2)(a) or 168(3), the bankrupt's trustee in bankruptcy or the official receiver,
- (b) rule 184(2), the company's administrator,
- (c) rule 184(5), the company's liquidator,

“charges register” is the register so named in rule 4 the contents of which are described in rule 9,

“charity” and “charity trustees” have the same meaning as in sections 96 and 97(1) of the Charities Act 1993^(b) respectively,

[“Companies Acts” means—

- (a) the Companies Act 2006^(c) and any Act amending or replacing that Act,
- (b) the provisions of the Companies Act 1985^(d), the Companies Consolidation (Consequential Provisions) Act 1985^(e), Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004^(f) and the Companies (N.I.) Order 1986^(g) that remain in force, and
- (c) any former enactment relating to companies.]

“control” in relation to a document of which a person has control means physical possession, or the right to possession, or right to take copies of the document,

^(a) 2002 c. 9.

^(b) 1993 c. 10.

^(c) 2006 c. 46.

^(d) 1985 c. 6

^(e) 1985 c. 9.

^(f) 2004 c. 27.

^(g) S.I. 1986/1032 (N.I.6).

[“conveyancer” has the meaning given by rule 217A,]

“day list” has the same meaning given by rule 12, [“electronic legal charge” has the same meaning as in the Land Registration (Electronic Conveyancing) Rules 2008,]

[“electronic legal charge” has the same meaning as in the Land Registration (Electronic Conveyancing) Rules 2008,]

“exempt charity” has the same meaning as in section 96 of the Charities Act 1993 and “non-exempt charity” means a charity which is not an exempt charity,

[“home rights notice” means a notice registered under section 31(10)(a) or section 32 of, and paragraph 4(3)(a) or 4(3)(b) of Schedule 4 to, the Family Law Act 1996, or section 2(8) or section 5(3)(b) of the Matrimonial Homes Act 1983, or section 2(7) or section 5(3)(b) of the Matrimonial Homes Act 1967,]

“index map” has the meaning given by rule 10(1)(a), “index of proprietors’ names” has the meaning given by rule 11(1),

“index of relating franchises and manors” is the index described in rule 10(1)(b),

“individual caution register” is the register so named in rule 41(1) the arrangement of which is described in rule 41(2),

“individual register” is the register so named in rule 2 the contents and arrangement of which are described in rules 3 and 4,

“inheritance tax notice” means a notice in respect of an Inland Revenue charge arising under Part III of the Finance Act 1975^(a) or section 237 of the Inheritance Tax Act 1984^(b),

“matrimonial home rights caution” means a caution registered under the Matrimonial Homes Act 1967^(c) before 14 February 1983, [...]

“official custodian” means the official custodian for charities,

“old tenancy” means a tenancy as defined in section 28 of the Landlord and Tenant (Covenants) Act 1995^(d) which is not a new tenancy as defined in section 1 of that Act,

“overseas company” means a company incorporated outside [the United Kingdom], “property

^(a) 1975 c. 7.

^(b) 1984 c. 51.

^(c) 1967 c. 75.

^(d) 1995 c. 30.

register” is the register so named in rule 4 the contents of which are described in rules 5, 6 and 7,

“property register” is the register so named in rule 4 the contents of which are described in rules 5, 6 and 7,

“proprietorship register” is the register so named in rule 4 the contents of which are described in rule 8, “registered title” means an individual register and any title plan referred to in that register,

“registered title” means an individual register and any title plan referred to in that register,

“relating franchise” means a franchise which is not an affecting franchise,

“Schedule 1 form” means a form in Schedule 1,

“Schedule 3 form” means a form in Schedule 3, “scheduled form” means a Schedule 1 form or a Schedule 3 form,

“section 33(5) order” means an order made under section 33(5) of the Family Law Act 1996,

[“statement of truth” has the meaning given by rule 215A,]

“statutory declaration” includes affidavit,

“title number” has the meaning given by rule 4,

“title plan” has the meaning given by rule 5,

“trust corporation” has the same meaning as in the Settled Land Act 1925^(e),

“trusts” in relation to a charity has the same meaning as in section 97(1) of the Charities Act 1993,

“unregistered company” means a body corporate to which section 718(1) of the Companies Act 1985^(f) applies

[“working day” means any day from Monday to Friday (inclusive) which is not Christmas Day, Good Friday or any other day either specified or declared by proclamation under section 1 of the

^(e) 1925 c. 18.

^(f) 1985 c. 6.

Banking and Financial Dealings Act 1971 or appointed by the {Secretary of State}].

(2) Subject to paragraph (3), a reference in these rules to a form by letter, or by number, or by a combination of both is to a scheduled form.

(3) A reference in these rules to Forms A to Y and Forms AA to [QQ] (in each case inclusive) is to the standard form of restriction bearing that letter in Schedule 4.

NOTES

With regard to the definition of “Charity”, the effect of Schedule 8, paragraph 3(1), to the Charities Act 2011, is that on and after 14 March 2012 the:

- reference to section 96 of the Charities Act 1993 is to be read as a reference to sections 1 and 10 of the Charities Act 2011, and
- reference to section 97(1) of the Charities Act 1993 is to be read as a reference to section 177 of the Charities Act 2011.

See [Table of Destinations](#).

The definitions of “Companies Acts” and “conveyancer”, and the words in square brackets in the definition of “overseas company”, in paragraph (1) substituted, and the other words in square brackets in paragraph (1) inserted, by Schedule 1, paragraph 74, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Letters in square brackets in paragraph (3) substituted by Schedule 4, paragraph 5, Assets of Community Value (England) Regulations 2012, with effect from 21 September 2012.

The definition of “conveyancer” in paragraph (1) substituted by r.3, Land Registration (Amendment) Rules 2011, with effect from 1 October 2011.

The definition of “electronic legal charge” in paragraph (1) inserted by Schedule 2, Part 1, paragraph 7, Land Registration (Electronic Conveyancing) Rules 2008, with effect from 4 August 2008.

With regard to the definition of “Exempt Charity”, the effect of Schedule 8, paragraph 3(1), to the Charities Act 2011, is that on and after 14 March 2012 the reference to section 96 of the Charities Act 1993 is to be read as a reference to section 22 of the Charities Act 2011. See [Table of Destinations](#).

The definition of “home rights notice” in paragraph (1) inserted by r.16(a), Land Registration (Amendment) (No 2) Rules 2005, with effect from 5 December 2005.

The definition after the definition of “matrimonial home rights” in paragraph (1) revoked by r.16(b), Land Registration (Amendment) (No 2) Rules 2005, with effect from 5 December 2005 .

With regard to the definition of “Trustee”, the effect of Schedule 8, paragraph 3(1), to the Charities Act 2011 is that on and after 14 March 2012 the reference to section 97(1) of the Charities Act 1993 is to be read as a reference to section 353(1) of the Charities Act 2011. See [Table of Destinations](#).

Words in curly brackets in definition of “Working Day” substituted by Transfer of Functions (Her Majesty’s Land Registry, the Meteorological Office and Ordnance Survey) Order 2011, article 6, Sched 2, para 8(3) with effect from 9 November 2011.

Definition of “conveyancer”

217A.—(1) Subject to paragraph (2), in these rules “conveyancer” means—

- (a) an authorised person entitled to carry on the relevant reserved instrument activities in accordance with the regulatory arrangements of the relevant approved regulator or licensing authority, as the case may be,
- (b) an individual or body who employs, or being a body has among its managers, at least one authorised person entitled to carry on the relevant reserved instrument activities and who will carry on or direct and supervise the carrying on of the relevant reserved instrument activities as such employee or manager, in accordance with the regulatory arrangements of the relevant approved regulator or licensing authority, as the case may be, or

(c) a person who carries on the relevant reserved instrument activities in the course of that person's duty as a public officer.

(2) For the purposes of a certificate given by a conveyancer under rule 62(2), 63(2), 183(2)(a), or Form LL in Schedule 4, "conveyancer" means—

(a) an authorised person who is an individual and who is entitled to carry on the relevant reserved instrument activities in accordance with the regulatory arrangements of the relevant approved regulator or licensing authority, as the case may be, or

(b) an individual who carries on the relevant reserved instrument activities in the course of that person's duty as a public officer,

and in either case, the conveyancer must sign in their own name and not that of their firm or employer.

(3) For the purposes of this rule—

(a) "authorised person" has the same meaning as in section 18 of the Legal Services Act 2007,

(b) "licensing authority" has the same meaning as in section 73 of the Legal Services Act 2007,

(c) "manager" has the same meaning as in section 207 of the Legal Services Act 2007,

(d) "regulatory arrangements" has the same meaning as in section 21 of the Legal Services Act 2007,

(e) "relevant approved regulator" has the same meaning as in section 20 of the Legal Services Act 2007,

(f) "relevant reserved instrument activities" means the reserved instrument activities set out in paragraph 5(1)(a) and (b) of Schedule 2 to the Legal Services Act 2007.

NOTE

Rule inserted by r.4, Land Registration (Amendment) Rules 2011, with effect from 1 October 2011.

PART 16 TRANSITIONAL

Cautions against dealings

Definitions

218. In this Part—

"the 1925 Act" means the Land Registration Act 1925^(a),

"caution" means a caution entered in the register of title under section 54 of the 1925 Act,

"cautioner" includes his personal representative,

"the notice period" is the period ending at 12 noon on the fifteenth business day, or ending at 12 noon on such later business day as the registrar may allow, after the date of issue of the notice.

Consent under a caution

219. Any consent given under section 55 or 56 of the 1925 Act must be in writing signed by the person giving it or his conveyancer.

Notice under section 55(1) of the 1925 Act and under rule 223(3)

220.—(1) Rule 199 applies to the method of service of a notice under section 55(1) of the 1925 Act and under rule 223(3).

^(a) 1925 c. 21.

(2) The notice period applies to a notice served under section 55(1) of the 1925 Act and to one served under rule 223(3).

Cautioner showing cause

221.—(1) This rule applies where notice is served under section 55(1) of the 1925 Act or rule 223(3).

(2) At any time before expiry of the notice period, the cautioner may show cause why the registrar should not give effect to the application that resulted in the notice being served.

(3) To show cause, the cautioner must—

- (a) deliver to the registrar, in the manner and to the address stated in the notice, a written statement signed by the cautioner or his conveyancer setting out the grounds relied upon, and
- (b) show that he has a fairly arguable case for the registrar not to give effect to the application that resulted in the notice being served.

(4) If, after reading the written statement, and after making any enquiries he thinks necessary, the registrar is satisfied that cause has been shown, he must order that the caution is to continue until withdrawn or otherwise disposed of under these rules or the Act.

(5) Where the registrar makes an order under paragraph (4)—

- (a) the registrar must give notice to the applicant and the cautioner that he has made the order and of the effect of sub-paragraph (b),
- (b) the cautioner is to be treated as having objected under section 73 of the Act to the application that resulted in notice being served, and
- (c) the notice given by the registrar under sub-paragraph (a) to the applicant is to be treated as notice given under section 73(5)(a) of the Act.

(6) If after service of the notice under section 55(1) of the 1925 Act or rule 223(3) the application that resulted in the notice being served is cancelled, withdrawn or otherwise does not proceed, the registrar must make an order that the caution will continue to have effect, unless he has already done so or the caution has been cancelled.

Withdrawal of a caution by the cautioner

222.—(1) The cautioner may at any time apply to withdraw his caution in Form WCT.

(2) The form must be signed by the cautioner or his conveyancer.

Cancellation of a caution – application by the proprietor etc

223.—(1) A person may apply to the registrar for the cancellation of a caution if he is—

- (a) the proprietor of the registered estate or a registered charge to which the caution relates, or
- [(b) a person who is, or but for the existence of the caution would be, entitled to be registered as the proprietor of that estate or charge.]

(2) An application for the cancellation of a caution must be in Form CCD.

(3) Where application is made under this rule, the registrar must give the cautioner notice of the application.

(4) Following the expiry of the notice period, unless the registrar makes an order under rule 221(4), the registrar must cancel the entry of the caution.

NOTE

Words in square brackets in paragraph (1)(b) substituted by Schedule 1, paragraph 75, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Rentcharges and adverse possession

Registered rentcharges held in trust under section 75(1) of the 1925 Act on

commencement

224. Where a rentcharge is held in trust under section 75(1) of the Land Registration Act 1925 immediately before the coming into force of section 97 of the Act, the beneficiary of the trust may apply—

- (a) to be registered as proprietor of the rentcharge, or
- (b) for the registration of the rentcharge to be cancelled.

Signed by authority of the Lord Chancellor

Scotland of Asthal QC
Parliamentary Secretary,
19 May 2003
Lord Chancellor's Department

{ SCHEDULE 1 Rule 11
SCHEDULE 1 FORMS REFERRED TO IN RULES 206, 207A AND
210

NOTE

Schedule 1 substituted by r.4(2) and Schedule 2, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

[ADV1](#)

NOTE

Panel 6 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[ADV2](#)

[AN1](#)

[AP1](#)

NOTE

Panels 6 & 10 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[AS1](#)

NOTE

Panels 5 & 6 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[AS2](#)

NOTE

Panels 6 & 7 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[AS3](#)

NOTE

Panels 6 & 7 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[CC](#)

[CCD](#)

NOTE

Panel 5 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[CCT](#)

NOTE

Panel 6 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[CH1](#)

NOTE

Panels 4 & 5 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[CH2](#)

[CH3](#)

CI

[CIT](#)

NOTE

Certificates A, B & E amended (with saving provision) by The Secretaries of State for Children, Schools and Families, for Innovation, Universities and Skills and for Business, Enterprise and Regulatory Reform Order 2007, Article 15, Schedule para 37, with effect from 12 December 2007.

Certificates A, B & E amended (with saving provision) by The Secretary of State for Business, Innovation and Skills Order 2009, Article 8, Schedule, para 25 with effect from 13 November 2009.

Certificates H, I, M & O amended by The Crime and Courts Act 2013 (Consequential Amendments and Saving Provision) Order 2013, article 2, schedule 1 paras 41-42, with effect from 7 October 2013.

Certificates A-E & H-I amended by The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014, sched 3 (4), with effect from 27 March 2014.

Certificate Q amended by The Financial Services Act 2012 (Consequential Amendments) Order 2014, article 2, with effect from 30 September 2014.

Certificates B & E amended (with saving provision) by The Secretaries of State for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the Transfer of Functions (Education and Skills) Order 2016, article 14, Schedule para 28(1)(a), with effect from 9 November 2016.

[CNI](#)

[CS](#)

[CT1](#)

NOTE

Panel 5 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[DB](#)

[DI](#)

[DL](#)

[DS1](#)

NOTE

Panel 5 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[DS2](#)

NOTE

Panel 5 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[DS3](#)

NOTE

Panel 5 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[EX1](#)

[EX1A](#)

[EX2](#)

[EX3](#)

[FR1](#)

NOTE

Panels 6 & 10 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[HC1](#)

[HR1](#)

[HR2](#)

[HR3](#)

[HR4](#)

[NAP](#)

[OC1](#)

[OC2](#)

[OS1](#)

[OS2](#)

[OS3](#)

[PIC](#)

[PN1](#)

[PRD1](#)

PRD2

[RX1](#)

[RX2](#)

[RX3](#)

[RX4](#)

NOTE

Panel 5 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[SC](#)

[SEV](#)

[SIF](#)

[SIM](#)

[ST1](#)

[ST2](#)

[ST3](#)

[ST4](#)

[TP1](#)

NOTE

Panels 5 & 6 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[TP2](#)

NOTE

Panels 6 & 7 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[TR1](#)

NOTE

Panels 4 & 5 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[TR2](#)

NOTE

Panels 5 & 6 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[TR4](#)

NOTE

Panels 3 & 4 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[TR5](#)

NOTE

Panels 4 & 5 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[UN1](#)

NOTE

Panel 6 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[UN2](#)

NOTE

Panel 7 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[UN3](#)

NOTE

Panel 6 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[UN4](#)

[UT1](#)

NOTE

Panel 6 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

[WCT](#)

NOTE

Panel 5 amended by Land Registration (Amendment) Rules 2009, article 4, with effect from 1 October 2009

{SCHEDULE 1A Rule 58A

- *All words in italicised text and inapplicable alternative wording in a clause may be omitted or deleted.*
- *Clause LR13 may be omitted or deleted.*
- *Clause LR14 may be omitted or deleted where the Tenant is one person.*
- *Otherwise, do not omit or delete any words in bold text unless italicised.*
- *Side-headings may appear as headings if this is preferred.*
- *Vertical or horizontal lines, or both, may be omitted.*

<p>LR1. Date of lease</p>	
<p>LR2. Title number(s)</p>	<p>LR2.1 Landlord's title number(s) <i>Title number(s) out of which this lease is granted. Leave blank if not registered.</i></p> <p>LR2.2 Other title numbers <i>Existing title number(s) against which entries of matters referred to in LR9, LR10, LR11 and LR13 are to be made.</i></p>
<p>LR3. Parties to this lease</p> <p><i>[Give full names and addresses of each of the parties. For UK incorporated companies and limited liability partnerships, also give the registered number including any prefix. For overseas companies, also give the territory of incorporation and, if appropriate, { the registered number in the United Kingdom including any prefix.}]</i></p>	<p>Landlord</p> <p>Tenant</p> <p><i>Other parties</i></p> <p><i>Specify capacity of each party, for example "management company", "guarantor", etc.</i></p>

<p>LR4. Property</p> <p><i>Insert a full description of the land being leased</i></p> <p><i>or</i></p> <p><i>Refer to the clause, schedule or paragraph of a schedule in this lease in which the land being leased is more fully described.</i></p> <p><i>Where there is a letting of part of a registered title, a plan must be attached to this lease and any floor levels must be specified.</i></p>	<p>In the case of a conflict between this clause and the remainder of this lease then, for the purposes of registration, this clause shall prevail.</p>
<p>LR5. Prescribed statements etc.</p> <p><i>If this lease includes a statement falling within LR5.1, insert under that sub-clause the relevant statement or refer to the clause, schedule or paragraph of a schedule in this lease which contains the statement.</i></p> <p><i>In LR5.2, omit or delete those Acts which do not apply to this lease.</i></p>	<p>LR5.1 Statements prescribed under rules 179 (dispositions in favour of a charity), 180 (dispositions by a charity) or 196 (leases under the Leasehold Reform, Housing and Urban Development Act 1993) of the Land Registration Rules 2003.</p> <p>LR5.2 This lease is made under, or by reference to, provisions of:</p> <p><i>Leasehold Reform Act 1967</i></p> <p><i>Housing Act 1985</i></p> <p><i>Housing Act 1988</i></p> <p><i>Housing Act 1996</i></p>
<p>LR6. Term for which the Property is leased</p> <p><i>Include only the appropriate statement (duly completed) from the three options.</i></p> <p><i>NOTE: The information you provide, or refer to, here will be used as part of the particulars to identify the lease under rule 6 of the Land Registration Rules 2003.</i></p>	<p>From and including</p> <p>To and including</p> <p>OR</p> <p>The term as specified in this lease at clause/schedule/paragraph</p> <p>OR</p> <p>The term is as follows:</p>

<p>LR7. Premium</p> <p><i>Specify the total premium, inclusive of any VAT where payable.</i></p>	
<p>LR8. Prohibitions or restrictions on disposing of this lease</p> <p><i>Include whichever of the two statements is appropriate.</i></p> <p><i>Do not set out here the wording of the provision.</i></p>	<p>This lease does not contain a provision that prohibits or restricts dispositions.</p> <p>OR</p> <p>This lease contains a provision that prohibits or restricts dispositions.</p>
<p>LR9. Rights of acquisition etc.</p> <p><i>Insert the relevant provisions in the sub-clauses or refer to the clause, schedule or paragraph of a schedule in this lease which contains the provisions.</i></p>	<p>LR9.1 Tenant's contractual rights to renew this lease, to acquire the reversion or another lease of the Property, or to acquire an interest in other land</p> <p>LR9.2 Tenant's covenant to (or offer to) surrender this lease</p> <p>LR9.3 Landlord's contractual rights to acquire this lease</p>
<p>LR10. Restrictive covenants given in this lease by the Landlord in respect of land other than the Property</p> <p><i>Insert the relevant provisions or refer to the clause, schedule or paragraph of a schedule in this lease which contains the provisions.</i></p>	
<p>LR11. Easements</p> <p><i>Refer here only to the clause, schedule or</i></p>	<p>LR11.1 Easements granted by this lease for the benefit of the Property</p>

<p><i>paragraph of a schedule in this lease which sets out the easements.</i></p>	<p>LR11.2 Easements granted or reserved by this lease over the Property for the benefit of other property</p>
<p>LR12. Estate rentcharge burdening the Property</p> <p><i>Refer here only to the clause, schedule or paragraph of a schedule in this lease which sets out the rentcharge.</i></p>	
<p>LR13. Application for standard form of restriction</p> <p><i>Set out the full text of the standard form of restriction and the title against which it is to be entered. If you wish to apply for more than one standard form of restriction use this clause to apply for each of them, tell us who is applying against which title and set out the full text of the restriction you are applying for.</i></p> <p><i>Standard forms of restriction are set out in Schedule 4 to the Land Registration Rules 2003.</i></p>	<p>The Parties to this lease apply to enter the following standard form of restriction [against the title of the Property] <i>or</i> [against title number]</p>
<p>LR14. Declaration of trust where there is more than one person comprising the Tenant</p> <p><i>If the Tenant is one person, omit or delete all the alternative statements.</i></p> <p><i>If the Tenant is more than one person, complete this clause by omitting or deleting all inapplicable alternative statements.</i></p>	<p>The Tenant is more than one person. They are to hold the Property on trust for themselves as joint tenants.</p> <p><i>OR</i></p> <p>The Tenant is more than one person. They are to hold the Property on trust for themselves as tenants in common in equal shares.</p> <p><i>OR</i></p> <p>The Tenant is more than one person. They are to hold the Property on trust <i>Complete as necessary</i></p>

}

NOTES

Schedule 1A inserted by r.8 and Schedule 1, Land Registration (Amendment) (No 2) Rules 2005, with effect from 9 January 2006.

Words in curly brackets in clause LR3 substituted by r.4(3), Land Registration (Amendment) Rules 2008, with effect from 10 November 2008. Words in square brackets in clause LR3 revoked and inserted by r.5, Land Registration (Amendment) Rules 2009, with effect from 1 October 2009.

SCHEDULE 2 Rule 14

NOTICES PUBLICISING ARRANGEMENTS FOR ELECTRONIC AND OTHER MODES OF DELIVERY OF APPLICATIONS AND OTHER MATTERS

1. If the registrar is satisfied that adequate arrangements have been made or will be in place for dealing with the applications and other matters specified in paragraph 2 by means other than post, document exchange or personal delivery, he may, in such manner as he thinks appropriate, give notice publicising the arrangements.
2. The applications and other matters referred to in paragraph 1 are—
 - (a) an application by electronic means under rule 14,
 - (b) an outline application under rule 54,
 - (c) a notification of discharge or release of a registered charge under rule 115,
 - (d) an application and the result of an application or search under Part 13 to which rule 132 applies,
 - (e) information requested by an applicant for an official search for the purpose of the Family Law Act 1996^(a) under rule 160,
 - (f) a request to the registrar that he require a person to produce documents under rule 201(2)(b),
 - (g) a request for an order requiring a party to proceedings before the registrar to pay costs under rule 202(5).
3. Subject to paragraphs 4, 5 and 6, a notice given under paragraph 1 will be current from the time specified in the notice until the time, if any, specified in the notice or if no expiry date is specified in the notice, indefinitely.
4. A notice given under paragraph 1 may from time to time be varied, suspended, withdrawn, renewed or replaced by a further notice.
5. If and so long as owing {to} the breakdown or other unavailability of facilities or data involved in giving effect to the arrangements made for dealing with applications covered by a notice given under paragraph 1, such arrangements cease, in whole or in part, to be effective, the notice shall cease, to the necessary extent, to be treated as current.
6. Paragraph 5 will apply despite the absence of a variation, suspension or withdrawal of the notice under paragraph 4.
7. The provisions referred to in paragraph 2 will not prevent the registrar, at his discretion, from refusing to accept an application or request made, or to issue a result, under any of those provisions in an individual case.

NOTE

Word in curly brackets in paragraph 5 inserted by r.4(4), Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

^(a) 1996 c. 27.

SCHEDULE 3 Rule 61

SCHEDULE 3 FORMS REFERRED TO IN RULE 206

Form 1 – Certificate as to execution of power of attorney (rule 61)

Date of power of attorney:.....

Donor of power of attorney:.....

Donee of power of attorney:.....

I/We.....of.....

certify that

- {the power of attorney ("the power") is in existence [and is made and, where required, has been registered under (*state statutory provisions under which the power is made and, where required, has been registered, if applicable*)],}
- the power is dated (*insert date*),
- I am/we are satisfied that the power is validly executed as a deed and authorises the attorney to execute the document on behalf of the donor of that power, and
- I/we hold [the instrument creating the power] *or* [a copy of the power by means of which its contents may be proved under section 3 of the Powers of Attorney Act 1971] *or* [a document which under section 4 of the Evidence and Powers of Attorney Act 1940{, paragraph 16 of Part 2 of Schedule 1, or paragraph 15(3) of Part 5 of Schedule 4 to the Mental Capacity Act 2005} is sufficient evidence of the contents of the power].

Signature of conveyancer.....Date.....

{Form 2 – Statutory declaration/certificate/statement of truth as to non-revocation for powers more than 12 months old at the date of the disposition for which they are used (rule 62)}

Date of power of attorney:.....

Donor of power of attorney:.....

I.....of
..... do
[solemnly and sincerely declare] *or* [certify] *or* [state] that at the time of completion of
the.....to me/my client I/my client had no knowledge—

- of a revocation of the power, or
- of the death or bankruptcy of the donor or, if the donor is a corporate body, its winding up or dissolution, or
- of any incapacity of the donor where the power is not a valid lasting or enduring power of attorney, or

Where the power is in the form prescribed for a lasting power of attorney—

- that a lasting power of attorney was not created, or
- of circumstances which, if the lasting power of attorney had been created, would have terminated the attorney's authority to act as an attorney, or

Where the power is in the form prescribed for an enduring power of attorney—

- that the power was not in fact a valid enduring power, or
- of an order or direction of the Court of Protection which revoked the power, or
- of the bankruptcy of the attorney, or

Where the power was given under section 9 of the Trusts of Land and Appointment of Trustees Act 1996—

- of an appointment of another trustee of the land in question, or
- of any other event which would have the effect of revoking the power, or

- of any lack of good faith on the part of the person(s) who dealt with the attorney, or

- that the attorney was not a person to whom the functions of the trustees could be delegated under section 9 of the Trusts of Land and Appointment of Trustees Act 1996, or

Where the power is expressed to be given by way of security—

- that the power was not in fact given by way of security, or
- of any revocation of the power with the consent of the attorney, or
- of any other event which would have had the effect of revoking the power.

Where a certificate is given—

Signature of conveyancer.....Date.....

Print name..... Firm

name or employer (if any)..... Capacity (e.g.

acting for.....); or

Where a Statutory Declaration is made—

And I make this solemn declaration conscientiously believing the same to be true and by

virtue of the provisions of the Statutory Declarations Act 1835. Signature of

Declarant.....Date.....

DECLARED at.....before me, a person entitled to administer oaths.

Name.....

Address.....

Qualification.....

Signature.....; or

Where a statement of truth is made—

I believe that the facts and matters contained in this statement are true.

Signature.....Date..... Print

name..... Firm name or employer (if

any) of any conveyancer signing..... Capacity of any conveyancer signing (e.g.

acting for.....)

WARNING

1 If you dishonestly make a statement which you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

2 Failure to complete the form with proper care may result in a loss of protection under the Land Registration Act 2002 if, as a result, a mistake is made in the register.

3 Under section 66 of the Land Registration Act 2002 most documents (including this form) kept by the registrar relating to an application to the registrar or referred to in the register are open to public inspection and copying. If you believe a document contains prejudicial information, you may apply for that part of the document to be made exempt using form EX1, under rule 136 of the Land Registration Rules 2003. }

{Form 3 – Statutory declaration/certificate/statement of truth in support of power delegating trustees' functions to a beneficiary (rule 63)}

Date of power of attorney:.....

Donor of power of attorney:.....

I.....of
..... do
[solemnly and sincerely declare] or [certify] or [state] that at the time of completion of
the.....to me/my client I/my client had no knowledge—

- of any lack of good faith on the part of the person(s) who dealt with the attorney, or
- that the attorney was not a person to whom the functions of the trustees could be delegated under section 9 of the Trusts of Land and Appointment of Trustees Act 1996.

Where a certificate is given—

Signature of conveyancer.....Date.....

Print name..... Firm name or
employer (if any)..... Capacity (e.g. acting
for.....); or

Where a Statutory Declaration is made—

And I make this solemn declaration conscientiously believing the same to be true and by
virtue of the provisions of the Statutory Declarations Act 1835. Signature of
Declarant..... Date.....

DECLARED at.....before me, a person entitled to administer oaths.

Name.....

Address.....

Qualification.....

Signature.....; or

Where a statement of truth is made—

I believe that the facts and matters contained in this statement are true

Signature.....Date..... Print

name..... Firm name or employer (if
any) of any conveyancer signing.....

Capacity of any conveyancer signing (e.g. acting for...).....

WARNING

1. If you dishonestly make a statement which you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.
2. Failure to complete the form with proper care may result in a loss of protection under the Land Registration Act 2002 if, as a result, a mistake is made in the register.
3. Under section 66 of the Land Registration Act 2002 most documents (including this form) kept by the registrar relating to an application to the registrar or referred to in the register are open to public inspection and copying. If you believe a document contains prejudicial information, you may apply for that part of the document to be made exempt using form EX1, under rule 136 of the Land Registration Rules 2003.}

Form 4 – Certificate as to Vesting in an Incumbent or other Ecclesiastical Corporation (rule 174)

(Date). This is to certify that the registered estate (or registered charge or that part of the registered estate) comprised in a [*describe the transfer*] under the provisions of [*state the Act or Measure*] (if such transfer were a conveyance under such Act or Measure), vests in the incumbent of.....(or the bishop of.....*as the case may be*) and his successors immediately (or *as the case may be*) upon the happening of the event following, namely, the [*state event*]

(To be sealed by the Church Commissioners)

Form 5 – The Like Certificate under rule 175

(Date). This is to certify that the [*describe Scheme, instrument or transfer, &c.*] operates to vest immediately (or, on publication in the "London Gazette", or at some subsequent period, *as the case may be*), the registered estate (or registered charge or that part of the registered estate [*include description by reference to a plan or to the register if possible*]) in the [*describe the corporation or person*].

(To be sealed by the Church Commissioners)

Form 6 – Transfer where the Tenant for Life is already registered as proprietor (rule 186 and paragraph 5 of Schedule 7)

(Date). Pursuant to a trust deed of even date herewith, [made between A.B. (*name of tenant for life*) and C.D. and E.F. (*names of trustees of the Settlement*)], I, the said A.B., hereby declare as follows —

- (a) The land is vested in me upon the trusts from time to time affecting it by virtue of the said trust deed. [(b) The said C.D. and E.F. are the trustees of the Settlement.
- (c) The following powers relating to land are expressly conferred by the said trust deed in extension of those conferred by the Settled Land Act 1925 (*fill in the powers, if any*).]
- (d) I have the power to appoint new trustees of the Settlement.

(To be executed as a deed)

{Form 7 – Certificate of powers of overseas corporations (rule 183)}

I.....of.....
.....(*insert workplace address, including country*) certify that—

- I give this certificate in respect of..... (the corporation),
- I practise law in.....(*insert territory*) (the territory) and am entitled to do so as a qualified lawyer under the law of the territory,
- I have the requisite knowledge of the law of the territory and of the corporation to give this certificate,
- the corporation is incorporated in the territory with its own legal personality, and
- the corporation has no limitations on its powers to hold, mortgage, lease and otherwise deal with, or to lend money on a mortgage or charge of, land in England and Wales.

Signature..... Date.....}

{Form 8 – Certificate of powers of corporations other than overseas corporations (rule 183)}

I.....of.....
.....(*insert workplace address*) certify that—

-(the corporation) has its own legal personality, and
- the corporation has no limitations on its powers to hold, mortgage, lease and otherwise deal with, or to lend money on a mortgage or charge of, land.

Signature of conveyancer..... Date.....}

NOTES

Words in curly brackets in Form 1 substituted by article 31(3)(a), Mental Capacity Act 2005 (Transitional and Consequential Provisions) Order 2007, with effect from 1 October 2007.

Forms 2 and 3 substituted by r.4(5) and Schedule 3, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Forms 7 and 8 inserted by r.4(5) and Schedule 3, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

STANDARD FORMS OF RESTRICTION

In the forms in this Schedule—

(a) words in [square brackets] in ordinary type are optional parts of the form; the brackets are not to be included in the restriction,

(b) words in [square brackets] in italic type are instructions for completion of the form, and are not to be included in the restriction,

(c) where (round brackets) enclose one or more words, the brackets and all words in ordinary type enclosed in them are part of the form and, unless also enclosed in [square brackets], must be included in the restriction, and

(d) where a form includes a group of clauses introduced by bullets, only one of the clauses may be used; the bullets are not to be included in the restriction.

Rule 91A contains other permitted modifications of some forms.

Rule 91B contains provisions as to how a consent or certificate, required by the terms of a restriction to be given by a corporation aggregate, is to be signed on its behalf.

Form A (Restriction on dispositions by sole proprietor)

No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.

Form B (Dispositions by trustees – certificate required)

No [disposition *or specify type of disposition*] by the proprietors of the registered estate is to be registered unless one or more of them makes a statutory declaration or statement of truth, or their conveyancer gives a certificate, that the [disposition *or specify type of disposition*] is in accordance with [*specify the disposition creating the trust*] or some variation thereof referred to in the declaration, statement or certificate.

Form C (Dispositions by personal representatives – certificate required)

No disposition by the personal representative of [name] deceased, other than a transfer by way of assent, is to be registered unless such personal representative makes a statutory declaration or statement of truth, or their conveyancer gives a certificate, that the disposition is in accordance with the terms of [*choose whichever bulleted clause is appropriate*]

- the will of the deceased [as varied by [*specify date of, and parties to, deed of variation or other appropriate details*]]
- the law relating to intestacy as varied by [*specify date of, and parties to, deed of variation or other appropriate details*]

or some [further] variation thereof referred to in the declaration, statement or certificate, or is necessary for the purposes of administration.

Form D (Parsonage, diocesan glebe, church or churchyard land)

No disposition of the registered estate is to be registered unless made in accordance with [choose whichever bulleted clause is appropriate]

- [in the case of parsonage land] the Parsonages Measure 1938
- [in the case of church or churchyard land] the New Parishes Measure 1943
- [in the case of diocesan glebe land] the Endowments and Glebe Measure 1976 or some other Measure or authority.

Form E (Non-exempt charity – certificate required)

No disposition by the proprietor of the registered estate to which section 36 or section 38 of the Charities Act 1993 applies is to be registered unless the instrument contains a certificate complying with section 37(2) or section 39(2) of that Act as appropriate.

NOTE:

The effect of Schedule 8, paragraph 3(1), to the Charities Act 2011, is that on and after 14 March 2012 the:

- references to sections 36 and 38 of the Charities Act 1993 are to be read respectively as references to sections 117 to 121 and to section 124 of the Charities Act 2011, and
- references to sections 37(2) and 39(2) of the Charities Act 1993 are to be read respectively as references to sections 122(3) and 125(2) of the Charities Act 2011.

See [Table of Destinations](#).

Form F (Land vested in official custodian on trust for non-exempt charity – authority required)

No disposition executed by the trustees of [name of charity] in the name and on behalf of the proprietor is to be registered unless the transaction is authorised by an order of the court or of the Charity Commission, as required by section 22(3) of the Charities Act 1993.

NOTE:

The effect of Schedule 8, paragraph 3(1), to the Charities Act 2011, is that on and after 14 March 2012 the reference to section 22(3) of the Charities Act 1993 is to be read as a reference to section 91(4) of the Charities Act 2011.

See [Table of Destinations](#).

Form G (Tenant for life as registered proprietor of settled land, where there are trustees of the settlement)

No disposition is to be registered unless authorised by the Settled Land Act 1925, or by any extension of those statutory powers in the settlement, and no disposition under which capital money arises is to be registered unless the money is paid to [name] of [address] and [name] of [address], (the trustees of the settlement, who may be a sole trust corporation or, if individuals, must number at least two but not more than four) or into court.

[Note — If applicable under the terms of the settlement, a further provision may be added that no transfer of the mansion house [shown on an attached plan or otherwise adequately described to enable it to be fully identified on the Ordnance Survey map or title plan] is to be registered without the consent of the named trustees or an order of the court.]

Form H (Statutory owners as trustees of the settlement and registered proprietors of settled land)

No disposition is to be registered unless authorised by the Settled Land Act 1925, or by any extension of those statutory powers in the settlement, and, except where the sole proprietor is a trust

corporation, no disposition under which capital money arises is to be registered unless the money is paid to at least two proprietors.

[Note — This restriction does not apply where the statutory owners are not the trustees of the settlement.]

Form I (Tenant for life as registered proprietor of settled land – no trustees of the settlement)

No disposition under which capital money arises, or which is not authorised by the Settled Land Act 1925 or by any extension of those statutory powers in the settlement, is to be registered.

Form J (Trustee in bankruptcy and beneficial interest – certificate required)

No disposition of the [*choose whichever bulleted clause is appropriate*]

- registered estate, other than a disposition by the proprietor of any registered charge registered before the entry of this restriction,
- registered charge dated [*date*] referred to above, other than a disposition by the proprietor

of any registered sub-charge of that charge registered before the entry of this restriction, is to be registered without a certificate signed by the applicant for registration or their conveyancer that written notice of the disposition was given to [*name of trustee in bankruptcy*] (the trustee in bankruptcy of [*name of bankrupt person*]) at [*address for service*].

Form K (Charging order affecting beneficial interest – certificate required)

No disposition of the [*choose whichever bulleted clause is appropriate*]

- registered estate, other than a disposition by the proprietor of any registered charge registered before the entry of this restriction,
- registered charge dated [*date*] referred to above, other than a disposition by the proprietor

of any registered sub-charge of that charge registered before the entry of this restriction, is to be registered without a certificate signed by the applicant for registration or their conveyancer that written notice of the disposition was given to [*name of person with the benefit of the charging order*] at [*address for service*], being the person with the benefit of [an interim *or* a final] charging order on the beneficial interest of [*name of judgment debtor*] made by the [*name of court*] on [*date*] (Court reference [*insert reference*]).

Form L (Disposition by registered proprietor of a registered estate or proprietor of charge – certificate required)

No [*disposition or specify type of disposition*] of the registered estate [(other than a charge)] by the proprietor of the registered estate [, or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction,] is to be registered without a certificate signed by

[*choose one of the bulleted clauses*]

- a conveyancer
- the applicant for registration [or their conveyancer]
- [*name*] of [*address*] [or their personal representatives] [or [their conveyancer *or specify appropriate details*]]
- [*name*] of [*address*] [or their personal representatives] and [*name*] of [*address*] [or their personal representatives] [or [their conveyancer *or specify appropriate details*]]
- [*name*] of [*address*] and [*name*] of [*address*] or the survivor of them [or by the personal representatives of the survivor] [or [their conveyancer *or specify appropriate details*]]
- [*name*] of [*address*] or [after that person's death] by [*name*] of [*address*] [or [their conveyancer *or specify appropriate details*]]

that the provisions of [*specify clause, paragraph or other particulars*] of [*specify details*] have been complied with [or that they do not apply to the disposition].

Form M (Disposition by registered proprietor of registered estate or proprietor of charge – certificate of registered proprietor of specified title number required)

No [*disposition or specify type of disposition*] of the registered estate [(other than a charge)] by the proprietor of the registered estate [, or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction,] is to be registered without a certificate signed by the proprietor for the time being of the estate registered under title number [*specify title number*] [or [their conveyancer *or specify appropriate details*]] that the provisions of [*specify clause, paragraph or other particulars*] of [*specify details*] have been complied with [or that they do not apply to the disposition].

Form N (Disposition by registered proprietor of registered estate or proprietor of charge – consent required)

No [*disposition or specify type of disposition*] of the registered estate [(other than a charge)] by the proprietor of the registered estate [, or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction,] is to be registered without a written consent signed by

[*choose one of the bulleted clauses*]

- [name] of [address] [or their personal representatives] [or [their conveyancer *or specify appropriate details*]].
- [name] of [address] [or their personal representatives] and [name] of [address] [or their personal representatives] [or [their conveyancer *or specify appropriate details*]].
- [name] of [address] and [name] of [address] or the survivor of them [or by the personal representatives of the survivor] [or [their conveyancer *or specify appropriate details*]].
- [name] of [address] or [after that person's death] by [name] of [address] [or [their conveyancer *or specify appropriate details*]].

Form O (Disposition by registered proprietor of registered estate or proprietor of charge – consent of registered proprietor of specified title number or certificate required)

No [*disposition or specify type of disposition*] of the registered estate [(other than a charge)] by the proprietor of the registered estate [, or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction,] is to be registered without a written consent signed by the proprietor for the time being of the estate registered under title number [*specify title number*] [or [their conveyancer *or specify appropriate details*]].

[*The text of the restriction may be continued as follows, to allow for the provision of a certificate as an alternative to the consent.*]

or without a certificate signed by

[choose **one** of the bulleted clauses]

- a conveyancer
- the applicant for registration [or their conveyancer]
- [name] of [address] [or [their conveyancer or specify appropriate details]]

that the provisions of [specify clause, paragraph or other particulars] of [specify details] have been complied with [or that they do not apply to the disposition].

Form P (Disposition by registered proprietor of registered estate or proprietor of charge – consent of proprietor of specified charge or certificate required)

No [disposition or specify type of disposition] of the registered estate [(other than a charge)] by the proprietor of the registered estate [, or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction,] is to be registered without a written consent signed by the proprietor for the time being of the charge dated [date] in favour of [chargee] referred to in the charges register [or [their conveyancer or specify appropriate details]].

[The text of the restriction may be continued as follows, to allow for the provision of a certificate as an alternative to the consent.]

or without a certificate signed by

[choose **one** of the bulleted clauses]

- a conveyancer
- the applicant for registration [or their conveyancer]
- [name] of [address] [or [their conveyancer or specify appropriate details]]

that the provisions of [specify clause, paragraph or other particulars] of [specify details] have been complied with [or that they do not apply to the disposition].

Form Q (Disposition by registered proprietor of registered estate or proprietor of charge – consent of personal representatives required)

No [disposition or specify type of disposition] of the [choose whichever bulleted clause is appropriate]

- registered estate by the proprietor of the registered estate
- registered charge dated [date] referred to above by the proprietor of that registered charge is to be registered after the death of [name of the current proprietor(s) whose personal representatives' consent will be required] without the written consent of the personal representatives of the deceased.

Form R (Disposition by registered proprietor of registered estate or proprietor of charge – evidence of compliance with club rules required)

No [disposition *or specify type of disposition*] of the registered estate [(other than a charge)] by the proprietor of the registered estate [, or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction,] is to be registered unless authorised by the rules of the [name of club] of [address] as evidenced by [choose whichever bulleted clause is appropriate]

- a resolution of its members.
- a certificate signed by its secretary or conveyancer.
- [specify appropriate details].

Form S (Disposition by proprietor of charge – certificate of compliance required)

No [disposition *or specify type of disposition*] by the proprietor of the registered charge dated [date] referred to above is to be registered without a certificate signed by

[choose **one** of the bulleted clauses]

- a conveyancer
- the applicant for registration [or their conveyancer]
- [name] of [address] [or their personal representatives] [or [their conveyancer *or specify appropriate details*]]
- [name] of [address] [or their personal representatives] and [name] of [address] [or their personal representatives] [or [their conveyancer *or specify appropriate details*]]
- [name] of [address] and [name] of [address] or the survivor of them [or by the personal representatives of the survivor] [or [their conveyancer *or specify appropriate details*]]
- [name] of [address] or [after that person's death] by [name] of [address] [or [their conveyancer *or specify appropriate details*]]
- the proprietor for the time being of the sub-charge dated [date] in favour of [sub-chargee] [or [their conveyancer *or specify appropriate details*]]

that the provisions of [specify clause, paragraph or other particulars] of [specify details] have been complied with [or that they do not apply to the disposition].

Form T (Disposition by proprietor of charge – consent required)

No [disposition *or specify type of disposition*] by the proprietor of the registered charge dated [date] referred to above is to be registered without a written consent signed by

[choose **one** of the bulleted clauses]

- [name] of [address] [or their personal representatives] [or [their conveyancer *or specify appropriate details*]].
- [name] of [address] [or their personal representatives] and [name] of [address] [or their personal representatives] [or [their conveyancer *or specify appropriate details*]].
- [name] of [address] and [name] of [address] or the survivor of them [or by the personal representatives of the survivor] [or [their conveyancer *or specify appropriate details*]].
- [name] of [address] or [after that person's death] by [name] of [address] [or [their conveyancer *or specify appropriate details*]].
- the proprietor for the time being of the sub-charge dated [date] in favour of [sub-chargee] [or [their conveyancer *or specify appropriate details*]].

Form U (Section 37 of the Housing Act 1985)

No transfer or lease by the proprietor of the registered estate or by the proprietor of any registered charge is to be registered unless a certificate by [*specify relevant local authority*] is given that the transfer or lease is made in accordance with section 37 of the Housing Act 1985.

Form V (Section 157 of the Housing Act 1985)

No transfer or lease by the proprietor of the registered estate or by the proprietor of any registered charge is to be registered unless a certificate by [*specify relevant local authority or housing association etc*] is given that the transfer or lease is made in accordance with section 157 of the Housing Act 1985.

{ Form W (Paragraph 4 of Schedule 9A to the Housing Act 1985)

No disposition (except a transfer) of a qualifying dwelling-house (except to a qualifying person or persons) is to be registered without the consent of—

- (a) [...],
 - (b) in relation to [a] disposal of land in England, the Secretary of State, or
 - (c) in relation to a disposal of land in Wales, the Welsh Ministers,
- [where consent] to that disposition [is required by] section 171D(2) of the Housing Act 1985 as it applies by virtue of the Housing (Preservation of Right to Buy) Regulations 1993.}

NOTE

Words in square brackets inserted, substituted or revoked by The Housing and Planning Act 2016 (Consequential Provisions) (England) Regulations 2017, article 3, with effect from 6 April 2017.

{ Form X (Section 81 or 133 of the Housing Act 1988 or section 173 of the Local Government and Housing Act 1989)

No disposition by the proprietor of the registered estate or in exercise of the power of sale or leasing in any registered charge (except an exempt disposal as defined by section 81(8) of the Housing Act 1988) is to be registered without the consent of—

- (a) <....>,
 - (b) in relation to <a> disposal of land in England, the Secretary of State, and
 - (c) in relation to a disposal of land in Wales, the Welsh Ministers,
- <where consent> to that disposition <is required by> [*as appropriate* [section 81 of that Act] *or* [section 133 of that Act] *or* [section 173 of the Local Government and the Housing Act 1989].}

NOTE

Words in single chevrons inserted, substituted or revoked by The Housing and Planning Act 2016 (Consequential Provisions) (England) Regulations 2017, article 3, with effect from 6 April 2017.

{ Form Y (Section 13 of the Housing Act 1996)

No transfer or lease by the proprietor of the registered estate or by the proprietor of a registered charge is to be registered unless a certificate by [*specify relevant registered social landlord <....>*] is given that the transfer or lease is made in accordance with section 13 of the Housing Act 1996 <....>.

NOTE

Words in single chevrons revoked by The Housing and Planning Act 2016 (Consequential Provisions) (England) Regulations 2017, article 3, with effect from 6 April 2017.

Form AA (Freezing order on the registered estate)

Under an order of the [*name of court*] made on [*date*] (Court reference [*insert reference*]) no disposition by the proprietor of the registered estate is to be registered except with the consent of [*name*] of [*address*] or under a further order of the Court.

Form BB (Freezing order on charge)

Under an order of the [*name of court*] made on [*date*] (Court reference [*insert reference*]) no disposition by the proprietor of the registered charge dated [*date*] referred to above is to be registered except with the consent of [*name*] of [*address*] or under a further order of the Court.

Form CC (Application for freezing order on the registered estate)

Pursuant to an application made on [*date*] to the [*name of court*] for a freezing order to be made under [*statutory provision*] no disposition by the proprietor of the registered estate is to be registered except with the consent of [*name of the person applying*] of [*address*] or under a further order of the Court.

Form DD (Application for freezing order on charge)

Pursuant to an application made on [*date*] to the [*name of court*] for a freezing order to be made under [*statutory provision*] no disposition by the proprietor of the registered charge dated [*date*] referred to above is to be registered except with the consent of [*name of the person applying*] of [*address*] or under a further order of the Court.

Form EE (Restraint order or interim receiving order on the registered estate)

Under [a restraint order *or* an interim receiving order] made under [*statutory provision*] on [*date*] (Court reference [*insert reference*]) no disposition by the proprietor of the registered estate is to be registered except with the consent of [*name of prosecutor or other appropriate person*] of [*address*] or under a further order of the Court.

Form FF (Restraint order or interim receiving order on charge)

Under [a restraint order *or* an interim receiving order] made under [*statutory provision*] on [*date*] (Court reference [*insert reference*]) no disposition by the proprietor of the registered charge dated [*date*] referred to above is to be registered except with the consent of [*name of prosecutor or other appropriate person*] of [*address*] or under a further order of the Court.

Form GG (Application for restraint order or interim receiving order on the registered estate)

Pursuant to an application for [a restraint order *or* an interim receiving order] to be made under [*statutory provision*] and under any order made as a result of that application, no disposition by the proprietor of the registered estate is to be registered except with the consent of [*name of prosecutor or other appropriate person*] of [*address*] or under a further order of the Court.

Form HH (Application for restraint order or interim receiving order on charge)

Pursuant to an application for [a restraint order *or* an interim receiving order] to be made under [statutory provision] and under any order made as a result of that application no disposition by the proprietor of the registered charge dated [date] referred to above is to be registered except with the consent of [name of prosecutor or other appropriate person] of [address] or under a further order of the Court.

Form II (Beneficial interest that is a right or claim in relation to a registered estate)

No disposition of the registered estate, other than a disposition by the proprietor of any registered charge registered before the entry of this restriction, is to be registered without a certificate signed by the applicant for registration or their conveyancer that written notice of the disposition was given to [name] at [address].

Form JJ (Statutory charge of beneficial interest in favour of {the Lord Chancellor})

No disposition of the [choose whichever bulleted clause is appropriate]

- registered estate, other than a disposition by the proprietor of any registered charge registered before the entry of this restriction,
- registered charge dated [date] referred to above, other than a disposition by the proprietor

of any registered sub-charge of that charge registered before the entry of this restriction, is to be registered without a certificate signed by the applicant for registration or their conveyancer that {written notice of the disposition was given to the Lord Chancellor at [address and Lord Chancellor's reference number]}.

NOTE

Words in curly brackets substituted by the Schedule, paragraph 5(2), Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) Regulations 2013, with effect from 1 April 2013

{Form KK (Lease by registered social landlord or non-profit registered provider of social housing)}

No deed varying the terms of the registered lease <of property in Wales> is to be registered without the consent of

<....>

- the Welsh Ministers of [address].}

NOTE

Words in single chevrons inserted, or revoked by The Housing and Planning Act 2016 (Consequential Provisions) (England) Regulations 2017, article 3, with effect from 6 April 2017.

Form LL (Restriction as to evidence of execution)

No disposition of the [choose whichever bulleted clause is appropriate]

- registered estate by the proprietor of the registered estate
- registered charge dated [date] referred to above by the proprietor of that registered charge is to be registered without a certificate signed by a conveyancer that that conveyancer is satisfied that the person who executed the document submitted for registration as disponent is the same person as the proprietor.

Form MM (Interest in beneficial joint tenancy subject to charge under section 22(1) of the Health and Social Services and Social Security Adjudications Act 1983 {or under the terms of a deferred payment agreement within the meaning of section 68(2) of the Social Services and Well-being (Wales) Act 2014})

No disposition of the registered estate made after the death of [*specify the name of the person whose beneficial interest under a beneficial joint tenancy is subject to a charge under section 22(1) of the Health and Social Services and Social Security Adjudications Act 1983 { or under the terms of a deferred payment agreement within the meaning of section 68(2) of the Social Services and Well-being (Wales) Act 2014*}], or after that person has become the sole proprietor of the registered estate, is to be registered unless—

- (1) the disposition is by two or more persons who were registered as proprietors of the legal estate at the time of that person's death,
- (2) notice of a charge under section 22(1) or (6) of the Health and Social Services and Social Security Adjudications Act 1983 { or under the terms of a deferred payment agreement within the meaning of section 68(2) of the Social Services and Well-being (Wales) Act 2014 } for the benefit of [*name and address of the local authority*] has been entered in the register or, where appropriate, such charge has been registered, or
- (3) it is shown to the registrar's satisfaction that no such charge is subsisting.

Words in curly brackets inserted by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) (Secondary Legislation) Regulations 2016, reg 3, Schedule 3 para 53, with effect from 6 April 2016.

Form NN (Disposition by registered proprietor of registered estate or proprietor of charge – consent or certificate required)

No [*disposition or specify type of disposition*] of the registered estate [(other than a charge)] by the proprietor of the registered estate [, or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction,] is to be registered without a written consent signed by

[*choose one of the bulleted clauses*]

- [*name*] of [*address*] [or their personal representatives] [or [their conveyancer *or specify appropriate details*]],
- [*name*] of [*address*] [or their personal representatives] and [*name*] of [*address*] [or their personal representatives] [or [their conveyancer *or specify appropriate details*]],
- [*name*] of [*address*] and [*name*] of [*address*] or the survivor of them [or by the personal representatives of the survivor] [or [their conveyancer *or specify appropriate details*]],
- [*name*] of [*address*] or [after that person's death] by [*name*] of [*address*] [or [their conveyancer *or specify appropriate details*]],

or a certificate signed by

[*choose one of the bulleted clauses*]

- a conveyancer
- the applicant for registration [or their conveyancer]
- [*name*] of [*address*] [or [their conveyancer *or specify appropriate details*]]

that the provisions of [*specify clause, paragraph or other particulars*] of [*specify details*] have been complied with [or that they do not apply to the disposition].

Form OO (Disposition by proprietor of charge – consent or certificate required)

No [*disposition or specify type of disposition*] by the proprietor of the registered charge dated [*date*] referred to above is to be registered without a written consent signed by

[*choose one of the bulleted clauses*]

- [*name*] of [*address*] [or their personal representatives] [or [their conveyancer *or specify appropriate details*]].
- [*name*] of [*address*] [or their personal representatives] and [*name*] of [*address*] [or their personal representatives] [or [their conveyancer *or specify appropriate details*]].

- [name] of [address] and [name] of [address] or the survivor of them [or by the personal representatives of the survivor] [or [their conveyancer *or specify appropriate details*]].
- [name] of [address] or [after that person's death] by [name] of [address] [or [their conveyancer *or specify appropriate details*]].
- the proprietor for the time being of the sub-charge dated [date] in favour of [sub-chargee] [or [their conveyancer *or specify appropriate details*]].

or a certificate signed by

[choose **one** of the bulleted clauses]

- a conveyancer
- the applicant for registration [or their conveyancer]
- [name] of [address] [or [their conveyancer or specify appropriate details]]

that the provisions of [specify clause, paragraph or other particulars] of [specify details] have been complied with [or that they do not apply to the disposition].

Form PP (Disposition by registered proprietor of registered estate or proprietor of charge – certificate of landlord etc, or of a conveyancer, required)

No [disposition or specify type of disposition] of the registered estate [(other than a charge)] by the proprietor of the registered estate [, or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction,] is to be registered without a certificate signed by

[choose **one** of the bulleted clauses]

- the proprietor for the time being of the registered estate comprising the reversion immediately expectant on the determination of the registered lease,
- the proprietor for the time being of the estate registered under title number [specify title number],
- [name] of [address] [or by [name] of [address]],

or by a conveyancer, that the provisions of [specify clause, paragraph or other particulars] of [specify details] have been complied with [or that they do not apply to the disposition]. } NOTES

[Form QQ (Land included in a list of assets of community value maintained under section 87(1) of the Localism Act 2011)

No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011.]

Schedule 4 substituted by r.4(6) and Schedule 4, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Forms W, X Y and KK substituted by Housing and Regeneration Act 2008 (Consequential Provisions) (No 2) Order 2010, article 4, Sched 1 para 33, with effect from 1 April 2010, and also amended by also amended The Housing and Planning Act 2016 (Consequential Provisions) (England) Regulations 2017 (see notes to individual restrictions).

Form QQ inserted by Schedule 4, paragraph 6, Assets of Community Value (England) Regulations 2012, with effect from 21 September 2012. The Regulations only apply to England.

SCHEDULE 5 Rule 140

APPLICATIONS IN CONNECTION WITH COURT PROCEEDINGS, INSOLVENCY AND TAX LIABILITY – QUALIFYING APPLICANTS AND APPROPRIATE CERTIFICATES

Column 1	Column 2
<i>Status of applicant</i>	<i>Certificate in Form CIT</i>
{ An accredited financial investigator falling within section 378(1)(b) of the Proceeds of Crime Act 2002 ^(a) }	{ Certificate H }
{ An accredited financial investigator falling within section 378(4)(a) of the Proceeds of Crime Act 2002 }	{ Certificate N }
An Administrator appointed for the purposes of the Insolvency Act 1986 ^(b)	Certificate K
An Administrator appointed under section 13 of the Criminal Justice (Scotland) Act 1987 ^(c)	Certificate J
{{ An authorised person within the meaning of section 108(15) of the Environment Act 1995 }}	{{ Certificate P }}
QA person authorised to apply on behalf of the Bank of England.	Certificate QQ

^(a) 2002 c. 9.

^(b) 1986 c. 45.

^(c) 1987 c. 41.

A Chief Officer of Police or a police officer authorised to apply on behalf of a Chief Officer	Certificate A Certificate B Certificate C Certificate D Certificate E Certificate G
{A person authorised to apply by the Commissioners for Her Majesty's Revenue and Customs and having the consent of <<the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal>> to make the application}	{Certificate L}
{.....}	{.....}
{.....}	{.....}
{.....}	{.....}
A constable	Certificate H {Certificate N}
{{{.....}}}	{{{.....}}}
Q..... Q	Q..... Q
The Director of Public Prosecutions or a member of the Crown Prosecution Service authorised to apply on behalf of the Director	Certificate A Certificate B Certificate C Certificate D Certificate E ++Certificate H++ {{{Certificate I}}}
{++...++}	{++.....++} {{{++.....++}}}
The Director of the Serious Fraud Office or a member of the Serious Fraud Office authorised to apply on behalf of the Director	Certificate A Certificate B

	Certificate E
	{{{Certificate I}}}
{{ Director General of the <National Crime Agency> or a member of {{{... }}} <National Crime Agency officer> authorised to apply on behalf of the Director General}}	{{{Certificate H Certificate I Certificate M}}}
	{{Certificate O}}
The Director-General of the Security Service or a member of the Security Service authorised to apply on behalf of the Director-General	Certificate F
QA Head of Department in the Enforcement and Financial Crime Division of the Financial Conduct Authority or a member of staff of the Financial Conduct Authority authorised to apply on behalf of a Head of Department.	Certificate QQ
A Liquidator appointed for the purposes of the Insolvency Act 1986	Certificate K
The Lord Advocate or a person conducting a prosecution in Scotland on behalf of the Lord Advocate	Certificate C Certificate D {Certificate H Certificate N}
{An officer of Revenue and Customs }	{Certificate A Certificate B Certificate C Certificate D Certificate E Certificate H Certificate N}
The Official Assignee for bankruptcy for Northern Ireland or the Official Assignee for company liquidations for Northern Ireland	Certificate K
An Official Receiver for the purposes of the Insolvency Act 1986	Certificate K
QThe Head of Regulatory Action in the Prudential Regulation Authority or a member of staff of the Prudential Regulation	Certificate QQ

Authority authorised to apply on behalf of the Head of Regulatory Action.

A **Receiver** appointed under the Criminal Justice Act 1988^(a), the Drug Trafficking Act 1994^(b) or the Proceeds of Crime Act 2002^(c) Certificate J

The **Scottish Ministers** or a person named by them Certificate I

A person authorised by {{the **Secretary of State for Business, Energy and Industrial Strategy**}}

Certificate A
Certificate B
Certificate E

A person authorised by the **Secretary of State for Work and Pensions** Certificate A
Certificate B

A **trustee in bankruptcy**, being either a trustee in bankruptcy of a person adjudged bankrupt in England and Wales or Northern Ireland or a permanent or interim trustee in the sequestration of a debtor's estate in Scotland Certificate K

Words in curly brackets inserted, and those indicated by stops in curly brackets revoked, by Schedule 3, Land Registration (Amendment) Rules 2005, with effect from 24 October 2005.

Words in double curly brackets substituted or inserted, as the case may be, by the following instruments—

those relating to the Director General of the Serious Organised Crime Agency, by article 35(3), Serious Organised Crime and Police Act 2005 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2006, with effect from 1 April 2006,

those relating to the Secretary of State for Business, Enterprise and Regulatory Reform, by Schedule 1, paragraph 28(1)(b), The Secretaries of State for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the Transfer of Functions (Education and Skills) Order 2016 article 14, Schedule para 28(1)(b), with effect from 9 November 2016,

those relating to an authorised person within the meaning of s.108(5) of the Environment Act 1995 by r.4(7), Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Words in double chevrons (<<>>) substituted by Schedule 2, paragraph 90 of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 coming into force 1 April 2009

Words in stars (Q) inserted or revoked by Schedule 2, paragraph 85 of The Financial Services Act 2012 (Consequential Amendments and Transitional Provisions) Order 2013 coming into force on 1 April 2013.

Words in triple curly brackets inserted, and those indicated by stops in triple curly brackets revoked, by the Schedule, paragraph 6, Serious Organised Crime and Police Act 2005 and Serious Crime Act 2007 (Consequential and

^(a) 1988 c. 33.

^(b) 1994 c. 37.

^(c) 2002 c. 29.

Supplementary Amendments to Secondary Legislation) Order 2008, with effect from 1 April 2008. Words in single chevrons (< >) substituted by article 2 of The Crime and Courts Act 2013 (Consequential Amendments and Saving Provision) Order 2013, with effect from 7 October 2013.

Words in double plus signs (++) revoked or inserted by The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014, Sched 3 (5), coming into force on 27 March 2014.

SCHEDULE 6 Rule 145

**INFORMATION TO BE INCLUDED IN CERTAIN RESULTS OF
OFFICIAL SEARCHES**

**Part 1 INFORMATION TO BE INCLUDED IN THE RESULT OF AN OFFICIAL SEARCH
OF THE INDEX MAP**

- A. The date and time of the official search certificate
- B. A description of the land searched
- C. The reference (if any) of the applicant or the person to whom the search is being sent: limited to 25 characters including spaces
- D. Whether there is—
 - (i) a pending application for first registration (other than of title to a relating franchise)
 - (ii) a pending application for a caution against first registration (other than where the subject of the caution is a relating franchise)
 - (iii) a registered estate in land
 - (iv) a registered rentcharge
 - (v) a registered profit a prendre in gross
 - (vi) a registered affecting franchise, or
 - (vii) a caution against first registration (other than where the subject of the caution is a relating franchise)

and, if there is such a registered estate or caution, the title number

Part 2

INFORMATION TO BE INCLUDED IN THE RESULT OF AN OFFICIAL SEARCH OF THE
INDEX OF RELATING FRANCHISES AND MANORS

- A. The date and time of the official search certificate
- B. The administrative area(s) searched
- C. The reference (if any) of the applicant or the person to whom the search is being sent: limited to 25 characters including spaces
- D. Whether there is a verbal description of—
 - (i) a pending application for first registration of title to a relating franchise
 - (ii) a pending application for a caution against first registration where the subject of the caution is a relating franchise
 - (iii) a registered franchise which is a relating franchise
 - (iv) a registered manor, or
 - (v) a caution against first registration where the subject of the caution is a relating franchise

and the title numbers of any such registered estates and cautions arranged by administrative area

Part 3

INFORMATION TO BE INCLUDED IN THE RESULT OF AN OFFICIAL SEARCH OF AN
INDIVIDUAL REGISTER OF A REGISTERED TITLE

- A. The title number
- B. The date and time of the official search certificate
- C. If the official search certificate is part of a registered title, a short description of the property or plot number on the approved estate plan
- D. The applicant's name
- E. The applicant's, or his agent's, reference (if any): limited to 25 characters including spaces
- F. Details of any relevant adverse entries made in the individual register since the end of the day specified in the application as the search from date

- G. Notice of the entry of any relevant pending application {or proposal by the registrar to alter the register} affecting the registered title entered on the day list (other than an application to designate a document as an exempt information document under rule 136)
- H. Notice of the entry {on the day list} of any relevant official search the priority period of which has not expired
- I. If the official search is with priority, the date and time at which the priority expires
- J. If the official search is without priority, a statement that the certificate will not confer on the applicant priority for any registrable disposition

Part 4

INFORMATION TO BE INCLUDED IN THE RESULT OF AN OFFICIAL SEARCH WITH PRIORITY IN RELATION TO A PENDING APPLICATION FOR FIRST REGISTRATION

- A. The title number allotted to the pending application for first registration
- B. The date and time of the official search certificate
- C. If the official search is of part, a short description of the property
- D. The applicant's name
- E. The applicant's, or his agent's, reference (if any): limited to 25 characters including spaces
- F. The full name of the person who has applied for first registration
- G. The date and time at which the pending application for first registration was entered on the day list
- H. Notice of the entry of any relevant pending application affecting the estate sought to be registered and entered on the day list subsequent to the date and time at which the pending application for first registration was entered on the day list (other than an application to designate a document as an exempt information document under rule 136)
- I. Notice of the entry {on the day list} of any relevant official search the priority period of which has not expired affecting the pending application for first registration
- J. The date and time at which priority expires

Part 5

INFORMATION TO BE INCLUDED IN THE RESULT OF AN OFFICIAL SEARCH BY A MORTGAGEE FOR THE PURPOSE OF SECTION 56(3) OF THE FAMILY LAW ACT 1996

- A. The title number
- B. The date and time of the official search certificate
- C. The mortgagee's name
- D. The mortgagee's, or his agent's, reference (if any): limited to 25 characters including spaces
- E. Whether, at the date {and time} of the official search certificate, a {...} home rights notice or matrimonial home rights caution has been registered against the registered title searched and if so the date of registration and the name of the person in whose favour the notice or caution was registered
- F. Whether {at the date and time of the official search certificate} there is a pending application for the entry of a {...} home rights notice entered on the day list

NOTES

Words in curly brackets in paragraphs G and H of Part 3 inserted by Schedule 5, paragraph 1, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Words in curly brackets in paragraph I of Part 4 inserted by Schedule 5, paragraph 2, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Words in curly brackets in paragraphs E and F of Part 5 inserted by Schedule 5, paragraph 3, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

Words omitted in paragraphs E and F of Part 5 revoked by r.18, Land Registration (Amendment) (No 2) Rules 2005, with effect from 5 December 2005.

SETTLEMENTS

General

1. Registered land which is settled land must be registered in the name of the tenant for life or the statutory owner.

First registration – restriction required

2. An application for first registration of an unregistered legal estate which is settled land must be accompanied by an application for entry of a restriction in Form G, H, or I, as appropriate.

Standard forms of restriction applicable to settled land

3. (1) The restrictions in Forms G, H and I apply respectively to the various cases referred to in those forms, and may be modified as the registrar sees fit according to the circumstances.

(2) Where one of the restrictions referred to in sub-paragraph (1) should have been entered in the register and has not been, any person who has an interest in the settled land and who applies for such restriction shall be regarded as included in section 43(1)(c) of the Act.

(3) Subject to paragraphs 8 and 14, the restrictions referred to in sub-paragraph (1) are binding on the proprietor during his life, but do not affect a disposition by his personal representatives.

Transfer of land into settlement

4. (1) A transfer of registered land into settlement must include the following provisions, with any necessary alterations and additions—

“The Transferor and the Transferee declare that—

(a) the property is vested in the Transferee upon the trusts declared in a trust deed dated *(date)* and made between *(parties)*,

(b) the trustees of the settlement are *(names of trustees)*,

(c) the power of appointment of new trustees is vested in *(name)*,

(d) the following powers relating to land are expressly conferred by the trust deed in addition to those conferred by the Settled Land Act 1925^(a):*(insert additional powers)*.

or if the tenant for life is a minor and the transferees are the statutory owner—

(a) the property is vested in the Transferee as statutory owner under a trust deed dated *(date)* and made between *(parties)*,

(b) the tenant for life is *(name)*, a minor, who was born on *(date)*,

(c) the trustees of the settlement are *(names)*,

(d) during the minority of the tenant for life the power of appointment of new trustees is

^(a) 1925 c. 18.

vested in the Transferee,

(e) the following powers relating to land are expressly conferred by the trust deed in addition to those conferred by the Settled Land Act 1925: (*insert additional powers*).”.

(2) An application for the registration of a transfer of registered land into settlement must be accompanied by an application for entry of a restriction in Form G, H or I, as appropriate.

(3) When the registrar receives the application he must register the transferee named in the transfer as the proprietor of the registered land and enter the appropriate restriction in the register.

Registered land brought into settlement

5. Where registered land has been settled and the existing registered proprietor is the tenant for life under the settlement, the registered proprietor must—

(a) make a declaration in Form 6, and

(b) apply for the entry of a restriction in Form G, modified if appropriate.

Registered land bought with capital money

6. (1) Where registered land is acquired with capital money the transfer must be in one of the forms prescribed by rule 206 and must include the following provisions, with any necessary alterations and additions—

“The Transferee declares that—

(a) the consideration has been paid out of capital money,

(b) the Property is vested in the Transferee upon the trusts declared in a trust deed dated (*date*) and made between (*parties*),

(c) the trustees of the settlement are (*names of trustees*),

(d) the power of appointment of new trustees is vested in (*name*),

(e) the following powers relating to land are expressly conferred by the trust deed in addition to those conferred by the Settled Land Act 1925: (*set out additional powers*).”.

(2) An application for registration of the transfer must be accompanied by an application for entry of a restriction in Form G, H or I, as appropriate.

Duty to apply for restrictions when registered land is settled

7. (1) Where registered land is settled land the proprietor, or (if there is no proprietor) the personal representatives of a deceased proprietor, must apply to the registrar for the entry of such restrictions (in addition to a restriction in Form G, H or I) as may be appropriate to the case.
 - (2) The application must state that the restrictions applied for are required for the protection of the beneficial interests and powers under the settlement.
 - (3) Subject to section 43(3) of the Act, the registrar must enter such restrictions without inquiry as to the terms of the settlement.
 - (4) Nothing in this rule affects the rights and powers of personal representatives for purposes of administration.

Proprietor ceasing in his lifetime to be the tenant for life

8. Where a registered proprietor ceases in his lifetime to be a tenant for life and has not become absolutely entitled to the registered land—
 - (a) he must transfer the land to his successor in title, or, if the successor is a minor, to the statutory owner, and
 - (b) on the registration of the successor in title or statutory owner as proprietor, the trustees of the settlement, if the settlement continues, must apply for such alteration in the restrictions as may be required for the protection of the beneficial interests and powers under the settlement.

Tenant for life or statutory owner entitled to have the settled land vested in him

9. Where a tenant for life or statutory owner who, if the registered land were not registered, would be entitled to have the settled land vested in him, is not the registered proprietor, the registered proprietor must at the cost of the trust estate execute such transfers as may be required for giving effect on the register to the rights of such tenant for life or statutory owner.

Registration of statutory owner during a minority otherwise than on death

10. (1) If a minor becomes entitled in possession (or will become entitled in possession on attaining full age) to registered land otherwise than on a death, the statutory owner during the minority is entitled to require the settled land to be transferred to him and to be registered as proprietor accordingly.
 - (2) The transfer to the statutory owner—
 - (a) must be in Form TR1, and
 - (b) must not refer to the settlement.
 - (3) An application to register the transfer must be accompanied by an application for entry of a restriction in Form H.

Registration of special personal representatives

11. (1) Where—
 - (a) land was settled before the death of the sole or last surviving joint registered proprietor and not by his will, and

(b) the settlement continues after his death,

the personal representatives in whom the registered land vests under the Administration of Estates Act 1925^(a) may apply to be registered as proprietor in place of the deceased proprietor.

(2) The application must be accompanied by the grant of probate or letters of administration of the deceased proprietor limited to the settled land.

(3) The personal representatives must be registered in place of the deceased proprietor and the following added after his name—

“special executor *or* executrix (*or* administrator *or* administratrix) of [*name*], deceased.”.

Transfer on the death of the tenant for life

12. (1) Where the settlement continues after the death of the proprietor who was the tenant for life—

(a) an application to register a transfer by the personal representatives to the person next entitled to the registered land which is settled land must be accompanied by—

- (i) if the personal representatives are not already registered, the grant of probate or letters of administration of the deceased proprietor limited to the settled land,
- (ii) a transfer in Form AS1 or AS2, as appropriate,
- (iii) an application for entry of a restriction in Form G or H, as appropriate.

(b) The transfer must contain the following provisions with any necessary alterations or additions—

“The Personal Representatives and the Transferee declare that—

- a. the Property is vested in the Transferee upon the trusts declared in [a trust deed dated (*date*) and made between (*parties*)] or [the will of (*name of deceased*) proved on (*date*)],
- b. the trustees of the settlement are (*names of trustees*),
- c. the power of appointment of new trustees is vested in (*name*),
- d. the following powers relating to land are expressly conferred by the will in addition to those conferred by the Settled Land Act 1925: (*set out additional powers*).”.

(2) Where the settlement ends on the death of the proprietor, an application to register a transfer by the personal representatives to the person entitled must be accompanied by—

(a) if the personal representatives are not already registered, the grant of probate or letters of administration of the deceased proprietor,

(b) Form RX3 for cancellation of the restriction entered on the register relating to the settlement.

(3) The registrar shall not be under a duty to investigate the reasons any transfer is made by the personal representatives or consider the contents of the will and, provided the terms of any

^(a) 1925 c. 23.

restriction on the register are complied with, he must assume, whether he knows of the terms of the will or not, that the personal representatives are acting correctly and within their powers.

Minority where settlement arises under a will or intestacy

13. (1) Where a settlement is created or arises under the will or intestacy of a person who died before 1st January 1997—

(a) The personal representatives under the will or intestacy under which the settlement is created or arises must, during a minority, be registered as proprietors and will have all the powers conferred by the Settled Land Act 1925^(a) on the tenant for life and on the trustees of the settlement.

(b) When a minor becomes beneficially entitled to an estate in fee simple or a term of years absolute in the registered land, or would, if he were of full age, be or have the powers of a tenant for life, the personal representatives must (unless they are themselves the statutory owner) during the minority give effect on the register to the directions of the statutory owner.

(c) In particular, the statutory owner shall, after administration is completed as respects the registered land, direct the personal representatives to apply for a restriction in Form H.

(2) The application for the restriction in form H must be made by the personal representatives.

(3) On an application by the personal representatives under sub-paragraph (2), the registrar shall be under no duty to consider or call for any information concerning—

(a) the reason the application is made, or

(b) the terms of the will or the devolution under the intestacy, or

(c) whether the direction by the statutory owner was actually given or not, or its terms,

and whether he has notice of those matters or not, he must assume that the personal representatives are acting according to the directions given and that the directions were given by the statutory owner and were correct.

(4) A disponee dealing with the personal representatives who complies with the restriction entered under sub-paragraph (2) is not concerned to see or enquire whether any directions have been given by the statutory owner with regard to the disposition to him.

(5) Where under subsection (3) of section 19 of the Settled Land Act 1925 there is a tenant for life of full age, he shall be entitled to be registered as proprietor during any minority referred to in that subsection, but subject to the restrictions in Forms G or I, as appropriate.

(6) Nothing in this paragraph shall affect the right of a statutory owner to be registered as proprietor.

^(a) 1925 c. 18.

Discharge of registered land from beneficial interests and powers under a settlement

14. Where the trustees of a settlement desire to discharge registered land from the beneficial interests and powers under the settlement they may do so by any document sufficient to discharge it.

Discharge from liability in respect of beneficial interests and powers under a settlement

15. Where a proprietor or the personal representatives of a deceased proprietor has or have, in good faith, complied with the requirements of this Schedule in executing a transfer of settled land or discharge of trustees and in applying for the appropriate restrictions that may be required for the protection of the beneficial interests and powers under a settlement—

(a) he is or they are absolutely discharged from all liability in respect of the equitable interests and powers taking effect under the settlement, and

(b) he is or they are entitled to be kept indemnified at the cost of the trust estate from all liabilities affecting the settled land.

Interpretation

16. (1) In this Schedule— “capital” money has the same meaning as in the Settled Land Act 1925,

“personal representatives” includes the special personal representatives for the purposes of any settled land where they have been appointed in relation to that land,

“settled land” has the same meaning as in the Settled Land Act 1925,

“settlement” has the same meaning as in the Settled Land Act 1925,

“statutory owner” has the same meaning as in the Settled Land Act 1925,

“tenant for life” has the same meaning as in the Settled Land Act 1925,

“transfer” includes an assent and a vesting assent,

“trustees of the settlement” has the same meaning as in the Settled Land Act 1925,

“vesting assent” has the same meaning as in the Settled Land Act 1925.

(2) References in this Schedule to the “tenant for life” shall, where the context admits, be read as referring to the tenant for life, statutory owner, or personal representatives who is or are entitled to be registered.

(3) Nothing in this Schedule modifies the provisions of section 2 of the Trusts of Land and Appointment of Trustees Act 1996^(a) concerning settlements in relation to their application to registered land (as defined in section 89(3) of the Act).

^(a) 1996 c. 47.

SCHEDULE 8 Rule 191

MODIFIED FORM OF SCHEDULE 6 TO THE ACT APPLICABLE TO REGISTERED RENTCHARGES

Schedule 6 REGISTRATION OF ADVERSE POSSESSOR

Right to apply for registration

1. (1) [Subject to paragraph 13, a person] may apply to the registrar to be registered as the proprietor of a registered rentcharge if he has been in adverse possession of the registered rentcharge for the period of ten years ending on the date of the application.
 - (2) However, a person may not make an application under this paragraph if—
 - (a) he is a defendant in proceedings by the registered proprietor of the registered rentcharge for recovery of the rent or to enter into possession of the land out of which the registered rentcharge issues,
 - (b) judgment in favour of the registered proprietor of the registered rentcharge in respect of proceedings of the nature mentioned in sub-paragraph (2)(a) has been given against him in the last two years, or
 - (c) the registered proprietor of the registered rentcharge of which that person was in adverse possession has entered into possession of the land out of which the registered rentcharge issues.
 - (3) For the purposes of sub-paragraph (1), the registered rentcharge need not have been registered throughout the period of adverse possession.

Notification of application

2. (1) The registrar must give notice of an application under paragraph 1 to—
 - (a) the proprietor of the registered rentcharge to which the application relates,
 - (b) the proprietor of any registered charge on the registered rentcharge,
 - (c) where the registered rentcharge is leasehold, the proprietor of any superior registered rentcharge,
 - (d) any person who is registered in accordance with rules as a person to be notified under this paragraph, and
 - (e) such other persons as rules may provide.
- (2) Notice under this paragraph shall include notice of the effect of paragraph 4.

Treatment of application

3. (1) A person given notice under paragraph 2 may require that the application to which the notice relates be dealt with under paragraph 5.

(2) The right under this paragraph is exercisable by notice to the registrar given before the end of such period as rules may provide.
4. If an application under paragraph 1 is not required to be dealt with under paragraph 5, the applicant is entitled to be entered in the register as the new proprietor of the registered rentcharge.
5. (1) If an application under paragraph 1 is required to be dealt with under this paragraph, the applicant is only entitled to be registered as the new proprietor of the registered rentcharge if either of the following conditions is met.

(2) The first condition is that—
 - (a) it would be unconscionable because of an equity by estoppel for the registered proprietor to seek to assert his title to the registered rentcharge against the applicant, and
 - (b) the circumstances are such that the applicant ought to be registered as the proprietor.
(3) The second condition is that the applicant is for some other reason entitled to be registered as the proprietor of the registered rentcharge.

Right to make further application for registration

6. (1) Where a person's application under paragraph 1 is rejected, he may make a further application to be registered as the proprietor of the registered rentcharge if he is in adverse possession of the registered rentcharge from the date of the application until the last day of the period of two years beginning with the date of its rejection.

[(1A) Sub-paragraph (1) is subject to paragraph 13,]

- (2) However, a person may not make an application under this paragraph if—
 - (a) he is a defendant in proceedings by the registered proprietor of the registered rentcharge for recovery of the rent or to enter into possession of the land out of which the registered rentcharge issues,
 - (b) judgment in favour of the registered proprietor of the registered rentcharge in respect of proceedings of the nature mentioned in sub-paragraph (2)(a) has been given against him in the last two years, or
 - (c) the registered proprietor of the registered rentcharge of which that person was in adverse possession has entered into possession of the land out of which the registered rentcharge issues.

7. If a person makes an application under paragraph 6, he is entitled to be entered in the register as the new proprietor of the registered rentcharge.

Restriction on applications

8. (1) No one may apply under this Schedule to be registered as the proprietor of a registered rentcharge during, or before the end of twelve months after the end of, any period in which the existing registered proprietor is for the purposes of the Limitation (Enemies and War Prisoners) Act 1945 (8 & 9 Geo. 6 c. 16)—
 - (a) an enemy, or
 - (b) detained in enemy territory.
- (2) No-one may apply under this Schedule to be registered as the proprietor of a registered rentcharge during any period in which the existing registered proprietor is—
 - (a) unable because of mental disability to make decisions about issues of the kind to which such an application would give rise, or
 - (b) unable to communicate such decisions because of mental disability or physical impairment.
- (3) For the purposes of sub-paragraph (2), mental disability means a disability or disorder of the mind or brain, whether permanent or temporary, which results in an impairment or disturbance of mental functioning.
- (4) Where it appears to the registrar that sub-paragraph (1) or (2) applies in relation to a registered rentcharge, he may include a note to that effect in the register.

Effect of registration

9. (1) Where a person is registered as the proprietor of a registered rentcharge in pursuance of an application under this Schedule, the title by virtue of adverse possession which he had at the time of the application is extinguished.
- (2) Subject to sub-paragraph (3), the registration of a person under this Schedule as the proprietor of a registered rentcharge does not affect the priority of any interest affecting the registered rentcharge.
- (3) Subject to sub-paragraph (4), where a person is registered under this Schedule as the proprietor of a registered rentcharge, the registered rentcharge is vested in him free of any registered charge affecting the registered rentcharge immediately before his registration.
- (4) Sub-paragraph (3) does not apply where registration as proprietor is in pursuance of an application determined by reference to whether either of the conditions in paragraph 5 applies.

Apportionment and discharge of charges

10. (1) Where—
 - (a) a registered rentcharge continues to be subject to a charge notwithstanding the registration of a person under this Schedule as the proprietor, and
 - (b) the charge affects property other than the registered rentcharge,

the proprietor of the registered rentcharge may require the chargee to apportion the amount secured by the charge at that time between the registered rentcharge and the other property on the basis of their respective values.

- (2) The person requiring the apportionment is entitled to a discharge of his registered rentcharge from the charge on payment of—
 - (a) the amount apportioned to the registered rentcharge, and
 - (b) the costs incurred by the chargee as a result of the apportionment.
- (3) On a discharge under this paragraph, the liability of the chargor to the chargee is reduced by the amount apportioned to the registered rentcharge.
- (4) Rules may make provision about apportionment under this paragraph, in particular, provision about—
 - (a) procedure,
 - (b) valuation,
 - (c) calculation of costs payable under sub-paragraph (2)(b), and
 - (d) payment of the costs of the chargor.

Meaning of “adverse possession”

11. (1) A person is in adverse possession of a registered rentcharge for the purposes of this Schedule if, but for section 96, a period of limitation under section 15 of the Limitation Act 1980 (c. 58) would run in his favour in relation to the registered rentcharge.
 - (2) A person is also to be regarded for those purposes as having been in adverse possession of a registered rentcharge—
 - (a) where he is the successor in title to the registered rentcharge, during any period of adverse possession by a predecessor in title to that registered rentcharge, or
 - (b) during any period of adverse possession by another person which comes between, and is continuous with, periods of adverse possession of his own.
 - (3) In determining whether for the purposes of this paragraph a period of limitation would run under section 15 of the Limitation Act 1980, there are to be disregarded—
 - (a) the commencement of any legal proceedings, and
 - (b) paragraph 6 of Schedule 1 to that Act.

Trusts

12. A person is not to be regarded as being in adverse possession of a registered rentcharge for the purposes of this Schedule at any time when the registered rentcharge is subject to a trust, unless the interest of each of the beneficiaries in the registered rentcharge is an interest in possession.

[Extension of time limits because of mediation in certain cross-border disputes

- 13.—(1) In this paragraph—
 - (a) “Mediation Directive” means Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters;
 - (b) “mediation” has the meaning given by article 3(a) of the Mediation Directive;
 - (c) “mediator” has the meaning given by article 3(b) of the Mediation Directive; and

- (d) “relevant dispute” means a dispute to which article 8(1) of the Mediation Directive applies (certain cross-border disputes).
- (2) Sub-paragraph (3) applies where—
 - (a) a period of time is prescribed by paragraphs 1(1) or 6(1) in relation to the whole or part of a relevant dispute;
 - (b) a mediation in relation to the relevant dispute starts before the period expires; and
 - (c) if not extended by this paragraph, the period would expire before the mediation ends or less than eight weeks after the mediation ends.
- (3) The period expires instead at the end of eight weeks after the mediation ends (subject to sub-paragraph (4)).
- (4) If a period mentioned in sub-paragraph (2)(a) has been extended by this paragraph, sub-paragraphs (2) and (3) apply to the extended period as they apply to a period mentioned in sub-paragraph (2)(a).
- (5) Where more than one period applies in relation to a relevant dispute, the extension by sub-paragraph (3) of one of those periods does not affect the others.
- (6) For the purposes of this paragraph, a mediation starts on the date of the agreement to mediate that is entered into by the parties and the mediator.
- (7) For the purposes of this paragraph, a mediation ends on date of the first of these to occur—
 - (a) the parties reach an agreement in resolution of the relevant dispute;
 - (b) a party completes the notification of the other parties that it has withdrawn from the mediation;
 - (c) a party to whom a qualifying request is made fails to give a response reaching the other parties within 14 days of the request;
 - (d) the parties, after being notified that the mediator’s appointment has ended (by death, resignation or otherwise), fail to agree within 14 days to seek to appoint a replacement mediator; or
 - (e) the mediation otherwise comes to an end pursuant to the terms of the agreement to mediate.
- (8) For the purpose of sub-paragraph (7), a qualifying request is a request by a party that another (A) confirm to all parties that A is continuing with the mediation.
- (9) In the case of any relevant dispute, references in this paragraph to a mediation are references to the mediation so far as it relates to that dispute, and references to a party are to be read accordingly.]

NOTE

Words in square brackets inserted or substituted by articles 70-73 of The Cross-Border Mediation (EU Directive) Regulations 2011 with effect from 20 May 2011.

SCHEDULE 9 Rule 206(3) **FORMS OF EXECUTION**

Note: All dispositions other than assents must be executed as a deed. In the case of an assent the words “as a deed” may be omitted.

A. Where the instrument is to be executed personally by an individual —

Signed as a deed by *(full name of individual)* in the presence of:

<i>Signature</i>

Signature of witness.....
Name (in BLOCK CAPITALS)

.....
Address.....
.....
.....

B. Where the instrument is to be executed by an individual directing another to sign on his behalf —

Signed as a deed by *(full name of person signing)* at the direction and on behalf of *(full name of individual)* in [his][her] presence and in the presence of:

<i>Sign here the name of the individual and your own name,</i> <i>eg: John Smith by Jane Brown</i>

Signature of first witness.....
Name (in BLOCK CAPITALS)

.....
Address.....
.....
.....

Signature of second witness.....

Name (in BLOCK CAPITALS).....
.....
Address.....
.....
.....

{Form C. Where the instrument is to be executed by a company registered under the Companies Acts, or an unregistered company, using its common seal

Executed as a deed by affixing the common seal of (*name of company*) in the presence of:

Common seal of company

Signature of director

Signature of [director] [secretary]

D{(i)}. Where the instrument is to be executed by a company registered under the Companies Acts, or an unregistered company, without using a common seal[, acting by a director and its secretary or by two directors] —

{Executed} as a deed by (*name of company*) acting by [a director and its secretary] [two directors]

Signature Director
Signature [Secretary][Director]

{D(ii) Where the instrument is to be executed by a company registered under the Companies Acts, [without using a common seal] acting by a director—

Executed as a deed by (*name of company*) acting by a director in the presence of:

Signature Director

Signature of Witness
 Name (in BLOCK CAPITALS)

 Address:.....

}

E. Where the instrument is to be executed on behalf of an overseas company without using a common seal —

Signed as a deed on behalf of (*name of company*), a company incorporated in (*territory*), by (*full name(s) of person(s) signing*), being [a] person[s] who, in accordance with the laws of that territory, [is][are] acting under the authority of the company.

<p><i>Signature(s)</i></p> <p>Authorised [signatory][signatories]</p>
--

Note: In the case of an overseas company having a common seal, the form of execution appropriate to a company registered under the Companies Acts may be used, with such adaptations as may be necessary, in place of execution by a person or persons acting under the authority of the company.

F[(i)]. Where the instrument is to be executed by a limited liability partnership incorporated under the Limited Liability Partnerships Act 2000, without using a common seal [, acting by two members] —

[Executed] as a deed by (*name of limited liability partnership*) acting by two members

<p><i>Signature</i></p> <p>Member</p>
<p><i>Signature</i></p> <p>Member</p>

[F(ii). Where the instrument is to be executed by a limited liability partnership incorporated under the Limited liability Partnerships Act 2000, without using a common seal, acting by a single member—

Executed as a deed by (*name of limited liability partnership*) acting by a member in the presence of:

Signature
Member

Signature of Witness
Name (in BLOCK CAPITALS)
Address:.....
.....]
.....]

NOTES

Form C substituted by Schedule 6, paragraph 1, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008.

In Form D(i), “(i)” inserted in the heading, and word in curly brackets substituted, by Schedule 6, paragraph 2, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008. Words in square brackets inserted by r.6, Land Registration (Amendment) Rules 2009.

Form D(ii) inserted by Schedule 6, paragraph 2, Land Registration (Amendment) Rules 2008, with effect from 10 November 2008. Words in square brackets inserted by r.7, Land Registration (Amendment) Rules 2009 with effect from 1 October 2009.

In Form F(i), “(i)” inserted in the heading and word in square brackets substituted by r.8, Land Registration (Amendment) Rules 2009 with effect from 1 October 2009.

Form F(ii) inserted by r.8, Land Registration (Amendment) Rules 2009 with effect from 1 October 2009.