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## Proposals to amend the Land Registration Rules 2003

This consultation proposes some changes to the Land Registration Rules 2003 to allow Land Registry to continue its digital transformation programme. Land Registry constantly works to modernise its services. The proposals are designed to give customers more options in the use of our services and bring the rules into alignment with our digital strategy.

Issued: **9 February 2017**

Respond by: **5 April 2017**

Enquiries to: [lrr2016@landregistry.gov.uk](mailto:%20lrr2016@landregistry.gov.uk?subject=LRR%202016%20Consultation)

This consultation is relevant to: All Land Registry customers

## 1. Foreword from the Chief Executive and Chief Land Registrar

As Chief Executive and Chief Land Registrar, I have day-to-day responsibility for the management of Land Registry. Our main purpose is to register ownership of land in England and Wales and to record dealings with land once it is registered.

Land Registry has embarked on a digital transformation programme to deliver products and services through channels that meet our customers’ changing needs. We want to be flexible and responsive, continuously improving our processes while always ensuring the security and integrity of the Land Register.

To support our digital programme, the Land Registration Rules 2003 (‘the Rules’) need updating in several aspects, mainly to:

1. allow for fully digital conveyancing documents with e-signatures
2. introduce new statutory services requested by our customers
3. allow for more flexibility as to when we are open for business and open to the public
4. bring the Rules up to date to reflect the modernisation and simplification of our services
5. make small improvements to assist our customers and correct clerical errors in the Rules.

We also propose to revoke the Proper Office Order 2013 and the Land Registration (Electronic Conveyancing) Rules 2008 since they will no longer be needed.

The amendments will make it simpler and quicker to interact with us and will allow us all to benefit from digital technology.

This consultation document provides explanations of the proposals to amend our legislation and shows you the amendments we consider should be made to the Rules. The purpose of this consultation is to give customers a chance to see and comment on the proposals before legislation is brought before Parliament. We welcome your participation so I would urge you to consider this paper and give us your views.

**Graham Farrant  
Chief Executive and Chief Land Registrar**

## 2. Executive summary

1. The purpose of the proposed changes to the Land Registration Rules 2003 (‘the Rules’) is to:
2. allow for fully digital conveyancing documents with e-signatures for land transactions and land registration and revoke existing rules allowing only for limited digital mortgages
3. revoke the Land Registration (Proper Office) Order 2013 and make consequential amendments to the Rules
4. allow for the introduction of new statutory services identified as beneficial to our users through user research
5. reflect how we have modernised and simplified our services through digital transformation
6. allow for more flexibility as to when Land Registry is open for business and open to the public
7. make some minor improvements in the Rules
8. correct some clerical errors.
9. We also intend to revoke the Land Registration (Electronic Conveyancing) Rules 2008, which will become superfluous as a result of the changes we wish to make to the Rules.
10. This is not a radical review of the Rules. That would not be appropriate while the Law Commission is reviewing the Land Registration Act 2002 in its Twelfth Programme of Work. The proposed rule amendments are the minimum we think are needed, pending the outcome of the commission’s work, in order to pursue our Business Strategy.
11. In part 6 we set out the details of each proposal. Below each explanation we have added questions in text boxes.
12. In part 7 we show extracts from the Rules with the amendments marked up as follows.

* Additions to the Rules are shown in red.
* Deletions are shown in blue and crossed through.
* Words that remain unchanged are in black.
* Some rules or parts of rules are included even though they are not being changed. This is to show the context of the amendments that are being made.
* A row of three dots indicates where rules or parts of rules are omitted as they are not amended or affected by the proposed changes.

1. In part 8 we list some additional proposals not shown in part 7 for practical reasons.

## 3. How to respond

1. This consultation was published on **9 February 2017**. The consultation period will run for 8 weeks and the closing date for responses is **5 April 2017**. However we encourage responses as early as possible to assist us in accelerating the process of considering replies.
2. Please respond by completing and submitting the consultation response form available electronically on the consultation page (until the consultation closes). The form can be submitted by email to:

[lrr2016@landregistry.gov.uk](mailto:lrr2016@landregistry.gov.uk?subject=LRR%202016%20Consultation)

1. When responding please state whether you are responding as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents by selecting the appropriate interest group on the consultation form and, where applicable, how the views of members were assembled.
2. A list of those organisations and individuals consulted is in Annex B. We would welcome suggestions of others who may wish to be involved in this consultation process.
3. You may make printed copies of this document without seeking permission. Although the primary method of communicating this consultation is electronic, it is possible to obtain a paper copy by emailing [lrr2016@landregistry.gov.uk](mailto:lrr2016@landregistry.gov.uk?subject=LRR%202016%20Consultation)
4. If you need the document in any other format, please contact [lrr2016@landregistry.gov.uk](mailto:lrr2016@landregistry.gov.uk?subject=LRR%202016%20Consultation)

## 4. Confidentiality and data protection

1. Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).
2. If you want the information you provide to be treated as confidential, please be aware that, under the FOIA there is a statutory code of practice with which public authorities must comply and which deals, among other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on Land Registry.
3. Land Registry will process your personal data in accordance with the DPA and, in the majority of circumstances, this will mean that **your** personal data will not be disclosed to third parties.
4. Please note that confidential responses will be included in any statistical summary of numbers of comments received and views expressed.

## 5. Help with queries

1. Questions about the policy issues raised in the document can be addressed to:

Joy Bailey

Registration Legal Services,

Trafalgar House, 1 Bedford Park, Croydon, CR0 2AQ

Tel: 0300 006 7738

Email: [lrr2016@landregistry.gov.uk](mailto:lrr2016@landregistry.gov.uk?subject=LRR%202016%20Consultation)

1. If you have any questions about the consultation document or how to respond, please email [lrr2016@landregistry.gov.uk](mailto:lrr2016@landregistry.gov.uk?subject=LRR%202016%20Consultation)
2. If you have any comments or complaints about this consultation process, you should contact the Consultation Coordinator, whose contact details are shown in Annex A. The consultation principles are in Annex A**.**
3. After careful consideration, we have decided not to produce a Welsh language version of the proposed amendment rules or this consultation. Our Welsh Language Scheme recognises that some material, such as this, is too technical and complex to make a Welsh version practicable.

## 6. The proposals

### Proposal A – To allow for the introduction of fully digital conveyancing documents with e-signatures to be used for land transactions and land registration, and to revoke existing rules allowing only limited digital mortgages

**The proposed changes are shown in rules 54A to 54D in part 7 of this document, and in proposal 6 in part 8.**

1. The Land Registration Act 2002 was designed to allow for the introduction of electronic conveyancing. Indeed the title to the consultation document[[1]](#footnote-1) was *Land Registration for the 21st century – a conveyancing revolution*. Consequent to the Act, the Land Registration (Electronic Conveyancing) Rules 2008 were made, to allow for fully electronic mortgages with electronic signatures. That led to a small number of electronic mortgages being created and registered during a Land Registry pilot that took place in 2009.
2. At the time the appetite for digital conveyancing documents was not strong and the banking crisis resulted in a period of consolidation for lenders, conveyancers and Land Registry. Further developments were put on hold. But the conveyancing market has come back into life. Lenders and conveyancers are busy and tell us they want to work more efficiently and speed up turnover.
3. Under section 52 of the Law of Property Act 1925 most conveyances and legal mortgages of land must be made by a deed. Electronic documents with electronic signatures will be regarded as deeds if rules are made to that effect under section 91 of the Land Registration Act 2002. The proposed amendment rules will provide those rules. They will allow any disposition that must be registered to be carried out using digital documents with electronic signatures, once the registrar has published a notice that the new service is ready to use.
4. This will allow the incremental introduction of secure electronic conveyancing and registration services in accordance with user needs and user testing. It will allow the flexibility and speed that is vital in the digital world. Initially Land Registry will introduce electronic mortgages for use where there is no change of ownership. The registered proprietor simply wants to take out a mortgage or re-mortgage their property. These electronic charges will, it is expected, be introduced using the current Land Registration (Electronic Conveyancing) Rules 2008. But once that service is established, further developments will be made in the service such as mortgages for corporate borrowers. In due course Land Registry intends to introduce electronic transfers. Other dispositionary electronic documents such as leases might be introduced later if there is a user need.
5. Land Registry will provide the e-mortgage deed templates through its Business e-services. The e-mortgages will be in a format already agreed with the lenders who wish to use them and will be given an ’MD’ reference just as paper mortgage deeds are. The conveyancer will create the e-mortgage by accessing the Land Registry service and completing the MD reference and the borrower’s details, and that will create the electronic mortgage deed. The conveyancer will provide contact details for the borrowers and give the borrowers the link they will need to gain access to the e-mortgage deed in order to sign it electronically. The MD reference will create the appropriate electronic mortgage deed and the entries that will be added to the register once the mortgage is completed.
6. We will build and share application programming interfaces (APIs) that will allow conveyancers and case management providers to integrate directly with Land Registry systems. The conveyancer’s case management system will be able to feed data directly into their electronic mortgage documents, and their systems can also access and use Land Registry data to prepopulate documents, saving time and reducing errors. This will be an extension of our current Business Gateway service.
7. Conveyancers who do not wish to integrate their IT system with Land Registry APIs, or whose case management system is not integrated, will in due course be able to use the services through a web front-end connection – the Land Registry portal or the service that replaces it. We will continue to provide a secure website where professionals can access our Business e-services. To use it only an internet connection and a standard internet browser are needed. We already have more than 3,500 professional conveyancers with an account and a network access agreement, which will allow them to use digital conveyancing services.
8. We are often asked how electronic signatures will be witnessed. There is no need for e-signatures to be witnessed after the signing, because the identity assurance – which is what witnessing is for – effectively takes place before the e-signature can be used. Conveyancing transactions and registration of them will become more secure as parties using digital signatures will have their identity assured through the GOV.UK Verify system, or an equivalent online identity assurance service.

<https://www.gov.uk/government/publications/introducing-govuk-verify/introducing-govuk-verify>

1. The Verify service will be integrated into the Land Registry service, along with our own security matching measures. When we are satisfied with the identity of the borrowers we will issue signing security credentials to them. Initially the service will use SMS text messaging to deliver the security credentials but in future email is likely to be another option available to the borrowers.
2. The electronic signatures will use the signing and security system already established by Land Registry for the e-charges that were created in 2009. They will be advanced electronic signatures as defined in the EU Regulation 910/2014 on electronic identification and trust services for electronic transactions that came into force on 1 July 2016.

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0910&qid=1442917758240&from=EN>

1. An advanced e-signature is uniquely linked to the signatory and is capable of identifying the signatory. It is created using data that the signatory can, with a high level of confidence, use under their sole control. Furthermore, it is linked to the signed data so any subsequent change is detectable.
2. Section 91 of the Land Registration Act 2002 provides that an e-document signed with an e-signature will be regarded as a deed. The e-signature must be certified, and this means that the identity of the signer is checked in advance so the signature does not have to be witnessed.
3. The signature will be certified by Land Registry, which will be the Certification Authority and the Registration Authority. It will use a highly secure and sophisticated system of public key infrastructure. This means not only does the signature give a high degree of identity assurance that it was signed by the correct person, but it will indicate if the document has been tampered with.
4. As the Trust Service Provider, liability in respect of e-signatures will primarily fall on Land Registry and Land Registry would have to prove that any damage arising from the use of the signature had occurred without our intention or negligence.
5. It is proposed to add rule 54A to D to the Rules to allow the conveyancing industry to undertake transactions entirely digitally, as an alternative to paper. There is no obligation to use the digital services – lenders, conveyancers and borrowers can continue to use paper if they wish. The Land Registration (Electronic Conveyancing) Rules 2008 will be revoked, as they will no longer be necessary. They will be replaced by a registrar’s notice setting out the conditions and limitations for using the digital service.
6. As each new digital service is developed by Land Registry a notice will be published confirming the registrar is satisfied that adequate arrangements are or will be in place for dealing with the electronic transaction documents. This system of registrar’s notices avoids the delays inherent in amending Rules every time a new electronic service is introduced. It would not be practical to make new rules for each new service. The process of making rules by statutory instrument is long and unwieldy. Other electronic documents to cover other conveyancing transactions will be introduced incrementally, such as transfers for buying and selling. Each new service will be introduced after a period of user research and user testing.
7. The rule amendments, and the ability of the registrar to introduce electronic conveyancing documents by notice, will not change the law as to the legal documents required for conveyancing transactions or their contents. It will simply change the way they are prepared and signed. There is already a precedent in the Rules allowing for the introduction of new services for the electronic delivery of applications after the registrar has published a notice. Those provisions are in rules 14 and 132 of, and Schedule 2 to the Rules. This method of introducing electronic documents is a logical extension of that principle.

**Question A**

**Do you agree with the proposal to allow (but not require) all dispositions that must be registered to be carried out using digital documents with digital signatures, after the registrar has issued a notice that the service is available?**

### Proposal B – Revoke the Proper Office Order and make consequential amendments to the Land Registration Rules 2003

**The proposed changes are shown in rules 15(3), and 19(6) in part 7 of this document, and in proposal 4 in part 8.**

1. Under a paper system of land registration the Proper Office Order ensured that applications were lodged at the particular Land Registry office that held the paper records for that geographical area. As the register is now held in digital form, many applications are delivered electronically. Paper applications are delivered by post or DX to a single address and scanned at the Land Registry scanning centre. The registrar has issued a direction under section 100(4) of the Land Registration Act 2002 to confirm a single address for all Land Registry offices, for the purpose of delivering applications. The requirement that conveyancers lodge particular applications at particular offices is therefore redundant.
2. We propose to revoke the Land Registration (Proper Office) Order 2013 (SI 2013/1627) and make consequential amendments to the Rules. This will reflect the steps we have already taken to make delivery of applications simpler, both by post and electronically. Conveyancers who wish to make a postal application will not have to check which Land Registry office to send it to. There will only be one postal address for all applications and if the address of the scanning centre has to change for any reason the change of address will be publicised by means of another registrar’s direction. Revocation of the order will also reduce regulation.

**Question B**

**Do you agree that the Proper Office Order 2013 is superfluous and can be revoked?**

### Proposal C – Allow for the introduction of new statutory services identified as beneficial to our users through user research

**The proposed changes are shown in rules 133, 134, 141, 144 in part 7 of this document.**

1. Extensive user research is carried out as part of Land Registry’s agile approach to the development of digital services. It has identified statutory services (that is, services we are obliged to provide under the Land Registration Act 2002) that could be offered in more flexible ways. Customers would like to reap the benefits that digital services can bring.
2. Currently the Rules allow for inspection and copying of the whole of an individual register. Customers use our register information for many different purposes and they have asked for services which allow them to view and have copies of parts of the registers of title, or parts of documents held by the registrar. Amendments to the Rules are therefore needed to allow for such services, which will be relatively easy to provide online.
3. Some customers have also asked for improved services for getting information about the history of a register of title. Again, these services will be easier to provide online, but the Rules need small amendments to allow for the type of services requested.
4. The changes will effectively free up the Rules to allow for more flexible services. Existing statutory services will not be affected. The Land Registration Act 2002 already provides for the breadth of services we are proposing. Section 66 of the Land Registration Act allows for any person to “inspect and make copies of, or of any part of—

(a) the register of title

(b) any document kept by the registrar which is referred to in the register of title,

(c) any other document kept by the registrar which relates to an application to him, or

(d) the register of cautions against first registration.”

1. Likewise, section 67 of the Act allows for official copies of all or part of the register and documents. In both cases the right is subject to rules which may impose conditions on the exercise of the statutory right. The relevant rules are rule 133 and 134, both of which allow for only a full copy of a register or a document held by the registrar.
2. The Rules were drafted when making a copy of part only of a register or document would have been a time-consuming, manual process. The applicant would not have been able to inspect the document online so they may not have known in advance what part of the register or document they wished to have a copy of. So the Rules allowed only for full copies. Now that documents can be easily inspected online it makes sense to allow for different services to suit the needs of different customers. User research tells us that some customers only want to look at particular parts of the register. Further user research will be undertaken to identify the services that will suit those customers, where they can be provided online at a reasonable cost to the customers and to Land Registry.
3. Rules 133 and 134 will therefore be amended to confirm they allow for inspection, copying and official copies of parts of the register and documents as well as full copies. But the right will be subject to the condition that these services will be available only online, once the registrar has issued a notice under Schedule 2 of the Rules. Rules 14 and 132 and Schedule 2 already allow for applications to be made and results to be delivered by any means other than post, DX or personal delivery. This is the mechanism used by the registrar to introduce new online services.
4. To allow for more flexible ways of offering historical information services, rules 141 and 144 will be amended in a similar way. This means that, if there is a clear demand, the registrar could offer services providing historic day list (a record showing the date and time at which every pending application was made and of every application for an official search with priority) information and historic information about a registered title generally, rather than the limited service for historic editions of the register presently available. Such services can be offered under section 69 of the Land Registration Act 2002, subject to the appropriate rules being in place.
5. The service will be available only online, after the registrar has issued a notice setting out the conditions and limitations on which it is offered.

**Question C**

**C1. Do you agree that the Rules should allow for an online service for inspection, copying and official copies of parts of the register and documents, as well as full copies?**

**C2. Do you agree that the Rules should allow for an online service for historic day list information and historic information about a registered title?**

### Proposal D – Reflect the modernisation and simplification of our services through digital transformation

**The proposed changes are shown in rules 13, 14, 19, 54, 199, 203, 204, 205, 214, Schedule 2 paragraph 2(b), in part 7 of this document, and in in proposal 3 in part 8.**

1. Land Registry no longer asks for the original paper documents to be sent with every application. Conveyancers are encouraged to retain the original document and send us a scanned copy, which they can certify as a true copy, with their application. The application can be made either through our electronic Document Registration Service (e-DRS), or in paper by post or DX. Paper applications are scanned centrally then distributed electronically to the Land Registry office that will process them. Once the documents have been successfully scanned the paper documents can be destroyed as we will retain the electronic copies and use them to issue official copies. The documents held and issued by Land Registry become the documents of title, bearing the state guarantee afforded by section 103 and Schedule 8, Land Registration Act 2002. The Land Registry official copies are therefore more secure and reliable than a document retained by any of the parties after registration.
2. This fully electronic way of working needs to be reflected in changes to the Rules. There are detailed rules about the retention and return of documents, contained in rules 203, 205 and rule 214, which are now superfluous and can be amended or revoked. The current drafting of these rules no longer reflects our current practices and our increasingly used electronic services. They could hinder further electronic development of Land Registry digital services, such as in first registration.
3. We propose to revoke most of rule 203 relating to the retention of documents on completion of an application. We are revoking all of rule 204 relating to requests for the return of certain documents as this rule covered only the period of five years after the Land Registration Act 2002 came into force, so is no longer relevant. Small consequential amendment will be made to rule 205, removing reference to rule 204, and rule 214, which confirms that applicants may lodge certified copies of documents instead of the original.
4. In addition, rule 54 currently allows for an outline application to be made electronically to protect the full application that will be made by post. Outline applications (OLA) were introduced to provide a basic real-time priority system under which the applicant would have priority on the day list until the paper application was received at Land Registry. That rule is no longer needed and can be revoked as customers can now make the full application immediately online. An OLA can protect only a right or interest that already exists. Therefore it is not possible to buy time by submitting an OLA while steps are being taken to obtain the substantive interest. The rule provides that the right, interest or matter that is the subject of the application must exist at the time the OLA application is made. That being the case, there is no reason why a full application to protect the interest cannot be made immediately online, either through our e-documents service in the Land Registry portal or using e-DRS.
5. The rule currently allows, subject to a registrar’s notice, for an oral outline application to be made – that is to say, by means of personal attendance at a Land Registry office. However it is now necessary to book an appointment 72 hours in advance of a personal attendance. This renders oral outline applications pointless. The application can be made instantly online by business customers. Non-business customers could deliver a full application personally by leaving it at one of our offices or bringing it with them to a pre-booked appointment or delivering it by post. Again, there is no need to make a preliminary outline application.
6. The current rule also allows for applications to be made by telephone, subject to a registrar’s notice. Land Registry’s telephone application services were closed in December 2012 due to falling use, so the registrar’s notice was withdrawn. That facility is therefore no longer available to any customers.
7. It is therefore proposed to revoke the current rule 54 in its entirety. (It will be replaced by rules 54A to 54D, allowing for the preparation and delivery of fully digital conveyancing documents – see above.) Consequential amendments are needed to rules 13 and 14 and Schedule 2 paragraph 2(b), each of which refer to outline applications.
8. Finally, we propose to remove references in the Rules to the service of notices by the registrar and objections to the registrar by fax. We have already removed Land Registry’s fax facility for applications and objections, as the use of fax has become almost obsolete. We did this after removing reference to delivery by fax from the registrar’s notice (notice 6) issued under rule 132 and Schedule 2 to the Rules, and from the registrar’s direction issued under rule 19(4). We will leave reference to fax in rule 107, because that rule relates to notice being given by a subsequent chargee to a prior chargee and, as such, the arrangements are made between the parties.

**Question D**

**D1. Do you have any comments on the proposals to amend rules 203 – 205 and 214 (retention and return of documents), and rules 19 and 199 (use of fax) to reflect changes we have already made in our practice?**

**D2. Do you agree with the proposal to revoke the provision for outline applications?**

### Proposal E – Allow for more flexibility as to when Land Registry is open for business and open to the public

**The proposed changes are shown in rules 16(1), 31(2), 53(1), (3) and (4), 55(4), 86(3), (5) and (6), 92(9), 119(3), 131, 189, 197(2), 201(5), 202(3) and (8), 216, 217(1), 218 in part 7 of this document.**

1. The Rules are currently drafted so as to define a business day as a day on which Land Registry is open to the public, while a working day is defined as any day from Monday to Friday (inclusive) that is not Christmas Day, Good Friday or any other day either specified or declared by proclamation under section 1 of the Banking and Financial Dealings Act 1971, or appointed by the Secretary of State. The Rules also provide that Land Registry will be open to the public on working days. This effectively means that a business day, a working day and a day on which Land Registry is open to the public are currently all the same.
2. Increasing use of digital working, including the automatic processing of some applications, means that Land Registry could be open for business for longer periods than working days as defined in the Rules. As digital documents are introduced and we find more digital ways of working, applications can be received outside working days and some may be automatically processed outside normal working hours. Some of our customers work and lodge applications electronically during evenings and weekends.
3. We want to break the circular definitions and untangle the meaning of business day and working day, so that a business day is clearly a day when Land Registry does business while a working day is a traditional working day – Monday to Friday excluding Christmas Day, Good Friday or any other bank holiday.
4. We therefore propose to slightly amend the definitions of business day and working day in rule 217(1). Business day will mean a day on which Land Registry is open for business. Working day will mean a traditional working day, Monday to Friday, excluding bank holidays.
5. We will also change many references throughout the rules from business day to working day. The need for clarity is because there are extensive references to business days throughout the Rules, mainly in relation to time limits for responses to notices that the registrar is obliged to serve in various situations. We would not want to disadvantage the majority of customers who do business only on working days. For instance, if Land Registry becomes open for business on weekend days, under the current rules those days would count towards the time limits for responding to a notice. So we propose to change the word ‘business’ day to ‘working’ day whenever counting business days would disadvantage our customers. They would continue to count only working days for the time limits to respond to notices served by the registrar.
6. We will leave references to business days where it is advantageous to customers, for instance in rule 15 which defines when applications are taken to be made.
7. Rule 216 currently contains provisions that would allow the registrar to give notice that Land Registry will be open to the public on Saturdays. There is also a complex table setting out what would happen to notice periods if Land Registry were to be open on Saturdays. The proposed changes mean that rule 216 can also be considerably simplified by the revocation of paragraph (5) and the complex table within it. That provision will no longer be needed.
8. The definition of the priority period in rule 131 can also be considerably simplified because of the separation of the definitions of business day and working day.
9. Land Registry’s *Find a property* online public service is already available 24 hours a day 7 days a week. Business e-services are available from 6.30am to 11pm Monday to Friday including bank holidays. There is no longer a correlation between business days, working days and when Land Registry is open for public visits. Most contact is made by telephone, email and our electronic services. It is not necessary to prescribe that our doors should be open to visitors all day on every business or working day. We need to be able to make more flexible arrangements that take into account customer needs and the costs to Land Registry (and its fee payers) of offices being open for personal visits all day long on every working day.
10. Land Registry has only 14 offices in various locations throughout the country so they are not accessible to everyone. Personal attendance would mean a long journey for most people. Increasingly services for citizen customers will be online or provided by an assisted digital solution.
11. In the financial year 2014/15 the total number of applications received by Land Registry (excluding bulk register updates where applications are often delivered by means of a spreadsheet) was 27,411,908, of which 91.2 per cent were received through online services. Of these applications, preliminary services (official copies and official searches) totalled 15,890,630, of which 98 per cent were made online. Substantive applications (including transfers, leases, mortgages and discharges) totalled 4,724,245, of which 72.6 per cent were received online.
12. In 2014/15 we received 679,127 telephone enquiries, down from 814,943 in 2013/14. In 2015/16 we received 682,991 telephone enquiries but in the same year the total of enquiry service applications rose from 6.8 million in 2014/15 to 8.2 million. The proportion of those applications received online rose from 88.2 per cent to 90.2 per cent as customers made more use of online services.
13. Our records show a similar gradual decline in the number of personal visitors to our offices each month of the financial year 2015/16, falling from 770 in April 2015 to 568 in September 2015. About 75 per cent were for identity verification relating to applications.
14. Currently personal visits to make applications are possible only by appointment made at least 72 hours in advance, because notice number 6 given under rule 14 and Schedule 2 of the Rules includes that limitation. Telephone applications can no longer be made but customer telephone services for enquiries and information are available from 8am to 6pm Monday to Friday.
15. The reasons for personal attendance at a Land Registry office are—
16. to make an application
17. to make enquiries generally, for instance about boundaries because of a dispute with neighbours
18. to have identification forms authenticated by a Land Registry officer to accompany an application.
19. Dealing with each in turn.

a. The cost of maintaining personnel cover for the occasional visitor to our offices all day every day is high. The cost to Land Registry of dealing with an application lodged by personal attendance at a Land Registry office is higher than dealing with one received by post, so those who send their applications by post or electronically are subsidising the few who come personally to the office to make an application.

b. Most information held at Land Registry can be obtained online through Land Registry’s *Find a property* service or by post or telephone. So there is no need for personal attendance. Land Registry does not give legal advice and has to avoid any conflict of interest, as we recognise that others may be affected by what we say. To further reduce personal visits we are working to improve our services constantly, and test them on users to find ways of making them easier to use and more accessible to all.

1. Although having identity forms validated by a Land Registry officer is a useful and free service, it is available only to very few customers who are able to visit one of our offices and who are “do it yourself” conveyancers. We calculate only 3 per cent of applications are made by non-professional conveyancers and many of these are received by post, not made personally. Most people who need to have an identity form validated must go to a professional conveyancer and pay a small fee for the service. It might therefore be argued that for Land Registry to continue to offer this service free is unfair to customers who cannot get to a Land Registry office, and unfair on local conveyancers who would otherwise get that business.
2. The proposed additional paragraph 216(10) would therefore allow the registrar to give notice that personal attendance could be:

* by appointment only or limited to specified times
* at a specified office or offices of Land Registry or any other specified location, and
* limited to specified services.

This will allow for changes or reductions in the times and locations for personal visits in accordance with customer needs, taking into account the costs of providing for those needs and the availability of alternative channels for our services. Increasingly services for citizen customers will be online or provided by an assisted digital solution.

1. For maximum flexibility, we have used the words “business day or days” in the proposed paragraph 216(10), since that would allow for evening or weekend opening to the public if a need is identified and arrangements could reasonably be made.

**Question E**

**E1. Do you have any comments on the proposals to clarify the definitions of business day and working day?**

**E2. Do you agree that Land Registry should have more flexibility about when it is open for personal visits?**

### Proposal F – Make minor improvements in the Rules

**The proposed minor improvements are shown in rules 90, 93, 140, 217(3), Schedule 4, Schedule 5, in part 7. In part 8 of this consultation we also explain a minor improvement to Schedule 1 form ST3. The form is not reproduced in full.**

1. We are taking the opportunity to make some minor improvements to the Rules that will help our customers.

**Rule 90** will be improved by the addition of “or Form AN1” at the end. This rule applies either:

1. where a lease for a term not exceeding seven years is granted out of a franchise or manor, or

2. an easement, rentcharge or right of entry is created, that must be noted in the register of the property that is subject to it.

The rule currently says that the application to note the interest must be made in form AP1. Understandably, many applicants use form AN1 on the basis that they are applying for the entry of a notice in the relevant register. That is a logical assumption, but in order to comply with the Rules we have to reject such applications and ask for them to be re-lodged with a form AP1. Otherwise there is a danger that a challenge could be made to the validity of the interest, if it was not registered in accordance with the Rules. This causes frustration and expense to customers, and could risk their priority.

1. By adding form AN1 to the rule, customers will be able to use either form with such applications.
2. **Rule 93** contains a list of persons regarded as having a sufficient interest to apply for a restriction, for the purposes of section 43(1)(c) of the Land Registration Act 2002. We propose to add two additional categories of person who will be regarded as having sufficient interest, and we will add two new standard forms of restriction**,** to Schedule 4 to the Rules**,** for which they may apply. The new standard forms of restriction will cover situations where people lack mental capacity and their affairs are under the supervision of the Court of Protection. The first situation is where the court has appointed a deputy, and the second is where the property is jointly owned, but the consent of the Court of Protection is required to any disposition because one beneficial owner lacks capacity.
3. It is necessary to protect the interest of the person lacking capacity by the entry of a restriction ensuring that the appropriate court order has been made or consent been given by the Court of Protection. Dementia has been on the increase nationally. The latest Family Court statistics[[2]](#footnote-2) show a steady rise in the number of deputies appointed between 2009 and 2015.
4. Currently deputies have to apply for a non-standard form of restriction and pay the current fee of £90 per restriction perproperty. As we routinely enter these restrictions, we have concluded that they should be made standard restrictions, so that the current fee would be £40 for up to three titles included on one application form. The fee would be further reduced to £20 for up to three titles if the application is delivered electronically (as opposed to £45 per title for applications for non-standard forms of restriction delivered electronically).
5. A consequential amendment will be made to rule 217(3), the interpretation clause for standard forms of restriction.
6. **Rule 140** and **Schedule 5** will be amended to alleviate a problem which occurs regularly, but the amendments will not change Land Registry practice. Rule 140, Schedule 5 and form CIT together are designed to allow organisations that have been given statutory powers of investigation and enforcement to make applications for information and documents held by Land Registry, to assist their investigations. These applications are excepted under rule 133 from the right to inspect and make copies that is provided by section 66 of the Land Registration Act. This exception is needed since the investigations can be highly sensitive, and should not be open to public scrutiny as they may not result in any criminal or enforcement measures.
7. Schedule 5 currently sets out who can give various certificates which will allow them to receive, confidentially, information held by Land Registry, for the purpose of investigations in connection with court proceedings, insolvency and tax liability under rule 140. However the wording of the certificates is actually set out in form CIT, which is a form prescribed in Schedule 1 to the Rules.
8. The problem arises when an organisation that is entitled to make applications under rule 140 – a qualifying applicant – is reorganised, changes its name or merges with another organisation. This happens fairly regularly. An example was the change to financial regulation when the duties of the Financial Services Authority were taken over by the Financial Conduct Authority, the Prudential Regulation Authority and the Bank of England. This meant that both Schedule 5 and the certificates in form CIT needed amending. The appropriate amendments were made to Schedule 5 by the Financial Services Act 2012 (Consequential Amendments and Transitional Provisions) Order 2013 (SI 2013/472), but not to form CIT in Schedule 1.
9. Schedule 1 is often overlooked when legislation is being amended, because it contains many Land Registry prescribed forms. When statutory bodies search the legal databases for legislation that ought to be updated as a result of changes to their own legislation, the searches fail to bring up form CIT. This is because the providers of searchable legal databases tend to exclude Land Registry’s Schedule 1 forms from their databases because of the size of the forms. Since form CIT is a prescribed form, the substance of it can only be changed by statutory instrument, so correcting an oversight involves making another statutory instrument.
10. To avoid such oversights and the problems they cause, we propose to make form CIT a non-statutory form. Instead it will be a form promulgated by the registrar using powers in section 100(4) of the Land Registration Act 2002. That means that the various certificates contained in the form can be amended when necessary, if the organisation giving it changes. Rule 140 will be amended to confirm that form CIT is a form published by the registrar. Since this form is not in general use by members of the public or business, changes to it will not have any adverse effects on those customers. Our ability to change it will, on the other hand, have a beneficial effect for the public bodies that need to use the rule 140 service.
11. At the same time rule 140 will be amended by the addition of a definition of a qualifying person that makes it clear that the registrar can add to the list, or remove organisations from it. This change is necessary not only because existing organisations change, but because we are from time to time approached by public bodies that are not currently listed in Schedule 5 but who have statutory investigatory powers and enforcement duties. After carefully checking their functions and their reasons for needing information, if the registrar is satisfied that they have duties of a like nature to those already included in Schedule 5 we will allow them to use the rule 140 facility. Examples are the Fire Brigade and the Charity Commission, both of which have powers of investigation and enforcement.
12. The proposed amendments will have the overall effect that if the registrar is satisfied that an organisation has a statutory power to carry out investigations or institute enforcement proceedings or both, and is similar in nature to the organisations already listed in Schedule 5, it can be treated as a qualifying person. The registrar must then add a certificate to form CIT, appropriate to their powers, which the qualifying person can give.
13. Schedule 5 will be slightly amended so that it lists only the status of applicants already treated as qualifying persons, but omits the list of certificates. We consider that will make the Schedule simpler – form CIT can be designed to show what certificates can be given by each applicant. The registrar will continue to apply strict tests to those public bodies applying to be treated as qualifying persons, to ensure that the privacy and personal data of those in the register is protected from abuse by anyone not qualified to use investigatory or enforcement powers.

**Question F**

**Do you agree with the proposals:**

**F1. to add form AN1 to rule 90?**

**F2. to amend rule 140 and Schedule 5, and remove form CIT from the list of prescribed forms so it can be amended when necessary?**

**If not please say why.**

### Proposal G – Correct clerical errors and make updates

**The proposed corrections and updates are shown in rules 12(4), 111A, 162, 163, Schedule 6 Part 3, Schedule 9 Part E in part 7.**

**In part 8 of this consultation we also explain a correction to Schedule 1 form CN1 and an improvement to form ST3. The forms are not reproduced in full.**

1. We are taking the opportunity to make some corrections and updates to the Rules. **We are not consulting on the corrections and updates listed in proposal G**, but we list the details below for information.

**Rule 12(4)** will be corrected to confirm that an application to inspect the index of proprietors’ names (IOPN) is not included in the day list. A search of the index is essentially an information service, like the services listed in part 13, which are already excluded from the day list. IOPN searches have always been excluded from the day list. Information in the IOPN relating to a private individual is regarded as personal data and we cannot therefore disclose the details of IOPN searches in the day list. This amendment to the Rules will reflect our current practice.

**Rule 111A** will be revoked. It is no longer necessary to register charges created by an overseas company at Companies House. The relevant provisions in Part 3 of the Overseas Companies (Execution of Documents and Registration of Charges) Regulations 2009 were revoked on 1 October 2011 by SI 2011/2194. Our records confirm that applications to register such charges that were created before 1 October 2011 have ceased.

**Rules 162 and 163** both contain reference to the Administration of Justice Act 1925. This should be reference to the Administration of Estates Act 1925. Also in rule 163(2) the word ‘transferor’ is used twice when the word ‘applicant’ should have been used.

**Schedule 6 Part 3** will be amended at paragraph F. The word ‘end’ will be replaced by the word ‘beginning’ to reflect our actual practice when issuing the results of official searches of the register. Searches must be made from the beginning of the day specified in the application as the ‘search from date’, otherwise the search result would not include new entries made in the register on that date.

**Schedule 9 Part E** – the form of execution on behalf of an overseas company without using a common seal will be amended to more accurately reflect the combined effect of sections 43, 44 and 46 of the Companies Act 2006 and regulation 4 of the Overseas Companies (Execution of Documents and Registration of Charges) Regulations 2009. Regulation 4 of those regulations applies sections 43, 44 and 46 of the Companies Act 2006 with modifications to overseas companies. The modifications require execution by the company rather than on behalf of the company, when an authorised person is executing a deed for the company without using a common seal. If the requirement to execute by the company is complied with, the document will be validly executed by an overseas company as a deed for the purposes of section 1(2)(b) of the Law of Property (Miscellaneous Provisions) Act 1989.

## 7. Amendments to the Land Registration Rules 2003

* Additions to the Rules are shown in red.
* Deletions are shown in blue and crossed through.
* Words that remain unchanged are in black.
* Some rules or parts of rules are included even though they are not being changed. This is to show the context of the amendments that are being made.
* A row of three dots indicates where rules or parts of rules are omitted, as they are not amended or affected by the proposed changes.

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| The Land Registration Rules 2003  2003 No.1417  … |
| PART 2 |

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| INDICES  … |
| **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. |

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| (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. |

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

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| --- |
| (a) his own name, |

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| --- |
| (b) the name of a corporation aggregate, or |

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| (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). |

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| (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. |
|  |
| **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. |

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| (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. |

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| (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 made under rule 11(3), 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. |
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| PART 3 |

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| APPLICATIONS: GENERAL PROVISIONS |

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| **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. | |

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| (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 if no such order subsists, to the registrar under the provisions of any relevant direction by the registrar under section 100(4) of the Act as to the address to be used for the delivery of applications, 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. | |

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| (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. |
| **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~~ working days) within which the applicant must comply with the requisitions. |

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| (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. |

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| (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. |

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| (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.  … |
| **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. |

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| (2)     The statement must— |

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| --- | --- | --- |
| |  |  | | --- | --- | | (a) | state that the objector objects to the application, | |

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| --- | --- | --- |
| |  |  | | --- | --- | | (b) | state the grounds for the objection, and | |

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| --- | --- | --- |
| |  |  | | --- | --- | | (c) | give the full name of the objector and an address for service in accordance with rule 198. | |

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

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| --- | --- | --- |
| |  |  | | --- | --- | | (a) | in paper form, or | |

|  |  |  |
| --- | --- | --- |
| |  |  | | --- | --- | | (b) | to the electronic address.~~, or~~ | |

|  |  |  |
| --- | --- | --- |
| |  |  | | --- | --- | | (c) | ~~to the fax number.~~ | |

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| --- |
| (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. |

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| (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). |

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| (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, or if no such order subsists, the address stated in any relevant direction by the registrar under section 100(4) of the Act as to the address to be used for the delivery of objections.  … |
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| PART 4 |

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| FIRST REGISTRATION |
| …  **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, | |

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| --- | --- | --- |
| |  |  | | --- | --- | | (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. | |

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

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| (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. |

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| (4)     In this rule— |

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| --- |
| “the appropriate person” means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints, |

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| --- |
| “foreshore” has the meaning given by paragraph 13(3) of Schedule 6 to the Act.  … |
| PART 5 |

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| CAUTIONS AGAINST FIRST REGISTRATION  … |
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| **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~~ working 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~~ working day after the date of issue of the notice. |

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| (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. |

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| (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~~ working 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. |

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

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| REGISTERED LAND: APPLICATIONS, DISPOSITIONS AND MISCELLANEOUS ENTRIES |

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| --- |
| *Applications* |
| **~~Outline applications~~** |
| **~~54.~~**~~—(1) An outline application is an application made in accordance with this rule.~~ |

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| --- |
| ~~(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,~~ | |

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

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| --- | --- | --- |
| |  |  | | --- | --- | | ~~(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—~~ |

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| --- | --- | --- |
| |  |  | | --- | --- | | ~~(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.~~ | |

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| --- |
| ~~(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.~~ |

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| --- |
| ~~(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—~~ |

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| --- |
| ~~(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.~~ |

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| --- |
| ~~(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.~~ |

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| --- |
| ~~(8)     In this rule the “appropriate office” is—~~ |

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| --- |
| ~~(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.~~ |

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| --- |
| ~~(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.~~  **Electronic dispositions**  **54A**. A disposition of a registered estate or charge which is a registrable disposition is a disposition falling within section 91(2) of the Act.  **54B.** The following are conditions for the purpose of section 91(3) of the Act—  (a) the document purports to effect a kind of disposition which is specified in a notice given under rule 54C, and  (b) the document, each electronic signature which the document has and the certification of each electronic signature are in accordance with any requirements in such a notice.  **54C.**—(1) If the registrar is satisfied that adequate arrangements have been made or will be in place for dealing with particular documents in electronic form that purport to effect a disposition which is of a kind falling within rule 54A, he may, in such manner as he thinks appropriate, give notice publicising the fact.  (2) Subject to paragraphs (3), (4) and (5), 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.  (3) Subject to paragraph (6), a notice given under paragraph (1) may from time to time be varied, suspended, withdrawn, renewed or replaced by a further notice,  (4) Subject to paragraph (6), if and so long as owing to the breakdown or other unavailability of facilities or data involved in giving effect to the arrangements referred to in paragraph (1), such arrangements cease, in whole or part, to be effective, the notice shall cease, to the necessary extent, to be treated as current.  (5) Paragraph (4) will apply despite the absence of a variation, suspension or withdrawal of the notice under paragraph (3).  (6) On the occurrence of any of the events mentioned in paragraphs (3) and (4), if a document in electronic form has been prepared and has an electronic signature but has not been registered, the registrar must make such arrangements as are appropriate for that document to be registered.  **54D.** The notice referred to in rule 54B—  (a) must specify the dispositions to which it relates, and may specify only one type of disposition or more than one type of disposition referred to in rule 54A,  (b) may limit the service to only particular types of the specified type of disposition,  (c) may apply different conditions and limitations for each specified type of disposition. |
| **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. |

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

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| (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. |

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| (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~~ working days), their order of priority. |

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| (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. |

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| (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. |

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| (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.  … |
| PART 7  NOTICES  …  **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. |

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

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| |  |  | | --- | --- | | (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. | |

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| (3)     The period referred to in section 36(3) of the Act is the period ending at 12 noon on the fifteenth ~~business~~ working 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~~ working day after the issue of the notice. |

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| (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. |

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| (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~~ working 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. |

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

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| (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. |

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

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

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| (b) to whom paragraph (7) applies, |

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| each such person is a beneficiary of the notice for the purpose of section 36(3) of the Act.  … |
|  |
| **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 — |

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

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

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| must be made in Form AP1 or Form AN1. |
| PART 8 |

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

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| **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. |

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| (2)     The application must be accompanied by— |

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| --- | --- | --- |
| |  |  | | --- | --- | | (a) | full details of the required restriction, | |

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| --- | --- | --- |
| |  |  | | --- | --- | | (b) | where rule 198(2)(d) applies, the address for service of the person named in the restriction, | |

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| --- | --- | --- |
| |  |  | | --- | --- | | (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 | |

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| --- | --- | --- |
| |  |  | | --- | --- | | (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. | |

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

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| (a) give details of the nature of the applicant’s interest in the making of the entry of the required restriction, and |

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| --- |
| (b) give details of how the applicant’s interest arose. |

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| (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. |

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| (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— |

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| --- | --- | --- |
| |  |  | | --- | --- | | (a) | the conveyancer holds the originals of the documents that contain evidence of that person’s entitlement, or | |

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| --- | --- | --- |
| |  |  | | --- | --- | | (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. |

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| (7)     Paragraph (1) of this rule does not apply where a person applies for the entry of a standard form of restriction— |

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| --- |
| (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, |

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| --- |
| (c) in an approved charge, |

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| --- |
| (d) in clause LR13 (as set out in Schedule 1A) of a relevant lease, or |

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| --- |
| (e) in Form A, using Form SEV. |

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| (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. |

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| (9)     The period for the purpose of section 45(2) of the Act is the period ending at 12 noon on the fifteenth ~~business~~ working 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. |

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| (10) In this rule— |

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| "approved charge" means a charge the form of which (including the application for the restriction) has first been approved by the registrar, and |

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| --- |
| "relevant lease" means— |

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| --- |
| (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. |

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| **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 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 registered estate, | |

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

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| --- | --- | --- |
| |  |  | | --- | --- | | (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 | |

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

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

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

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

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| --- | --- | --- |
| |  |  | | --- | --- | | (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 | |

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

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| --- | --- | --- |
| |  |  | | --- | --- | | (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, | |

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

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| --- | --- | --- |
| |  |  | | --- | --- | | (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, | |

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| --- | --- | --- |
| |  |  | | --- | --- | | (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, | |

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

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

|  |  |  |
| --- | --- | --- |
| |  |  | | --- | --- | | (ii) | section 41 of the Proceeds of Crime Act 2002, | |

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| --- |
| and who is applying for a restriction in Form EE or FF, |

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| --- | --- | --- |
| |  |  | | --- | --- | | (m) | a person who has applied for a restraint order under the provisions referred to in paragraph (1) and who is applying for a restriction in Form GG or HH, | |

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

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| --- | --- | --- |
| |  |  | | --- | --- | | (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, | |

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| --- | --- | --- |
| |  |  | | --- | --- | | (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 and who is applying for a restriction in Form L or N, | |

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| --- | --- | --- |
| |  |  | | --- | --- | | (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, | |

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

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| --- | --- | --- |
| |  |  | | --- | --- | | (i) | in Form AA or BB to give effect to a freezing order under Schedule 6 to the International Criminal Court Act 2001, or | |

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| --- | --- | --- |
| |  |  | | --- | --- | | (ii) | in Form CC or DD to protect an application for such a freezing order, | |

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| --- | --- | --- |
| |  |  | | --- | --- | | (s) | a receiver or a sequestrator appointed by order who applies for a restriction in Form L or N, | |

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| --- | --- | --- |
| |  |  | | --- | --- | | (t) | a trustee under a deed of arrangement who applies for a restriction in Form L or N, | |

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| --- | --- | --- |
| |  |  | | --- | --- | | (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, | |

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| --- | --- | --- |
| |  |  | | --- | --- | | (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 | |

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| --- | --- | --- |
| |  |  | | --- | --- | | (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 | |

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| --- | --- | --- |
| |  |  | | --- | --- | | (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 or, as the case may be, under the terms of a deferred payment agreement with 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~~ | |

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| --- | --- | --- |
| |  |  | | --- | --- | | (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~~.~~, |   (aa) a deputy appointed under section 16 of the Mental Capacity Act 2005 with general authority over the property and affairs of a registered proprietor, who is applying for a restriction in Form RR, and  (bb) a trustee of a registered estate or registered charge that requires the consent of the Court of Protection to any disposition, who is applying for a restriction in Form SS.  … |
| PART 9 |

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| CHARGES |
| …  **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). |

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

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| |  |  | | --- | --- | | (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 | |

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

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| --- | --- | --- |
| |  |  | | --- | --- | | (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 | |

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

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| --- |
| (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. |

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| --- |
| (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— |
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|  |
| |  |  |  |  | | --- | --- | --- | --- | | |  | | --- | | Method of delivery | | |  | | --- | | Time of receipt | | | |  | | --- | | 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. |

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| --- |
| (6)     In this rule— |

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| “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.  … |
| **Certificate of registration of company charge** |
| **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 or the Limited Liability Partnership Act (Northern Ireland) 2002 the applicant must produce to the registrar the certificate issued under section 859I of the Companies Act 2006 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. |

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| --- |
| **~~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.~~ |

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| --- |
| ~~(3) In this rule, “the Regulations” means the Overseas Companies (Execution of Documents and Registration of Charges) Regulations 2009.~~… |
|  |
| PART 10 |
| BOUNDARIES |
| …  **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— |

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| --- | --- | --- |
| |  |  | | --- | --- | | (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 to determine the exact line of the boundary and of the effect of paragraph (6). |

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| --- |
| (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~~ working day after the date of issue of the notice or such longer period as the registrar may decide before the issue of the notice. |

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| --- |
| (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. |

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| --- |
| (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. |

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| --- |
| (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. |

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

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

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| --- | --- | --- |
| |  |  | | --- | --- | | (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, | |

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| --- | --- | --- |
| |  |  | | --- | --- | | (b) | the proprietor of any registered estate or charge affecting the land, or | |

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| --- | --- | --- |
| |  |  | | --- | --- | | (c) | if the land is demesne land, Her Majesty. | |
|  |
| …  PART 13 |

|  |
| --- |
| INFORMATION ETC |
| *Interpretation of this Part* |
| **Definitions** |
| **131.**  In this Part— |

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

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| --- |
| “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), |

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

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| --- |
| “prejudicial information” means— |

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| --- | --- | --- |
| |  |  | | --- | --- | | (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, | |

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| --- |
| “priority period” means~~—~~ |

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| --- |
| ~~(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~~ working 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,~~ |

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

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

|  |
| --- |
| “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— |

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| --- |
| (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, |

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| --- | --- | --- |
| |  |  | | --- | --- | | (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, | |

|  |
| --- |
| *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. |

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| --- |
| (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. |

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| --- |
| (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. |

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| --- |
| *Inspection and copying* |
| **Inspection and copying** |
| **133.**—(1) This rule applies to the right to inspect and make copies of the registers and documents, or of any part of them, under section 66(1) of the Act. |

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| --- |
| (2) Excepted documents are excepted from the right. |

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

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| --- |
| (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. |

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

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| --- |
| (a) an exempt information document, |

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| --- |
| (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. |

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| --- |
| (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. |

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

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| (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— |

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| --- |
| (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 |

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| --- |
| (c) a document to which paragraph (9) applies. |

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| --- |
| (9) This paragraph applies to a document if— |

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| --- |
| (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. |

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| --- |
| (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. |
| (11) A person may only apply to inspect and make copies of part of a register of title during the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice.  (12) The registrar must supply the part of the register in the manner specified in the relevant notice. |
| *Official copies* |
| **Application for official copies of, or of any part 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. | |

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| --- |
| (2)     Subject to rule 132(1), an application under paragraph (1) must be in Form OC1. |

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| --- |
| (3)     A separate application must be made in respect of each registered title or individual caution register. |

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| --- |
| (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.  (8) A person may only apply for an official copy of part of an individual register during the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice.  (9) The registrar must provide the official copy of part of the individual register in the manner specified in the relevant notice. |
| … |

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| --- |
| *Inspection, official copies and searches of the index of proprietors’ names in connection with ~~court~~ investigation or enforcement proceedings~~, insolvency and tax liability~~* |
| **Application in connection with ~~court~~ investigation or enforcement 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.~~ For any application made under this rule—  (a) In this rule—  “qualifying applicant” means a person whom the registrar is satisfied has a statutory power to carry out investigations, or institute enforcement proceedings, or both (for example, but not limited to, a person referred to in Schedule 5),  “appropriate certificate” means the certificate set out in Form CIT relating to the statutory powers of the qualifying applicant,  “Form CIT” means the form published from time to time by the registrar under section 100(4) of the Act containing the appropriate certificates for applications made under this rule.  (b) A qualifying applicant must give the registrar the appropriate certificate, or, where rule 132 applies, an equivalent certificate in accordance with a notice given under Schedule 2.  (c) Where the registrar is satisfied that a person is a qualifying applicant, he must ensure that Form CIT contains an appropriate certificate for that person. | |

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| --- |
| (2)     A qualifying applicant may apply— |

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| --- |
| (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. | |

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| --- |
| (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. |

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| --- |
| (4)     A qualifying applicant who applies— |

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| --- | --- | --- |
| |  |  | | --- | --- | | (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, | |

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| --- |
| may attach Form CIT to the Form PIC, OC1, OC2, HC1, SIM or SIF, as appropriate, used in the application. |

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| --- |
| (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. |

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| --- |
| ~~(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.~~ |

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| --- |
| *Information about the day list, electronic discharges of registered charges and title plans* |
| **Day list information** |
| **141.**—(1) In this rule  (a) “day list information” means information kept by the registrar under rule 12,  (b) “historic day list information” means information that was but is no longer on the day list 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. |

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

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| --- |
| (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. |

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| --- |
| (5)     The registrar is not required to disclose under this rule details of an application under rule 136.  (6) A person may only apply for historic day list information during the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice.  (7) The registrar must provide the historic day list information in the manner specified in the relevant notice.  … |
| *Historical information* |
| **Application for ~~an~~ historical ~~edition of~~ information about a registered title kept by the registrar in electronic form** |
| **144.**—(1) A person may apply for a copy of— |

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| --- | --- | --- | --- |
| |  |  | | --- | --- | | (a) | the last edition for a specified day, ~~or~~ | | |
| (b) every edition for a specified day, or  (c) subject to paragraphs 5 and 6, information that was but is no longer on the register |
| of a registered title, and of a registered title that has been closed, kept by the registrar in electronic form. | |

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

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| --- |
| (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.  (5) A person may only apply for historical information under paragraph (1)(c) during the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice.  (6) The registrar must provide the historical information referred to in paragraph (5) in the manner specified in the relevant notice.  … |

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| PART 14 |

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| MISCELLANEOUS AND SPECIAL CASES |
| *Dispositions by operation of law within section 27(5) of the Act* |
| …  *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~~ Estates 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 transferor as the deceased’s personal representative, or |

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| --- |
| (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 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. |
|  |
| **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— |

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| --- | --- | --- |
| |  |  | | --- | --- | | (a) | in place of a deceased sole proprietor or the last surviving joint proprietor, or | |

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| --- | --- | --- |
| |  |  | | --- | --- | | (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, | |

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| --- |
| must be accompanied by the evidence specified in paragraph (2). |

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| --- |
| (2) Subject to paragraph (3), the evidence that must accompany an application under paragraph (1) is— |

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| --- |
| (a) the original grant of probate of the deceased proprietor and, where section 7 of the Administration of ~~Justice~~ Estates Act 1925 applies, the original grant of probate showing the chain of representation, to prove that the ~~transferor~~ applicant is his personal representative, |

|  |
| --- |
| (b) the original letters of administration of the deceased proprietor showing the ~~transferor~~ applicant 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. |

|  |
| --- |
| (3) 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. |

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| --- |
| (4) 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”. |

|  |
| --- |
| (5) 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.  … |

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|  |
| *Adverse Possession*  … |
|  |
| **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~~ working day after the date of issue of the notice.  … |
|  |
| PART 15 |

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| --- |
| GENERAL PROVISIONS |

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| *Notices and Addresses for Service* |
| **Content of notice** |
| **197.**—(1) Every notice given by the registrar must— |

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| --- | --- | --- |
| |  |  | | --- | --- | | (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. | |

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| --- |
| (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~~ working day after the date of issue of the notice.  … |
| **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, or | |

|  |  |  |
| --- | --- | --- |
| |  |  | | --- | --- | | (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. |

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| --- |
| (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— |
|  |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  |  |  |  | | --- | --- | --- | --- | | |  | | --- | | Method of service | | |  | | --- | | Time of service | | | |  | | --- | | 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 | | |
|  |
| (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.  … |
| *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. |

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| --- |
| (2)     The request must be made— |

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| --- | --- | --- |
| |  |  | | --- | --- | | (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 sub-paragraph (a). | |

|  |
| --- |
| (3)     The registrar must give notice of the request to the document holder. |

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| --- |
| (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~~ working 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. |

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| --- |
| (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~~ working 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~~ working 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~~ in an application** |
| **203.**—(1) ~~Subject to paragraphs (2) to (5),~~ ~~on completion of any application the~~ The registrar may retain all or any of the documents that accompanied ~~the~~ any 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.~~ |

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| --- |
| ~~(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 may 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, or the latest document of title, but 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.~~ |

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| --- |
| ~~(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 (24).~~ |

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| --- |
| (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.~~ | |

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| --- |
| ~~(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.~~ |
|  |
| **~~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.~~ |

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| --- |
| ~~(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.~~ |

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| --- |
| ~~(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~~ | |

|  |  |  |
| --- | --- | --- |
| |  |  | | --- | --- | | ~~(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).~~ |

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| --- |
| ~~(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.  … |
| **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— |

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| --- | --- | --- |
| |  |  | | --- | --- | | (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.  … |
|  |
| *Land Registry – when open ~~to public~~ for business* |
| **Days on which the Land Registry is open ~~to the public~~ for business** |
| **216.**—(1) Subject to paragraph (2), the land registry shall be open ~~to the public~~ for business daily except on— |

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| --- |
| (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, |

|  |
| --- |
| (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~~ for business on ~~Saturdays~~ any or all of the days referred to in paragraph (1)(a) and (b), he may, in such manner as he considers appropriate, give notice to that effect. |

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| --- |
| (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”~~ relevant day or days referred to in paragraph 1(a) or (b), as specified in the notice, had been omitted. |

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| --- |
| (4)     The date specified in any notice referred to in paragraph (3) must be at least eight weeks after the date of the notice. |

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| --- |
| ~~(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. |

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| --- |
| (7)     The registrar must give notice of any certification under paragraph (6) in such manner as he considers appropriate. |

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| --- |
| (8)     Any certification under paragraph (6) must take place before the start of the day being certified. |

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| --- |
| (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.  (10) The registrar may make such arrangements as he sees fit for personal attendance by members of the public for the purpose of land registry business on any business day or days, and such attendance may be—  (a) by appointment only or limited to specified times,  (b) at a specified office or offices of the land registry or any other specified location, and  (c) limited to specified services,  and the registrar shall in such manner as he considers appropriate give notice to that effect. |

|  |
| --- |
| *Interpretation* |
| **General Interpretation** |
| **217.**—(1) In these rules— |
| …  “business day” means a day when the land registry is open ~~to the public~~ for business under rule 216,  … |
| “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 Banking and Financial Dealings Act 1971 or appointed by the Secretary of State, and also excludes any interrupted day certified under rule 216(6). |
| (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~~ SS (in each case inclusive) is to the standard form of restriction bearing that letter in Schedule 4. |
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| --- |
| PART 16 |

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| --- |
| TRANSITIONAL |
| *Cautions against dealings* |
| **Definitions** |
| **218.**  In this Part— |

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| --- |
| “the 1925 Act” means the Land Registration Act 1925, |

|  |
| --- |
| “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~~ working day, or ending at 12 noon on such later ~~business~~ working day as the registrar may allow, after the date of issue of the notice. |
| …  **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 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. |

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| --- |
| 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.  … |
| **SCHEDULE 4** (rule 91)  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 RR (Deputy appointed under section 16 of the Mental Capacity Act – solely owned property)**  RESTRICTION: No disposition during the lifetime of [*name of person who lacks capacity*] of the [registered estate] [registered charge dated [*date*]] is to be completed by registration unless made pursuant to an order of the court under the Mental Capacity Act 2005.  **Form SS (Trustee appointed in place of a person who lacks capacity – jointly owned property)**  RESTRICTION: No disposition of the [registered estate] [registered charge dated [*date*]] made during the lifetime of [*name of person who lacks capacity*] is to be completed by registration without the written consent of the Court of Protection. |

|  |
| --- |
| **SCHEDULE 5** (rule 140)  APPLICATIONS IN CONNECTION WITH ~~COURT~~ INVESTIGATION OR ENFORCEMENT PROCEEDINGS~~, INSOLVENCY AND TAX LIABILITY~~ – QUALIFYING APPLICANTS ~~AND APPROPRIATE CERTIFICATES~~ |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| |  |  | | --- | --- | | |  | | --- | |  | | | |  | | --- | | ~~Column 1~~ | | |  | | --- | | ~~Column 2~~ | | | |  | | --- | | *Status of applicant* | | |  | | --- | | *~~Certificate in Form CIT~~* | | | |  | | --- | | An accredited financial investigator falling within section 378(1)(b) of the Proceeds of Crime Act 2002 | | |  | | --- | | ~~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 | | |  | | --- | | ~~Certificate K~~ | | | |  | | --- | | An Administrator appointed under section 13 of the Criminal Justice (Scotland) Act 1987 | | |  | | --- | | ~~Certificate J~~ | | | |  | | --- | | An authorised person within the meaning of section 108(15) of the Environment Act 1995 | | |  | | --- | | ~~Certificate P~~ | | | |  | | --- | | 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~~ | | |  |  | | |  | | --- | | 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 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~~ | | | A 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  The Head of Regulatory Action in the Prudential Regulation Authority or a member of staff of the Prudential Regulation Authority authorised to apply on behalf of the Head of Regulatory Action     |  | | --- | | A Liquidator appointed for the purposes of the Insolvency Act 1986 | | ~~Certificate Q~~   |  | | --- | | ~~Certificate Q~~  ~~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~~ | | | |  | | --- | | A Receiver appointed under the Criminal Justice Act 1988, the Drug Trafficking Act 1994 or the Proceeds of Crime Act 2002 | | |  | | --- | | ~~Certificate J~~ | | | |  | | --- | | The Scottish Ministers or a person named by them | | |  | | --- | | ~~Certificate I~~ | | | |  | | --- | | A person authorised by the Secretary of State for Business, Innovation and Skills | | |  | | --- | | ~~Certificate A~~ | | ~~Certificate B~~ | | ~~Certificate E~~ | | | |  | | --- | | A person authorised by the Secretary of State for Work and Pensions  A person authorised to apply on behalf of the Bank of England | |  | | |  | | --- | | ~~Certificate A~~ | | ~~Certificate B~~ |   ~~Certificate Q~~ | | |  | | --- | | 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  A person authorised to apply on behalf of a Fire Authority in England and Wales  The Charity Commission | | |  | | --- | | ~~Certificate K~~ | | |

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| **SCHEDULE 6** (rule 145)  INFORMATION TO BE INCLUDED IN CERTAIN RESULTS OF OFFICIAL SEARCHES |

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| Part 3 - INFORMATION TO BE INCLUDED IN THE RESULT OF AN OFFICIAL SEARCH OF AN INDIVIDUAL REGISTER OF A REGISTERED TITLE |

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| |  |  | | --- | --- | | A. | The title number | |

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| --- | --- | --- |
| |  |  | | --- | --- | | B. | The date and time of the official search certificate | |

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| --- | --- | --- |
| |  |  | | --- | --- | | 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 | |

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| --- | --- | --- |
| |  |  | | --- | --- | | 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~~ beginning 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) | |

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| |  |  | | --- | --- | | H. | Notice of the entry on the day list of any relevant official search the priority period of which has not expired | |

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| |  |  | | --- | --- | | I. | If the official search is with priority, the date and time at which the priority expires | |

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| |  |  | | --- | --- | | J. | If the official search is without priority, a statement that the certificate will not confer on the applicant priority for any registrable disposition | |
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| … |
| **SCHEDULE 9** (rule 206(3))  FORMS OF EXECUTION |

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| 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. |
| …  E. Where the instrument is to be executed on behalf of an overseas company without using a common seal— |
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|  |
| |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | |  | | --- | | ~~Signed~~ Executed as a deed ~~on behalf of~~ by (name | | of company), a company incorporated | | in (territory), acting 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. |  |  | | --- | |  | | |  | | --- | | Signature~~(s)~~ in the name of the company | |  | |  | |  | |  | | Signature of Authorised [signatory][signatories] | | |

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| 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. |

## 8. Additional proposals not shown in part 7

1. In addition to the amendments shown in the Rules in part 7 of this consultation, the following amendments (shown in red) are proposed. The first is a simple correction of a mistake in form CN1. The second is an improvement to form ST3. The complete forms are not included in the rules changes in part 7 due to the complex layout of the forms. **We are not consulting on the proposals in paragraphs 92 and 93. They are shown for information.**
2. The proposals in sub-paragraphs 3 – 6 of paragraph 94 revoke earlier provisions. They therefore do not appear in the amended rules in part 7, though they are mentioned in the proposals in part 6. They would be included in the amendment rules.
3. In Schedule 1, in the seventh option listed in Panel 9 of Form CN1 (notice under the Local Government and Housing Act 1989), delete “not”.

The word “not” currently in the seventh option of panel 9 of form CN1 is an error. Schedule 10 of the Local Government and Housing Act 1989 makes detailed provision for the termination of a long residential tenancy either by converting it to an assured monthly periodic tenancy or by termination on a number of grounds following a court order. Unless the landlord serves notice, the long residential tenancy continues. A long residential tenancy may be noted on the register of the lessor’s title, but an assured monthly periodic tenancy may not.

2. In Schedule 1 form ST3, for Panel 11 and its side notes substitute—

|  |
| --- |
| Where the estate is an estate in land, include details of the use and actual occupation of the land or the receipt of rents and profits. Where it is a rentcharge, specify the payments made, payer, payee, amounts and dates.  11.a Evidence of possession  11.b Rights exercised by the legal owner and third party rights or claims  Lodge any available evidence, such as rent books or receipts.  Include details of any rights exercised by the legal owner (or where the current legal owner is the personal representative) by the deceased previous legal owner.  Detail any third part rights or claims which may exist. |

Rule 27 confirms that an application for first registration where title documents have been lost or are otherwise unavailable can be accompanied by a statement of truth in form ST3. Many applicants prefer to use form ST3, as it gives guidance as to what is needed by the registrar to support the application. However the form as currently drafted does not clearly indicate the requirement for evidence that the applicant is in possession of the land, or in receipt of the rents and profits. Out of 118 applications using form ST3 that we checked recently, we found that 25 requisitions had to be raised regarding details of the use and occupation of the land, or the receipt of rent. If form ST3 had covered these requirements more clearly, a requisition may not have been necessary and the applicant would have been saved time and trouble.

3. Rule 54 is revoked.

4. The Land Registration (Proper Office) Order 2013 (SI 2013/1627) is revoked.

5. In Schedule 1, Form CIT is revoked.

6. The Land Registration (Electronic Conveyancing) Rules 2008 (SI 2008/1750) are revoked.

The revocations referred to in sub-paragraphs 3 – 6 are explained in part 6.

## 9. Consultation questions

We repeat here the questions set out under each proposal heading in part 6 and add a general question. Please respond by completing and submitting the consultation response form available electronically on the consultation page (until the consultation closes).

#### Question A

Do you agree with the proposal to allow (but not require) all dispositions that must be registered to be carried out using digital documents with digital signatures, after the registrar has issued a notice that the service is available?

#### Question B

Do you agree that the Proper Office Order 2013 is superfluous and can be revoked?

#### Question C

C1. Do you agree that the Rules should allow for an online service for inspection, copying and official copies of parts of the register and documents, as well as full copies?

C2. Do you agree that the Rules should allow for an online service for historic day list information and historic information about a registered title?

#### Question D

D1. Do you have any comments on the proposals to amend rules 203 – 205 and 214 (retention and return of documents), and rules 19 and 199 (use of fax) to reflect changes we have already made in our practice?

D2. Do you agree with the proposal to revoke the provision for outline applications?

#### Question E

E1. Do you have any comments on the proposals to clarify the definitions of business day and working day?

E2. Do you agree that Land Registry should have more flexibility about when it is open for personal visits?

#### Question F

Do you agree with the proposals:

F1. to add form AN1 to rule 90?

F2. to amend rule 140 and Schedule 5, and remove form CIT from the list of prescribed forms so it can be amended when necessary?

If not please say why.

#### Question G

Do you have any other comments about the proposed Rules amendments?

## 10. What happens next?

After the closing date the responses will be collated and summarised. A consultation report or summary of responses will be published on the Land Registry website by 28 June 2017.

## Annex A: Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<http://www.cabinetoffice.gov.uk/sites/default/files/resources/Consultation-Principles.pdf>

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### Comments or complaints on the conduct of this consultation

If you have any comments or complaints about this consultation process,

please contact:

Ken Glindon, Consultation Coordinator

Tel: 07824 481872

Email: [Ken.Glindon@landregistry.gov.uk](mailto:Ken.Glindon@landregistry.gov.uk)

However if you wish to comment on the specific policy proposals you should contact the policy lead (see part 5).

## Annex B: List of individuals/organisations consulted

**Government**

First-tier Tribunal

Bank of England

BEIS (Department for Business, Energy and Industrial Strategy)

Cabinet Office

Companies House

Crown Prosecution Service

Department for Communities and Local Government

Department for Work and Pensions

Government Legal Department

HM Courts and Tribunals Service

HM Revenue and Customs

HM Treasury

Home Office

Homes & Communities Agency

Improvement & Development Agency

Independent Complaints Reviewer

Insolvency Service

Isle of Man Land Registry

Land and Property Services Northern Ireland

Lord Advocate of Scotland

Ministry of Justice

National Crime Agency

Ofcom

Ordnance Survey

Parliamentary and Health Service Ombudsman

Property Registration Authority Ireland (PRAI)

Registers of Scotland

Serious Fraud Office

Small Business Service

The Scottish Ministers

The Welsh Assembly Government

Valuation Office Agency

**Regulatory and representative bodies/individuals**

Agricultural Law Association

Association of British Insurers

Association of Residential Managing Agents

The Bar Council

British Bankers Association

British Property Federation

British Retail Consortium

Building Societies Association

Land Data

Chancery Bar Association

Charities’ Property Association

Charity Commission

Chartered Institute of Legal Executives

Citizens Advice

College of Law

Commercial Real Estate Legal Association

Confederation of British Industry

Consumer Focus

Conveyancing Association

Council for Licensed Conveyancers

Council of Mortgage Lenders

Council of Property Search Organisations

Country Land & Business Association

The Crown Estate

Direct Conveyancing Association

Federation of Small Businesses

Financial Conduct Authority

Financial Ombudsman Service

Dr Charles Harpum

Home Builders’ Federation

Insolvency Practitioners’ Association

Institute of Chartered Accountants in England and Wales

Institute of Chartered Secretaries and Administrators

Intermediary Mortgage Lenders Association

Law Commission

Legal Services Board

The Law Society

Law Society of Scotland

Legal Software Suppliers Association

Local Government Association

Local Land Charges Institute

London Property Support Lawyers

Members of the Land Registration Rule Committee

National Association of Citizens Advice Bureaux

National Association of Estate Agents

National Consumer Council

National Federation of Property Professionals

National Housing Federation

Notaries Society

Property Litigation Association

Prudential Regulation Authority

Royal Institution of Chartered Surveyors

The Scottish Law Commission

Society for Computers and Law

Society of Asian Lawyers

Society of Legal Scholars

Society of Licensed Conveyancers

Society of Property Researchers

Society of Trust & Estate Practitioners

Society of Visually Impaired Lawyers

Solicitors Benevolent Association

Solicitors Regulation Authority

Which?

In addition to the above, all Land Registry’s customers will be invited to participate by messages on the Land Registry portal and website.

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1. Law Com 271 [↑](#footnote-ref-1)
2. <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/518297/family-court-statistics-quarterly-q4-2015.pdf> [↑](#footnote-ref-2)