

*Draft Order laid before Parliament under section \*\*\* of the \*\*\* Act \*\*\*, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2024 No.**

**LAND, ENGLAND AND WALES**

**The Provision of Information Relating to Contractual Control  
Agreements in Registered Land Regulations 2024**

*Made* - - - - **\*\*\***

*Coming into force* **\*\*\***

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 219, 224 and 226 of the Levelling-up and Regeneration Act 2023(a).

In accordance with section 252(4) of the Levelling-up and Regeneration Act 2023 a draft of these Regulations has been laid before Parliament and approved by a resolution of each House of Parliament.

**Citation and commencement**

1.—(1) These Regulations may be cited as the provision of Information Relating to Contractual Control Agreements in Registered Land Regulations 2024.

(2) These Regulations come into force on [DATE 2026].

**Interpretation**

2. In these Regulations—

‘the 2002 Act’ means the Land Registration Act 2002(b);

‘the 2003 Rules’ means the Land Registration Rules 2003(c);

‘Business Gateway’ means the registrar’s XML machine to machine interface linking a subscriber to HM Land Registry;

‘contractual control agreement’ has the meaning given in regulation 3;

‘conveyancer’ has the meaning given in Rule 217A(2)(a) of the 2003 Rules;

‘development’ has the same meaning as in section 55 of the Town and Country Planning Act 1990(d);

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(a) 2023 c.55.

(b) 2002 c.9.

(c) S.I. 2003/1417; amended by S.I. 2011/1410.

(d) 1990 c. 8. Section 55 was amended by sections 13 and 14 of, and paragraph 9 of Schedule 9 to, the Planning and Compensation Act 1991 (c. 34), by section 49 of, and paragraph 1 of Schedule 9 to, the Planning and Compulsory Purchase Act 2004 (c. 5), and S.I. 1999/293.

‘Digital Registration Service’ means the service that enables applications to HM Land Registry to be made electronically in accordance with rule 14 of the 2003 Rules by means of a secure website platform;

‘exempt control agreement’ means an agreement of the type described in Schedule 1;

‘grantee’ in relation to a contractual control agreement means any person entitled under the agreement to acquire a relevant disposition or to enforce the provisions that prevent or regulate the proprietor of a legal estate in land from making a relevant disposition;

‘legal estate’, ‘registered estate’, ‘registrar’, and ‘term of years absolute’ have the same meanings as in section 132 of the 2002 Act;

‘notice’ has the same meaning as in section 32(1) of the 2002 Act;

‘relevant disposition’ means the transfer of a legal estate in land or the grant of a term of years absolute of a legal estate in land for a term of more than seven years from the date of the grant;

‘required information’ means the information specified in regulation 6;

‘restriction’ has the same meaning as in section 40(1) of the 2002 Act.

### **Definition of contractual control agreements**

3.—(1) In these regulations a contractual control agreement means a contract in writing of a type specified in paragraph (2) which—

- (a) is intended to facilitate the future development of an estate in land,
- (b) is held for the purposes of an undertaking, and
- (c) is not an exempt control agreement.

(2) The types of agreement referred to in paragraph (1) are—

- (a) an option to bind the proprietor of a registered estate in land to enter into a relevant disposition;
- (b) a contract that binds the proprietor of a registered estate in land to enter into a relevant disposition once specified conditions have been met;
- (c) a contractual right of pre-emption or any other contract that prevents the proprietor of a registered estate in land from making a relevant disposition of that estate, or which regulates the circumstances in which the proprietor can do so.

### **Requirement for the grantee of a contractual control agreement to provide information to the registrar**

4.—(1) The grantee of a contractual control agreement must provide to the registrar the required information within 60 days of an occurrence listed in paragraph (3).

(2) The grantee of a contractual control agreement entered into after [1st April 2021] but before the date on which these regulations come into force must provide the required information to the registrar by [1st April 2027].

(3) The occurrences referred to in paragraphs (1) are any of the following which occur after the date on which these regulations come into force—

- (a) the grant of a contractual control agreement;
- (b) the assignment of a contractual control agreement;
- (c) any variation in writing to a contractual control agreement that alters any of the required information.

(4) Where the required information has been provided to the registrar in respect of a contractual control agreement in accordance with these regulations, the grantee must provide to the registrar details of the termination or expiry of the whole or any part of the contractual control agreement within 60 days of the termination or expiry.

(5) The requirements in this regulation do not apply where—

- (a) the required information, and details of any change to the required information have already been provided to the registrar in accordance with this regulation, or
- (b) the terms of the contractual control agreement provide that it will terminate within 12 months of the requirement arising without any entitlement for the grantee to extend the length of the agreement.

**Provision of information to the registrar**

5.—(1) Subject to paragraph (2) the grantee must secure that the required information is lodged digitally by a conveyancer using Digital Registration Service or Business Gateway.

(2) Where the registrar is satisfied that it would be unreasonable in the circumstances to insist that the required information is provided in accordance with paragraph (1) the registrar may waive some or all of the requirements.

**Required information**

6. The information that is within the scope of the contractual control purpose required to be provided by regulation 4 is—

- (a) the full name of each party to the agreement;
- (b) where the grantor or grantee is a company registered under the Companies Act 2006(a), or limited liability partnership incorporated under the Limited Liability Partnerships Act 2000(b), its registered number;
- (c) where the grantor or the grantee is another type of corporation its registration number of other sufficient particulars to enable it to be uniquely identified;
- (d) details of the type of contractual control agreement as referred to in regulation 3(2);
- (e) the date of the agreement;
- (f) details of when the agreement will determine and details of any entitlement for the grantee to extend the agreement;
- (g) the title number of the registered estate in land referred to in regulation 3(2) and, where only part of that estate is affected by the contractual control agreement, details to identify the part affected.

**Retention and publication of information**

7.—(1) The registrar must keep a database of the most up to date information provided under these regulations about each contractual control agreement until confirmation has been provided in accordance with regulation 4(3) that the agreement has expired or otherwise determined.

(2) The registrar must publish the database referred to in paragraph (1) as soon as possible after [April 2027] and no less frequently than [ ].

**Enforcement of requirements**

8.—(1) The registrar may refuse to register a notice or restriction that appears to relate to a contractual control agreement unless or until he is satisfied that the requirement to provide information relating to the agreement has been complied with.

(2) In Rule 72 of the 2003 Rules(c) after paragraph (5) insert—

“(5A) The registrar may refuse to make an entry under paragraph (4) in respect of a contractual control agreement within the meaning of regulation 3 of The Provision of Information Relating to Contractual Control Agreements in Registered Land Regulations 2024 unless or until he is satisfied that the requirement to provide information relating to the agreement has been complied with.”.

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(a) 2006 c. 46.  
 (b) 2000 c. 12.  
 (c) Rule 72 was substituted by paragraph 22 of Schedule 1 to S.I. 2008/1919.

## **Amendment to HM Land Registry forms**

9. Schedule 1 to the 2003 Rules is amended as set out in Schedule 2.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

[Name]  
Parliamentary Under Secretary of State  
Department for Levelling Up, Housing and Communities

### **SCHEDULE 1**

Regulation 2

#### **Exceptions to the requirement to provide information**

1. Agreements made for the purposes of national security or defence.
2. [Agreements made to facilitate finance and loan agreements.]

### **[SCHEDULE 2**

Regulation 9

#### **Amendments to Land Registration Forms**

1. In Schedule 1 to the 2003 Rules—
  - (1) In Form AN1 for panel... substitute...
  - (2) In Form UN1 for panel... substitute...
  - (3) In Form UN3 for panel... substitute...
  - (4) In Form RX1 for panel... substitute...

#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These regulations make provision relating to contractual control agreements in registered land to be collected and published by the registrar of HM Land Registry ('the registrar') in accordance with Part 11 of the Levelling-up and Regeneration Act 2023.

Regulation 4 requires the conveyancer of a grantee of a contractual control agreement to provide specified information to the registrar.

Regulation 6 specifies the information required to be provided to the registrar.

Regulation 7 requires the information to be kept in a database which will then be published by the registrar.

[Details of any impact assessment accompanying the final regulations will be provided in the final version]