

Statutory Instrument 2003 No. 1953

The Land Registration Act 2002 (Transitional Provisions) Order 2003

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STATUTORY INSTRUMENTS

2003 No. 1953

LAND REGISTRATION, ENGLAND AND WALES

The Land Registration Act 2002 (Transitional Provisions) Order 2003

Made

10th July 2003

*Coming into force in
accordance with article 1(1)*

The Lord Chancellor, in exercise of the powers conferred on him by section 134 of the Land Registration Act 2002[[1](#)], hereby makes the following Order -

Preliminary

Citation, commencement and interpretation

1. - (1) This Order may be cited as the Land Registration Act 2002 (Transitional Provisions) Order 2003 and shall come into force on the day that section 1 of the Act comes into force.

(2) In this Order -

"the 1925 Act" means the Land Registration Act 1925[[2](#)],

"the 1925 Rules" means the Land Registration Rules 1925[[3](#)],

"the 1972 Rules" means the Land Registration (Souvenir Land) Rules 1972[[4](#)],

"the 1991 Rules" means the Land Registration (Open Register) Rules 1991[[5](#)],

"the 1993 Rules" means the Land Registration (Official Searches) Rules 1993[[6](#)],

"the 2003 Rules" means the Land Registration Rules 2003[[7](#)],

"the Act" means the Land Registration Act 2002,

"commencement" means the day when section 1 of the Act comes into force,

"the Regulations" means the Land Registration (Conduct of Business) Regulations 2000[[8](#)].

General and administrative

Chief Land Registrar

2. The person holding the office of Chief Land Registrar immediately before commencement shall continue to be the Chief Land Registrar notwithstanding that he has not been appointed under section 99(3) of the Act.

Extension of effect of statutory provisions - first registration, dealings, etc.

3. - (1) Notwithstanding the repeal of the 1925 Act, that Act shall continue to have effect in relation to any application referred to in paragraph (2) that is pending immediately before commencement.

(2) Paragraph (1) applies to -

(a) an application for the first registration of land,

(b) any other application (whether or not being one within paragraphs 5 or 6 of Schedule 12 to the Act) that, if completed, would result in a change to the register.

(3) Paragraph (1) is subject to articles 5, 7 and 24.

Extension of effect of statutory provisions for the purpose of the Order

4. Notwithstanding the repeal of the 1925 Act, that Act shall continue in

force to the extent necessary to enable the remaining provisions of this Order to have effect.

Notices

5. - (1) The 2003 Rules apply to the giving of -

(a) any notice under this Order, and

(b) any notice under the 1925 Act, as continued under Schedule 12 to the Act or article 3, other than a notice to which paragraph (3) applies.

(2) Section 79 of the 1925 Act does not apply to any notice to which paragraph (1)(b) applies.

(3) Subject to the modification referred to in paragraph (4), sub-sections (1) and (2) of section 30 of the 1925 Act apply to any notice required to be given under sub-section (1) of that section, as continued under article 3.

(4) The modification referred to in paragraph (3) is the omission of the words " by registered post" from section 30(1) of the 1925 Act.

Disputes, objections, appeals and proceedings

Hearing of existing disputes

6. - (1) This article applies to any pending application in relation to which there is, immediately before commencement, a dispute to which rule 299(1) of the 1925 Rules applies that has not been finally disposed of.

(2) For the purposes of paragraph (1) there is a dispute to which rule 299(1) of the 1925 Rules applies where -

(a) in relation to a caution lodged under section 54 of the 1925 Act or rule 215(2) of the 1925 Rules, an application has been lodged that has resulted in the notice referred to in rule 218 of the 1925 Rules being issued before commencement, provided that (whether before or after commencement) the registrar is satisfied that cause has been shown under rule 219(3) of the 1925 Rules, and

(b) in the case of any other pending application, a person has, before commencement, objected to the application under rule 298(1) of the 1925 Rules, provided that the registrar is satisfied subsequently that the objection cannot be treated as groundless under rule 298(4) of the 1925 Rules.

(3) Neither the objection that has led to the dispute, nor any subsequent objection to the same application, shall constitute an objection for the purpose of section 73 of the Act.

(4) The registrar must deal with or continue to deal with the existing dispute and any dispute resulting from any subsequent objection to the same application, in accordance with rule 299 of the 1925 Rules and, where appropriate, the Land Registration (Hearings Procedure) Rules 2000^[9] until the dispute has been finally disposed of.

(5) Subject to the modifications referred to in paragraph (6), the Regulations shall continue to apply in relation to any dispute referred to in paragraph (1) to enable relevant acts of the registrar to which those regulations relate to be done or continue to be done by a person nominated by the registrar under the Regulations.

(6) The modifications referred to in paragraph (5) are -

(a) substitution of the following sub-paragraph for regulation 2(d) of the Regulations -

" (d) "qualified officer" means a member of staff of the land registry who holds a 10 year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990; and",

(b) substitution of the words "qualified officer" for the words "qualified registrar" where they occur in regulations 3(1), 5(1) and 6(1) of the Regulations,

(c) substitution of the word "person" for the word "registrar" where it occurs in regulations 3(2), 5(2) and 6(2) of the Regulations, and

(d) substitution of the words "qualified officer" for the word "registrar " where it occurs in regulations 5(3) and 6(3) of the Regulations.

Objection after commencement

7. - (1) This article applies to any application that is pending immediately before commencement in relation to which an objection is made after commencement that is not an objection to which article 6(3) applies.

(2) Notwithstanding paragraph 5 of Schedule 12 to the Act, the objection shall constitute an objection to which section 73 of the Act applies.

Appeals

8. Rule 300 of the 1925 Rules (Appeal to the court) shall continue to have effect in relation to -

(a) any decision by the registrar under rule 298(4) of the 1925 Rules that an objection is groundless (whether the decision is made before commencement, or after commencement in relation to an application that is pending immediately before commencement), and

(b) any decision or order by the registrar under rule 299 of the 1925 Rules (whether made before commencement, or after commencement in relation to a dispute to which article 6 applies).

Legal Proceedings

9. - (1) This article applies to any proceedings which were instituted before commencement but which have not been concluded immediately before commencement.

(2) Any proceedings to which paragraph (1) applies may be continued until

concluded, whether by final determination by the court or otherwise, as if the 2002 Act had not been passed.

(3) Where in any proceedings the court gives judgment or makes an order, or has already done so before commencement, and the effect of the judgment or order is to require an entry or cancellation to be made in the register or the register to be rectified or altered, then the proceedings shall not be treated as concluded for the purpose of paragraphs (1) and (2) until the entry or cancellation has been made, or the register rectified or altered, as required by the court.

(4) Paragraphs (2) and (3) have effect without prejudice to the need for any order of the court or alteration of the register made after commencement to comply with rule 127 of the 2003 Rules.

(5) In this article -

"court" has the same meaning as in the 1925 Act, and

"proceedings" means any proceedings within the jurisdiction of the court by virtue of a provision of the 1925 Act.

Souvenir land

Souvenir land - application of articles and definitions

10. - (1) Articles 11, 12 and 13 apply where -

(a) there is in force in relation to registered land immediately before commencement a declaration by the registrar under rule 3 of the 1972 Rules, and

(b) particulars of the declaration have been entered in the register under rule 6 of those rules.

(2) In articles 11, 12 and 13 -

"declaration" means the declaration by the registrar under rule 3 of the 1972 Rules,

"proprietor" in relation to souvenir land means the registered proprietor or, where the registered proprietor has died, been made bankrupt or, being a corporate body, has been dissolved, the person who would be entitled to be registered as proprietor in his place but for any unregistered transaction effected after the declaration was made,

"souvenir land" means the registered land subject to a declaration,

"third party" means a person other than the proprietor.

Souvenir land - restriction on dispositions

11. - (1) Where any unregistered transaction with souvenir land has been effected after the declaration was made and has resulted in one or more third parties becoming entitled to apply to be registered as proprietor of any part or parts of the land, the proprietor must not dispose of that land otherwise than in a manner that gives effect in the register to the interests of the third parties.

(2) The particulars of a declaration entered in the individual register of any souvenir land shall take effect after commencement as if there were a restriction in the proprietorship register in the following terms -

" No disposition is to be registered without the consent of the person or persons (if any) entitled to apply to be registered as proprietor of the land disposed of, or any part of it, as the result of any unregistered transaction effected since [*date*] being the date when a declaration made under rule 3 of the Land Registration (Souvenir Land) Rules 1972 was noted in the register."

(3) The registrar may amend the registered title to any souvenir land so as to substitute for the particulars of the declaration a restriction in the terms set out in paragraph (2).

Application to cancel entries relating to souvenir land

12. - (1) A proprietor who claims that there has been no unregistered transaction with the souvenir land, or a particular part of the land, after the declaration was made, so that no third party has become entitled to be registered as proprietor of it, may apply in Form RX3 in Schedule 1 to the 2003 Rules in relation to that land to cancel in the register the particulars of the declaration or, where the registrar has registered a restriction in substitution for those particulars under article 11(3), that restriction.

(2) If the registrar is satisfied that there has been no such transaction as is referred to in paragraph (1), he must -

(a) where the application relates to the whole of the land in a registered title, cancel the relevant entry in the register,

(b) where the application relates to part only of the land in a registered title, give effect to the application in the register in such manner as he thinks appropriate.

Application for registration by a third party

13. - (1) This article applies where, in relation to any souvenir land, a third party is able to satisfy the registrar that one or more unregistered transactions have been effected since the declaration was made and that, as a result of them and any other events that have taken place -

(a) the registered estate is now vested in him, or

(b) a legal estate derived (whether directly or indirectly) out of the land is vested in him, or

(c) a legal estate such as is referred to in sub-paragraph (a) or (b) has been transferred to him (either directly or indirectly) by the person in whom it has become vested.

(2) The third party may apply to be registered as the proprietor of a legal estate if that estate is one to which section 3 of the Act would apply if the estate were an unregistered estate within that section.

(3) Before determining an application under paragraph (2), the registrar must give notice of it to the person named in the proprietorship register as proprietor unless that person has consented to the application.

Cautions

Cautions against first registration

14. - (1) In relation to a caution against first registration lodged for registration before commencement, Part 5 of the 2003 Rules applies with the modifications set out in paragraph (2).

(2) The modifications referred to in paragraph (1) are -

(a) paragraphs (2) to (5) of rule 41 do not apply,

(b) in rule 51(1) of the 2003 Rules, the omission of the word "cautioner's".

Cautions against conversion

15. - (1) This article applies where, immediately before commencement, there is an entry in respect of a caution lodged under rule 215(2) of the 1925 Rules in the register of any title.

(2) In the event of an application to upgrade the title under any of subsections (1) to (5) of section 62 of the Act, the registrar shall, before determining the application, give notice of it to the person named in the entry referred to in paragraph (1).

(3) Where the person to whom notice is given, or any person deriving title under that person, responds to the notice by claiming any estate, right or interest in the land in the title, then, to the extent that the estate, right or interest subsists and is otherwise enforceable against the land, the claim is to be treated for the purpose of section 62(6) of the Act as one for an estate right or interest whose enforceability is preserved by virtue of the existing entry about the class of title.

Mortgage cautions

16. - (1) Subject to this article, mortgage cautions and sub-mortgage cautions entered in the register shall continue to have the same effect after commencement as they had immediately before commencement.

(2) Subject to paragraphs (3) and (4), the registrar must cancel a mortgage caution or a sub-mortgage caution where -

(a) the cautioner, or some other person who can satisfy the registrar that he is entitled to the benefit of the protected mortgage or protected sub-mortgage, makes an application to withdraw it in Form WCT in Schedule 1 to the 2003 Rules, or

(b) evidence is produced that satisfies the registrar, that the protected mortgage or protected sub-mortgage has been discharged, or

(c) an application is made to register the protected mortgage, and any protected sub-mortgage, under section 27 of the Act and the registrar approves the application.

(3) Where there is a sub-mortgage caution entered in the register and application is made to cancel the relevant mortgage caution under subparagraph (a) or (b) of paragraph (2), the registrar must give notice of the application to the sub-mortgage cautioner.

(4) An application to register a protected mortgage under section 27(2)(f) of the Act must comply with the 2003 Rules and be accompanied by -

(a) the original deed creating the protected mortgage, and

(b) where title to the protected mortgage is vested in someone other than the cautioner, the documents proving devolution of title to the applicant.

(5) When registering a protected mortgage, the registrar must make an entry showing that it has priority in relation to other entries in the register from the date that the mortgage caution was entered in the register.

(6) Where application is made to register a disposition of the registered estate or registered charge affected by a mortgage caution or sub-mortgage caution, the registrar must -

(a) give notice of the application to the cautioner,

(b) retain the mortgage caution or sub-mortgage caution in the register unless it is to be cancelled in accordance with paragraph (2).

(7) In this article -

"cautioner" means the person named in a mortgage caution or sub-mortgage caution,

"mortgage caution" means a caution entered in the register in a specially prescribed form under section 106 of the 1925 Act as originally enacted^[10],

"protected mortgage" means the mortgage that is protected by a mortgage caution,

"protected sub-mortgage" means the sub-mortgage that is protected by a sub-mortgage caution,

"sub-mortgage caution" means a sub-mortgage caution to which rule 228 of the 1925 Rules applied before commencement.

Modification of paragraph 2(3) of Schedule 12 to the Act

17. Paragraph 2(3) of Schedule 12 to the Act shall have the effect as if there were inserted at the end ", but with the substitution for the words in section 55(1) from "prescribed" to "served" of the words "period prescribed under paragraph 2(4) of Schedule 12 to the Land Registration Act 2002". "

Non-standard restrictions in approved instruments

18. - (1) This article applies where a person applies in an approved

instrument to enter a restriction in the register and the registrar considers that there is a standard form of restriction which is to like or similar effect to the restriction applied for (or would be but for the fact that it does not purport to restrict the entry of a notice).

(2) Where this article applies -

(a) the registrar must enter in the register the standard form of restriction referred to in paragraph (1) instead of the restriction applied for,

(b) the application is to be treated as though it was an application for entry in the register of a standard form of restriction, and

(c) rule 92(1) of the 2003 rules does not apply to the application.

(3) In this article -

"approved instrument" means a charge, or transfer -

(a) which contains the application for the restriction applied for (whether in the body of the instrument or, in the case of a charge, in an incorporated document within the meaning of rule 139 of the 1925 Rules),

(b) the form of which (including the application for the restriction) has been approved by the registrar before commencement as capable of being accepted for registration, and

(c) in relation to which the approval referred to in sub-paragraph (b) has not been withdrawn, and

"standard form of restriction" means one referred to in rule 91 of the 2003 Rules.

Outline applications

Outline applications

19. - (1) This article applies where, immediately before commencement -

(a) there is in force a notice given under rule 83A(9) of the 1925 Rules that allows an outline application to be delivered in respect of any category of application (including, for the avoidance of doubt, a caution to which rule 215 of those rules applies),

(b) an outline application has been validly delivered in relation to such an application,

(c) the reserved period referred to in rule 83A(8) of the 1925 Rules has not expired, and

(d) the form required by rule 83A(6) of the 1925 Rules has not been lodged.

(2) Notwithstanding the repeal of the 1925 Act, the registrar must give effect to the application in the register as of the time at which the outline application was delivered, provided the applicant lodges the appropriate form required by rule 83A(6) of the 1925 Rules at the appropriate office before expiry of the reserved period referred to in rule 83A(8) of those rules and the application otherwise complies with those rules.

(3) In paragraph (2), "appropriate office" means the office of the land registry that, immediately before commencement, would have been the proper office within the meaning of rule 1(5A) of the 1925 Rules.

Matrimonial home rights cautions

Matrimonial home rights cautions

20. - (1) The registrar shall not be required, on the application of the proprietor of the registered estate affected, to serve the notice referred to in rule 223 of the 2003 Rules in relation to a matrimonial caution except upon production of -

(a) a release in writing of the matrimonial home rights protected by the matrimonial caution, or

(b) a statutory declaration that, as to the whole or any part of the land to which the matrimonial caution relates, no charge under section 2 of the Matrimonial Homes Act 1967[[11](#)], section 2 of the Matrimonial Homes Act 1983[[12](#)] or section 31 of the Family Law Act 1996[[13](#)] has ever arisen or, if such a charge has arisen, it is no longer subsisting.

(2) In this article "matrimonial caution" means a caution registered under section 2(7) of the Matrimonial Homes Act 1967 before 14th February 1983 which remains in the register after commencement.

Index of relating franchises and manors

Index of relating franchises and manors

21. - (1) As soon as practicable after commencement, the registrar must take such steps as he considers appropriate to create the index of relating franchises and manors from the material parts of the index map maintained by the registrar under rule 8 of the 1925 Rules and other relevant information under his control in such a form that it complies with rule 10(1)(b).

(2) Rule 10(1)(b) shall not have effect until the index of relating franchises and manors has been created so as to comply with it.

(3) Until the index of relating franchises and manors has been created so as to comply with rule 10(1)(b), the registrar must ensure that official certificates of the result of searches of the index of relating franchises and manors issued in accordance with rule 146(3) of the 2003 Rules contain the same information as if the index of relating franchises and manors had been so created.

(4) In this article -

"index of relating franchises and manors" means the index to be kept under rule 10(1)(b), and

"rule 10(1)(b)" means rule 10(1)(b) of the 2003 Rules.

Compulsory first registration

Dispositions void under section 123A of the 1925 Act

22. - (1) After commencement, a void disposition is to be treated for all purposes as an event to which the requirement of registration applied and as a transfer, grant or creation that has become void as a result of the application of section 7(1) of the Act.

(2) In this article "void disposition" means a disposition of unregistered land that, before commencement, has become void as a result of the application of section 123A(5) of the 1925 Act.

Other dispositions affected by section 123A of the 1925 Act

23. - (1) Subject to paragraph (2), a relevant disposition is to be treated for all purposes after commencement as an event to which the requirement of registration applies.

(2) For the purposes of section 6(4) of the Act, the period for registration is the period that expires at the end of the applicable period referred to in section 123A(3) of the 1925 Act, or such longer period as the registrar may provide under section 6(5) of the Act.

(3) In this article "relevant disposition" means a disposition of unregistered land where -

- (a) before commencement section 123A of the 1925 Act applied to it,
- (b) no application to register the relevant legal estate in accordance with section 123A(2) of the 1925 Act had been made before commencement, and
- (c) immediately before commencement the applicable period referred to in section 123A(3) of the 1925 Act had not expired.

Land and charge certificates

Abolition of land and charge certificates

24. - (1) Notwithstanding paragraph 5 of Schedule 12 to the Act, Part V of the 1925 Act shall cease to apply in relation to any application that is pending immediately before commencement.

(2) Rules 203 and 204 of the 2003 Rules do not apply to -

- (a) any land certificate or charge certificate held by the registrar immediately before commencement, or
- (b) any land certificate or charge certificate lodged in connection with any application, including any application that is pending immediately before commencement, or
- (c) any document incorporated in any land certificate or charge certificate.

(3) The registrar may destroy -

(a) any land certificate or charge certificate held by him or which comes into his possession,

(b) any document incorporated in such a land certificate or charge certificate.

(4) Paragraph (3) applies notwithstanding an entry in the register to which paragraph 3 of Schedule 12 to the Act applies but without prejudice to the continuing effect of such an entry.

Obligation to make further advances

Obligation to make further advances

25. Where, immediately before commencement, an obligation to make a further advance is noted in the register under section 30(3) of the 1925 Act, the obligation is to be treated after commencement as entered in the register according to rules for the purpose of section 49(3)(b) of the Act.

Forms

Period of grace for use of old forms

26. - (1) Subject to paragraph (3), an applicant may use in place of any new form the relevant old form -

(a) for the period of 3 months following commencement, and

(b) thereafter, where use of the relevant old form is expressly required by law or under the terms of a valid contract entered into before commencement.

(2) Where the relevant old form is used in accordance with paragraph (1) the 2003 Rules apply to the use of that form as they would apply to the use of the new form.

(3) Where there is an entry in Column 3 in the Schedule, paragraph (1) only applies to the use of the relevant old form -

(a) where the entry limits use of the relevant old form to particular cases, in those cases specified in the entry, and

(b) where the entry places an additional requirement on the applicant, if the applicant complies with that requirement.

(4) In this article -

"new form" means a form prescribed by the 2003 Rules that is referred to in Column 1 in the Schedule, and

"relevant old form" in relation to any particular new form means the form prescribed by the 1925 Rules, the 1991 Rules, the 1993 Rules or the

Land Registration (Matrimonial Home Rights) Rules 1997[14] (as the case may be) that is shown against the new form in Column 2 in the Schedule.

Exclusion of Forms 112A, 112B and 112C from inspection or copying

27. Rules 133(2) and 135(2) of the 2003 Rules apply to any Form 112A, Form 112B or Form 112C, as lodged under the 1991 Rules or article 26, as they apply to any Form CIT.

Official searches and official copies

Priority of unexpired official searches

28. - (1) This article applies to an official search with priority made before commencement under the 1993 Rules whose priority period has not expired at commencement.

(2) Section 72 of the Act and rules 151 to 154 of the 2003 Rules (as appropriate) shall apply to the official search as if it had been made under Part 13 of the 2003 Rules but with the priority period being that which applied to it under the 1993 Rules.

Office copies issued before commencement

29. Office copies of and extracts from the register and of and from documents, to which section 113 of the 1925 Act applied before commencement, are to be treated for all purposes after commencement as official copies to which section 67 of the Act applies.

Signed by authority of the Lord Chancellor

David Lammy[a]

Parliamentary Under Secretary of State, Department for Constitutional Affairs

Dated 10th July 2003

Schedule

Article 26

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>New form</i>	<i>Relevant old form</i>	<i>Requirements or limitations</i>
AP1	AP1	<p><i>Requirements -</i></p> <p>(1) Where a fee is payable then the applicant must lodge with the form a cheque or postal order for the requisite fee or a request in writing for the fee to be paid by Direct Debit under an authorised agreement with the land registry.</p>

		<p>(2) The full name of the person applying to change the register must be inserted in the form.</p> <p>(3) Where the application is to register a registrable disposition, but there are no disclosable overriding interests, the form must include a statement to that effect, or be accompanied by such a statement in writing signed by the applicant.</p>
AS1	AS1	
AS2	AS2	
AS3	AS3	
CH1	113	<p>Requirement - Where a fee is payable then the applicant must lodge with the form a cheque or postal order for the requisite fee or a request in writing for the fee to be paid by Direct Debit under an authorised agreement with the land registry.</p>
CI	102	
CIT	112A, or 112B, or 112C	<p>Limitation - The relevant old form may only be used where it is signed by a qualifying applicant (within the meaning of rule 140 of the 2003 Rules) who is able to complete one or more of the certificates contained in the particular form.</p>
CN1	CN1	<p>Limitation - The relevant old form may only be used where application is made to cancel notice of an unregistered lease or rentcharge.</p> <p>Requirement - Where a fee is payable then the applicant must lodge with the form a cheque or postal order for the requisite fee or a request in writing for the fee to be paid by Direct Debit under an authorised agreement with the land registry.</p>
CT1	CT1	<p>Limitation - The relevant old form may not be used</p> <p>(a) Where the estate affected by the caution is a rentcharge, a franchise or a profit a prendre in gross, or</p> <p>(b) Where the applicant wishes to provide a certificate by a conveyancer as to the cautioner's interest in place of a statutory declaration.</p>

		<p>Requirements -</p> <p>(1) The applicant must lodge with the form a cheque or postal order for the fee payable or a request in writing for the fee to be paid by Direct Debit under an authorised agreement with the land registry.</p> <p>(2) Where the estate affected by the caution is a lease, the applicant must add a note as to whether or not the lease is discontinuous.</p>
DL	DL	<p>Requirement -</p> <p>The applicant must leave panels 2 and 3 of the relevant old form blank and use the accompanying application form to provide the relevant information.</p>
DS1	DS1	
DS2	DS2	<p>Requirement -</p> <p>The full name of the applicant must be inserted in the form.</p>
DS3	DS3	
FR1	FR1	<p>Requirements -</p> <p>(1) The applicant must lodge with the form a cheque or postal order for the fee payable or a request in writing for the fee to be paid by Direct Debit under an authorised agreement with the land registry.</p> <p>(2) The full name of the applicant must be inserted in the form.</p> <p>(3) Where there are no disclosable overriding interests, the form must include a statement to that effect, or be accompanied by such a statement in writing signed by the applicant.</p>
MH1	MH1	<p>Limitation -</p> <p>The relevant old form may not be used where the applicant wishes to provide a certificate by a conveyancer as to the existence of an order made under section 33(5) of the Family Law Act 1996.</p>
MH2	MH2	<p>Limitation -</p> <p>The relevant old form may not be used where the applicant wishes to provide a certificate by a</p>

		conveyancer as to the existence of an order made under section 33(5) of the Family Law Act 1996.
MH3	MH3	
OC1	109	<p>Requirements -</p> <p>(1) Where a title number is not quoted and the application relates to a caution against first registration, a rentcharge, a franchise, a profit a prendre in gross or a manor, panel 6 of the relevant old form must be amended accordingly.</p> <p>(2) Where the applicant wishes to apply for a certificate of inspection of a title plan, the words "Form 102" in panel 3 of the relevant old form must be amended to read "Form CI".</p>
OC2	110	<p>Limitation -</p> <p>The relevant old form may not be used to apply for an official copy of any document that is not referred to in the register.</p>
OS1	94A	
OS2	94B	
OS3	94C	
PIC	111	<p>Limitation -</p> <p>The relevant old form may not be used to apply for personal inspection of any document that is not referred to in the register.</p>
PN1	104	
SIM	96	
TP1	TP1	
TP2	TP2	
TP3	TP3	
TR1	TR1	
TR2	TR2	
TR3	TR3	
TR4	TR4	
WCT	WCT	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitional provisions under the Land Registration Act 2002 (2002 c.9) ("the Act"). The provisions are in addition to the transitional provisions contained in Schedule 12 to the Act. The Act repeals the Land Registration Act (1925 c.21) ("the 1925 Act").

Articles 2 to 5 contain general and administrative provisions concerning the continuation of the Chief Land Registrar in office and of the 1925 Act in relation to applications pending immediately before commencement of the Order and to enable the remaining provisions of the Order to have effect. Provision is also made for the Land Registration Rules 2003 (S.I.2003/1417) ("the 2003 Rules") to apply to the giving of notice under the Order or (with one exception) the 1925 Act.

Articles 6 to 9 deal with disputes, objections, appeals and proceedings. Provision is made as to which disputes in relation to applications pending immediately prior to commencement of the Order ("commencement") are to be dealt with by the registrar (or on appeal) under rules and regulations made under the 1925 Act and which are to be dealt with as though they were objections to which section 73 of the 2002 Act applied. Provision is also made for specified court proceedings which have not been concluded immediately before commencement to continue as if the 2003 Act had not been passed.

Articles 10 to 13 deal with matters relating to registered land which immediately before commencement was subject to a declaration that it was souvenir land under rule 3 of the Land Registration (Souvenir Land) Rules 1972 (S.I. 1972/985, amended by S.I. 2002/2539).

Articles 14 to 18 deal with cautions and restrictions by applying Part 5 of the 2003 Rules in a modified way to the form and arrangement of the individual caution registers in respect of cautions against first registration lodged under the 1925 Act. They also set out how cautions against conversion and mortgage cautions are to be dealt with, modify paragraph 2(3) of Schedule 12 to the Act so that the period after which a caution against dealing will cease to have effect (unless an order is made) under section 55(1) of the 1925 Act is that prescribed under paragraph 2(4) of that Schedule and provide for how applications for restrictions in forms of charges and leases approved prior to commencement by the registrar are to be dealt with.

Article 19 makes provision for outline applications delivered before commencement where the reserved periods will expire after commencement.

Article 20 carries forward the requirements of rule 5 of the Land Registration (Matrimonial Home Rights) Rules 1997 (S.I. 1997/1964) in relation to the service of notices in respect of matrimonial cautions.

Article 21 deals with the creation of the index of relating franchises and manors.

Articles 22 and 23 contain transitional provisions relating to dispositions which immediately before commencement should have been registered or were subject to the requirement of first registration under sections 123 and 123A of the 1925 Act.

Article 24 provides for how land and charge certificates (which will no longer be used under the 2002 Act) and documents incorporated in them are to be dealt with after commencement.

Article 25 treats an obligation to make further advances, in respect of a charge, noted in the register under section 30(3) of the 1925 Act as entered in accordance with rules under section 49(3)(b) of the Act.

Article 26 allows a period of grace during which certain forms prescribed under the 1925 Act (and listed in the Schedule to the Order) may still be used, subject to prescribed requirements or limitations.

Article 27 has the effect of excluding certain forms lodged in connection with inspection or copying by the police and others from the inspection and copying by third parties.

Article 28 makes provision in respect of official searches with priority where the priority period has not expired before commencement.

Article 29 provides for office copies and extracts to which section 113 of the 1925 Act applied to be treated as official copies under section 67 of the Act.

Notes:

[1] 2002 c.9.[back](#)

[2] 1925 c.21.[back](#)

[3] S.R.&O. 1925/1093; relevant amending instruments are S.I. 1977/2089, 1997/3037, 1999/128, 2000/2214, 2000/3225, 2001/916, 2002/2539.[back](#)

[4] S.I. 1972/985, amended by S.I. 2002/2539.[back](#)

[5] S.I. 1991/122.[back](#)

[6] S.I. 1993/3276.[back](#)

[7] S.I. 2003/1417.[back](#)

[8] S.I. 2000/2212.[back](#)

[9] S.I. 2000/2213.[back](#)

[10] Section 106 of the Land Registration Act 1925 was substituted by a new provision from 29 August 1977 by section 26(1) of the Administration of Justice Act 1977 (1977 c.38).[back](#)

[11] 1967 c.75 (repealed).[back](#)

[12] 1983 c.19 (repealed).[back](#)

[13] 1996 c.27.[back](#)

[14] S.I. 1997/1964.[back](#)

[a] Amended by Correction Slip. The Minister's name, "David Lammy", needs to be inserted on the signature page (page 9), above his title "Parliamentary

Under Secretary of State". [back](#)

ISBN 0 11 047193 8

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Prepared 6 August 2003