

Statutory Instrument 2005 No. 1766

The Land Registration (Amendment) Rules 2005

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STATUTORY INSTRUMENTS

2005 No. 1766

LAND REGISTRATION, ENGLAND AND WALES

The Land Registration (Amendment) Rules 2005

<i>Made</i>	<i>30th June 2005</i>
<i>Laid before Parliament</i>	<i>7th July 2005</i>
<i>Coming into force</i>	<i>24th October 2005</i>

The Lord Chancellor, with the advice and assistance of the Rule Committee appointed in pursuance of section 127 of the Land Registration Act 2002[1], in

exercise of the powers conferred on him by sections 14(a) and (b)(i), 27(6), 43(2)(c) and (d), 66(2), 67(3), 68(2), 69(2), 70, 73(4), 75(2), 76(2), 88, 126, 127(1), 128 and 134(2) of, and paragraphs 5, 6(a), (b) and (c) and 8 of Schedule 10 and paragraph 2(4) of Schedule 12 to, that Act, hereby makes the following rules:

Citation and commencement

1. These rules may be cited as the Land Registration (Amendment) Rules 2005 and shall come into force on 24th October 2005.

Interpretation

2. In these rules "the principal rules" means the Land Registration Rules 2003^[2] and a reference to a rule by number is a reference to the rule in the principal rules so numbered.

Amendment to rule 91(1)

3. In rule 91(1), there shall be inserted after "Schedule 4" the words "
(varied, where appropriate, as permitted by rule 91A)".

New rule 91A

4. After rule 91, the following rule shall be inserted—

" Completion of standard forms of restriction

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

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

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

(4) A restriction in Form L, M, N, O, P, S or T may commence with the word "Until . . . " followed by a calendar date."

Amendment to rule 92

5. There shall be substituted for rule 92(2)(b) the following sub-paragraph—

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

Amendments to rule 93

6. —(1) Rule 93 shall be amended as follows.

(2) In paragraph (u), the final "and" shall be deleted.

(3) In paragraph (v), the full stop shall be replaced by ", and".

(4) After paragraph (v), the following paragraph shall be inserted—

" (w) the Legal Services Commission where it has a statutory charge, created by section 16(6) of the Legal Aid Act 1988[3] or by section 10(7) of the Access to Justice Act 1999[4], 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."

Amendment to rule 140

7. After rule 140(4), the following paragraph shall be inserted—

" (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."

Amendment to rule 198

8. There shall be substituted for rule 198(2)(d) the following sub-paragraph

" (d) a person named in—

(i) a standard form of restriction set out in Schedule 4, whose address is required by that restriction, or

(ii) any other restriction, whose consent or certificate is required, or to whom notice is required to be given by the registrar or another person,

except where the registrar is required to enter the restriction without application,".

Amendments to rule 217

9. —(1) In rule 217(1), the definition of "conveyancer" shall be amended as follows—

(a) after "Executives," in (c) of the definition there shall be inserted the word "or (d) a duly certificated notary public," and

(b) after the words "licensed conveyancer" where they last appear in the definition, there shall be substituted for the words from "or" to "Executives"—, fellow of the Institute of Legal Executives or duly certificated notary public".

(2) In rule 217(3), for "Forms AA to HH" there shall be substituted "Forms AA to LL".

New Form CIT in Schedule 1 to the principal rules

10. There shall be substituted for Form CIT in Schedule 1 to the principal rules Form CIT in Schedule 1 to these rules.

Amendments to Schedule 4 to the principal rules

11. Schedule 4 to the principal rules shall be amended in accordance with Schedule 2 to these rules.

Amendments to Schedule 5 to the principal rules

12. Schedule 5 to the principal rules shall be amended in accordance with Schedule 3 to these rules.

Signed by authority of the Lord Chancellor

Cathy Ashton
Parliamentary Under Secretary of State, Department for Constitutional Affairs

30th June 2005

SCHEDULE 1

Rule 10

NEW FORM CIT

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SCHEDULE 2

Rule 11

AMENDMENTS TO SCHEDULE 4 TO THE PRINCIPAL RULES

PART 1

1. Form D shall be replaced by the following form—

" Form D (Parsonage, diocesan glebe, church or churchyard land)
No disposition of the registered estate is to be registered unless made in accordance with [the Parsonages Measure 1938 (*in the case of parsonage land*) or the New Parishes Measure 1943 (*in the case of church or churchyard land*) or the Endowments and Glebe Measure 1976 (*in the case of diocesan glebe land*)] or some other Measure or authority."

2. In Form K, the word "or" where it appears between the words "registered estate" and "registered charge dated" shall be in italics.

3. Form L shall be replaced by the following form—

" Form L (Disposition by registered proprietor of a registered estate or proprietor of charge—certificate required)

No disposition [*or specify details*] of the registered estate [(other than a charge)] by the proprietor of the registered estate [, or by the proprietor of any registered charge,] is to be registered without a certificate

[signed by [*name*] of [*address*] [or [his conveyancer] *or specify appropriate details*]]

or

[signed on behalf of [*name*] of [*address*] by [its secretary or conveyancer *or specify appropriate details*]]

or

[signed by a conveyancer]

or

[signed by the applicant for registration [or his conveyancer]]

that the provisions of [*specify clause, paragraph or other particulars*] of [*specify details*] have been complied with."

4. After the word "consent" in the headings to Forms N and T, after the words "specified title number" in the heading to Form O and after the words "specified charge" in Form P there shall be added the words "or certificate".

5. In Forms N and T, "[signed by [*name*] of [*address*] (or [his conveyancer] *or specify appropriate details*)]" shall be replaced by "[signed by [*name*] of [*address*] [or [his conveyancer] *or specify appropriate details*]]".

6. The following shall be added to the end of Forms N, O, P and T—

" Note—the text of the restriction may be continued, as follows, to allow for the provision of a certificate as an alternative to the consent.

[or without a certificate

[signed by *[name]* of *[address]* [or [his conveyancer] *or specify appropriate details*]]

or

[signed on behalf of *[name]* of *[address]* by [its secretary or conveyancer *or specify appropriate details*]]

or

[signed by a conveyancer]

or

[signed by the applicant for registration [or his conveyancer]]

that the provisions of *[specify clause, paragraph or other particulars]* of *[specify details]* have been complied with.]"

7. Form S shall be replaced by the following form—

" Form S (Disposition by proprietor of charge—certificate of compliance required)

No disposition *[or specify details]* by the proprietor of the registered charge dated *[date]* (referred to above) is to be registered without a certificate

[signed by *[name]* of *[address]* [or [his conveyancer] *or specify appropriate details*]]

or

[signed on behalf of *[name]* of *[address]* by [its secretary or conveyancer *or specify appropriate details*]]

or

[signed by a conveyancer]

or

[signed by the applicant for registration [or his conveyancer]]

that the provisions of *[specify clause, paragraph or other particulars]* of *[specify details]* have been complied with."

8. In Forms CC and DD, the words "of *(address)*" shall be inserted after the words "except with the consent of *(name of the person applying)*".

9. In Forms EE and FF, the words "*(name of the prosecutor or other person who applied for the order)*" shall be replaced by the words "*(name of prosecutor or other appropriate person)* of *(address)*".

10. In Forms GG and HH, the words "*(name of the prosecutor or other person applying)*" shall be replaced by the words "*(name of prosecutor or other appropriate person)* of *(address)*".

11. After Form HH, the forms of restriction set out in Part 2 shall be inserted.

PART 2

THE ADDITIONAL STANDARD FORMS OF RESTRICTION TO BE
ADDED TO SCHEDULE 4 TO THE PRINCIPAL RULES REFERRED TO
IN PARAGRAPH 11

Form II (Beneficial interest that is a right or claim in relation to a registered estate)

No disposition of the registered estate is to be registered without a certificate signed by the applicant for registration or his conveyancer that written notice of the disposition was given to *(name)* at *(address)*.

Form JJ (Statutory charge of beneficial interest in favour of Legal Services Commission)

No disposition of the registered estate is to be registered without a certificate signed by the applicant for registration or his conveyancer that written notice of the disposition was given to the Legal Services Commission, Land Charge Department, at *(address and Commission's reference number)*.

Form KK (Lease by registered social landlord)

No deed varying the terms of the registered lease is to be registered without the consent of [the Housing Corporation *or* the National Assembly for Wales] of *(address)*.

Form LL (Restriction as to evidence of execution)

No disposition of [the registered estate *or* the registered charge dated *(date)* referred to above] by the proprietor [of the registered estate *or* of that registered charge] is to be registered without a certificate signed by a conveyancer that he is satisfied that the person who executed the document submitted for registration as disponent is the same person as the proprietor.

SCHEDULE 3

Rule 12

AMENDMENTS TO SCHEDULE 5 TO THE PRINCIPAL RULES

1. There shall be inserted, at the appropriate places, and in the columns indicated below—

<i>Column 1</i>	<i>Column 2</i>
"An accredited financial investigator falling within section 378(1)(b) of the Proceeds of Crime Act 2002[5]	Certificate H
An accredited financial investigator falling within section 378(4)(a) of the Proceeds of Crime Act 2002	Certificate N

A person authorised to apply by the Commissioners for Her Majesty's Revenue and Customs and having the consent of a General/Special Commissioner to make the application	Certificate L
The Director of Revenue and Customs Prosecutions or a member of the Revenue and Customs Prosecutions Office authorised to apply on behalf of the Director	Certificate A
	Certificate B
	Certificate C
	Certificate D
	Certificate E
	Certificate H

The Director General of the National Crime Squad or a member of the National Crime Squad authorised to apply on behalf of the Director General	Certificate O
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The Director General of the National Criminal Intelligence Service or a member of the National Criminal Intelligence Service authorised to apply on behalf of the Director General	Certificate P
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An officer of Revenue and Customs	Certificate A
	Certificate B
	Certificate C
	Certificate D
	Certificate E
	Certificate H
	Certificate N."

2. There shall be deleted from the columns indicated below—

<i>Column 1</i>	<i>Column 2</i>
"A person commissioned by the Commissioners of Customs and Excise	Certificate C
	Certificate D
	Certificate E
	Certificate H
A person authorised to apply by the Commissioners of	Certificate E

Inland Revenue

A person authorised to apply by the **Commissioners of** Certificate L
Inland Revenue and having the consent of a
General/Special Commissioner to make the application."

3. In column 2 against "A **constable**" (in column 1) and below "Certificate H", there shall be inserted "Certificate N".

4. In column 2 against "**The Lord Advocate**" (in column 1) and below "Certificate D", there shall be inserted "Certificate H" and, below that, "Certificate N".

EXPLANATORY NOTE

(This note is not part of the Rules)

These rules amend the Land Registration Rules 2003 (the principal rules).

Rule 1 provides for citation and commencement and rule 2 for interpretation.

Rule 3 makes a consequential amendment to rule 91(1) of the principal rules, arising from rule 4.

Rule 4 adds a new rule, rule 91A to the principal rules. This allows a number of standard forms of restriction to refer to dispositions of a specified part of the registered estate. It also allows standard forms of restriction in Forms L, M, N, O, P, S or T to commence with the word "Until".

Rules 5 and 8 amend rules 92(2) and 198(2)(d) of the principal rules respectively. The amendments to rule 198(2)(d) provide that a person named in a standard form of restriction set out in Schedule 4 to the principal rules must provide an address for service where an address is required by that restriction; so must a person named in any other restriction that requires his consent, certificate or the giving of notice to him. The amendment to rule 92(2) of the principal rules makes it clear that the requirement for the application for entry of a restriction to be accompanied by a person's address for service only applies to a person within rule 198(2)(d).

Rule 6 amends rule 93 of the principal rules to provide that the Legal Services Commission shall be regarded as having a sufficient interest in the entry of a restriction in Form JJ (a Form prescribed under these Rules) in the circumstances specified.

Rule 7 adds a paragraph to rule 140 of the principal rules to allow a qualifying applicant who applies for a search in the index of proprietors' names to apply at the same time, in the Form CIT attached to the Form PN1, for official copies of the registers identified in the results of that search.

Rule 9(1) widens the definition of "conveyancer" in rule 217(1) of the principal rules to include a duly certificated notary public.

Rule 9(2) amends rule 217(3) of the principal rules to take account of the amendments made by rule 12 and Schedule 3 to these Rules.

Rule 10 and Schedule 1 substitute a new Form CIT in Schedule 1 to the principal rules to

take account of rules 7 and 12.

Rule 11 and Schedule 2 amend the standard forms of restriction contained in Schedule 4 to the principal rules and prescribe a number of additional standard forms of restriction.

Rule 12 and Schedule 3 amend Schedule 5 to the principal rules to include accredited financial investigators, and the Directors General and authorised members of the National Criminal Intelligence Service and the National Crime Squad, as qualifying applicants, for the purpose of rule 140 of the principal rules, where they give the appropriate certificate in the new Form CIT substituted by rule 10. These provisions also amend Schedule 5 to take account of the establishment of Her Majesty's Revenue and Customs and the Revenue and Customs Prosecutions Office by the Commissioners for Revenue and Customs Act 2005.

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Land Registry, 32 Lincoln's Inn Fields, London WC2A 3PH.

Notes:

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

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

[3] 1988 c. 34.[back](#)

[4] 1999 c. 22.[back](#)

[5] 2002 c. 9.[back](#)

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