

# Statutory Instrument 2005 No. 1982

## The Land Registration (Amendment) (No 2) Rules 2005

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### STATUTORY INSTRUMENTS

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#### 2005 No. 1982

#### LAND REGISTRATION, ENGLAND AND WALES

#### The Land Registration (Amendment) (No 2) Rules 2005

*Made* 18th July 2005

*Laid before Parliament* 20th July 2005

*Coming into force in  
accordance with rule 2*

The Lord Chancellor, with the advice and assistance of the Rule Committee

appointed in pursuance of section 127 of the Land Registration Act 2002<sup>[1]</sup>, in exercise of the powers conferred on him by sections 1(2), 25(1), 34(2), 70, 126, 127(1) and 128 of, and paragraphs 6 and 8 of Schedule 10 to, that Act and section 32 of, and paragraph 4(4) of Schedule 4 to, the Family Law Act 1996<sup>[2]</sup>, hereby makes the following rules:

## PART 1

### PRELIMINARY

#### **Citation**

1. These rules may be cited as the Land Registration (Amendment) (No 2) Rules 2005.

#### **Commencement**

2. —(1) This Part shall come into force on the day that paragraph 2 of Schedule 9 to the Civil Partnership Act 2004<sup>[3]</sup> comes into force or on 9 January 2006, whichever shall first occur.

(2) Part 2 and Schedule 1 shall come into force on 9 January 2006.

(3) Parts 3, 4 and 5 and Schedules 2 and 3 shall come into force on the day that paragraph 2 of Schedule 9 to the Civil Partnership Act 2004 comes into force.

#### **Interpretation**

3. In these rules "the principal rules" means the Land Registration Rules 2003<sup>[4]</sup> and in the following rules, unless otherwise stated, a reference to a rule by number is a reference to the rule so numbered in the principal rules.

## PART 2

### AMENDMENTS RELATING TO CERTAIN LEASES

#### **Amendment to rule 6(2)**

4. At the beginning of rule 6(2) there shall be inserted "Subject to rule 72A(3),".

#### **New rule 58A**

5. After rule 58, the following rule shall be inserted—

##### **" Form and content of prescribed clauses leases**

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

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

(3) If it appears to the registrar that a lease is not a prescribed clauses

lease, then paragraph (1) and, so far as appropriate, paragraph (2) and rule 72A(3) shall not apply to that lease.

(4) In this rule—

"front sheet" means a front cover sheet, or a contents sheet if it is at the lease's beginning, or a front cover sheet and contents sheet where the contents sheet is immediately after the front cover sheet, and a "contents sheet" means a contents sheet or index sheet (in each case, however described) or both,

"prescribed clauses lease" means a lease which—

(a) is within section 27(2)(b) of the Act,

(b) is granted on or after 19 June 2006,

(c) is not granted in a form expressly required—

(i) by an agreement entered into before 19 June 2006,

(ii) by an order of the court,

(iii) by or under an enactment, or

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

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

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

#### **New rule 72A**

6. After rule 72, the following rule shall be inserted—

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

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

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

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

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

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

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

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

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

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

(7) In this rule—

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

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

#### **Amendments to rule 92**

7. —(1) There shall be deleted at the end of rule 92(7)(b) the word "or" and there shall be inserted at the end of rule 92(7)(c) a comma followed by the word "or" in place of the full stop and immediately after that sub-paragraph the following sub-paragraph—

" (d) a person applies for the entry of a standard form of restriction in clause LR13 (as set out in Schedule 1A) of a relevant lease."

(2) There shall be substituted for paragraph (10), the following paragraph—

" (10) In this rule—

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

"relevant lease" means—

- (a) a prescribed clauses lease as defined in rule 58A(4), or
- (b) any other lease which complies with the requirements as to form and content set out in rule 58A(1) and which either is required to be completed by registration under section 27(2)(b) of the Act or is the subject of an application for first registration of the title to it."

#### **New Schedule 1A to the principal rules**

**8.** There shall be inserted after Schedule 1 to the principal rules, the schedule set out in Schedule 1 to these rules.

### **PART 3**

#### **SUBSTITUTED FORM AP1**

#### **Substituted Form AP1 in Schedule 1 to the principal rules**

**9.** There shall be substituted for Form AP1 in Schedule 1 to the principal rules, Form AP1 in Schedule 2 to these rules.

### **PART 4**

#### **AMENDMENTS RELATING TO THE CIVIL PARTNERSHIP ACT 2004**

#### **Amendment to rule 80**

**10.** In rule 80(a), the word "matrimonial" shall be deleted.

#### **Amendment to rule 81**

**11.** In rule 81(2), the word "matrimonial" shall be deleted.

#### **Amendments to rule 82**

- 12.** —(1) In the heading to rule 82, the word "matrimonial" shall be deleted.
- (2) In rule 82(1), for "Form MH1" there shall be substituted "Form HR1".
- (3) In rule 82(2), the word "matrimonial" where it first occurs shall be deleted, and for "Form MH2" there shall be substituted "Form HR2".
- (4) In rule 82(3), for "Form MH1" there shall be substituted "Form HR1", and for "Form MH2" there shall be substituted "Form HR2".

#### **Amendments to rule 87**

**13.** In the heading to rule 87 and in rule 87(1), the word "matrimonial" shall be deleted.

#### **Amendment to rule 158**

**14.** In rule 158(2), for "Form MH3" there shall be substituted "Form HR3".

#### **Amendments to rule 160**

**15.** —(1) In rule 160(a), the word "matrimonial" where it first occurs shall

be deleted.

(2) In rule 160(b), the word "matrimonial" shall be deleted.

### **Amendments to rule 217**

**16.** In rule 217(1)—

(a) after the definition of "exempt charity" there shall be inserted—

" "home rights notice" means a notice registered under section 31(10)(a) or section 32 of, and paragraph 4(3)(a) or 4(3)(b) of Schedule 4 to, the Family Law Act 1996<sup>[5]</sup>, or section 2(8) or section 5(3)(b) of the Matrimonial Homes Act 1983<sup>[6]</sup>, or section 2(7) or section 5(3)(b) of the Matrimonial Homes Act 1967<sup>[7]</sup>,"

(b) the definition of "matrimonial home rights notice" shall be deleted.

### **Amendments to Schedule 1 to the principal rules**

**17.** In Schedule 1 to the principal rules—

(a) for Form AN1 there shall be substituted Form AN1 in Schedule 3 to these rules,

(b) after Form HC1 there shall be inserted Forms HR1, HR2 and HR3 in Schedule 3 to these rules,

(c) Forms MH1, MH2 and MH3 shall be deleted, and

(d) for Form UN1 there shall be substituted Form UN1 in Schedule 3 to these rules.

### **Amendments to Schedule 6 to the principal rules**

**18.** In paragraphs E and F of Part 5 of Schedule 6 to the principal rules, for "matrimonial home rights notice" there shall be substituted "home rights notice".

## **PART 5**

### **USE OF REPLACED FORMS**

#### **Use of replaced forms**

**19.** —(1) Notwithstanding rules 9 and 17 of these rules, for the period of three months beginning with the day on which this Part comes into force, Forms AN1, AP1, MH1, MH2, MH3 and UN1 as originally prescribed under the principal rules may be used respectively in place of Forms AN1, AP1, HR1, HR2, HR3 and UN1 as prescribed by these rules, unless in the case of Form MH1 the application is in respect of rights arising under a civil partnership.

(2) Where Form MH3 is used in accordance with paragraph (1), the references in panel 9 to a matrimonial home rights notice shall be interpreted as references to a home rights notice.

Signed by authority of the Lord Chancellor

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

18th July 2005

**SCHEDULE 1**

rule 8

**NEW SCHEDULE 1A TO THE PRINCIPAL RULES**

“SCHEDULE 1A

rule 58A

- *All words in italicised text and inapplicable alternative wording in a clause may be omitted or deleted.*
- *Clause LR13 may be omitted or deleted.*
- *Clause LR14 may be omitted or deleted where the Tenant is one person.*
- *Otherwise, do not omit or delete any words in bold text unless italicised.*
- *Side-headings may appear as headings if this is preferred.*
- *Vertical or horizontal lines, or both, may be omitted.*

<b>LR1. Date of lease</b>	
<b>LR2. Title number(s)</b>	<p><b>LR2.1 Landlord's title number(s)</b> <i>Title number(s) out of which this lease is granted. Leave blank if not registered.</i></p> <p><b>LR2.2 Other title numbers</b> <i>Existing title number(s) against which entries of matters referred to in LR9, LR10, LR11 and LR13 are to be made.</i></p>
<b>LR3. Parties to this lease</b>	<b>Landlord</b>

<p><i>Give full names, addresses and company's registered number, if any, of each of the parties. For Scottish companies use a SC prefix and for limited liability partnerships use an OC prefix. For foreign companies give territory in which incorporated.</i></p>	<p><b>Tenant</b></p> <p><b>Other parties</b> Specify capacity of each party, for example "management company", "guarantor", etc.</p>
<p><b>LR4. Property</b></p> <p><i>Insert a full description of the land being leased or Refer to the clause, schedule or paragraph of a schedule in this lease in which the land being leased is more fully described.</i></p> <p><i>Where there is a letting of part of a registered title, a plan must be attached to this lease and any floor levels must be specified.</i></p>	<p><b>In the case of a conflict between this clause and the remainder of this lease then, for the purposes of registration, this clause shall prevail.</b></p>
<p><b>LR5. Prescribed statements etc.</b></p> <p><i>If this lease includes a statement falling within LR5.1, insert under that sub-clause the relevant statement or refer to the clause, schedule or paragraph of a schedule in this lease which contains the statement.</i></p> <p><i>In LR5.2, omit or delete those Acts which do not apply to this lease.</i></p>	<p><b>LR5.1 Statements prescribed under rules 179 (dispositions in favour of a charity), 180 (dispositions by a charity) or 196 (leases under the Leasehold Reform, Housing and Urban Development Act 1993) of the Land Registration Rules 2003.</b></p> <p><b>LR5.2 This lease is made under, or by reference to, provisions of:</b></p> <p><i>Leasehold Reform Act 1967</i></p> <p><i>Housing Act 1985</i></p> <p><i>Housing Act 1988</i></p> <p><i>Housing Act 1996</i></p>
<p><b>LR6. Term for which the Property is leased</b></p> <p><i>Include only the appropriate statement (duly completed) from the three options.</i></p>	<p>From and including</p> <p>To and including</p> <p><b>OR</b></p>

<p><i>NOTE: The information you provide, or refer to, here will be used as part of the particulars to identify the lease under rule 6 of the Land Registration Rules 2003.</i></p>	<p>The term as specified in this lease at clause/schedule/paragraph</p> <p style="text-align: center;"><i>OR</i></p> <p>The term is as follows:</p>
<p><b>LR7. Premium</b></p> <p><i>Specify the total premium, inclusive of any VAT where payable.</i></p>	
<p><b>LR8. Prohibitions or restrictions on disposing of this lease</b></p> <p><i>Include whichever of the two statements is appropriate.</i></p> <p><i>Do not set out here the wording of the provision.</i></p>	<p>This lease does not contain a provision that prohibits or restricts dispositions.</p> <p style="text-align: center;"><i>OR</i></p> <p>This lease contains a provision that prohibits or restricts dispositions.</p>
<p><b>LR9. Rights of acquisition etc.</b></p> <p><i>Insert the relevant provisions in the sub-clauses or refer to the clause, schedule or paragraph of a schedule in this lease which contains the provisions.</i></p>	<p><b>LR9.1 Tenant's contractual rights to renew this lease, to acquire the reversion or another lease of the Property, or to acquire an interest in other land</b></p> <p><b>LR9.2 Tenant's covenant to (or offer to) surrender this lease</b></p> <p><b>LR9.3 Landlord's contractual rights to acquire this lease</b></p>
<p><b>LR10. Restrictive covenants given in this lease by the Landlord in respect of land other than the Property</b></p> <p><i>Insert the relevant provisions or refer to the clause, schedule or paragraph of a schedule in this lease which contains the provisions.</i></p>	
<p><b>LR11. Easements</b></p>	<p><b>LR11.1 Easements granted by this lease for</b></p>

<p><i>Refer here only to the clause, schedule or paragraph of a schedule in this lease which sets out the easements.</i></p>	<p><b>the benefit of the Property</b></p> <p><b>LR11.2 Easements granted or reserved by this lease over the Property for the benefit of other property</b></p>
<p><b>LR12. Estate rentcharge burdening the Property</b></p> <p><i>Refer here only to the clause, schedule or paragraph of a schedule in this lease which sets out the rentcharge.</i></p>	
<p><b>LR13. Application for standard form of restriction</b></p> <p><i>Set out the full text of the standard form of restriction and the title against which it is to be entered. If you wish to apply for more than one standard form of restriction use this clause to apply for each of them, tell us who is applying against which title and set out the full text of the restriction you are applying for.</i></p> <p><i>Standard forms of restriction are set out in Schedule 4 to the Land Registration Rules 2003.</i></p>	<p>The Parties to this lease apply to enter the following standard form of restriction [against the title of the Property] or [against title number         ]</p>
<p><b>LR14. Declaration of trust where there is more than one person comprising the Tenant</b></p> <p><i>If the Tenant is one person, omit or delete all the alternative statements.</i></p> <p><i>If the Tenant is more than one person, complete this clause by omitting or deleting all inapplicable alternative statements.</i></p>	<p>The Tenant is more than one person. They are to hold the Property on trust for themselves as joint tenants.</p> <p><i>OR</i></p> <p>The Tenant is more than one person. They are to hold the Property on trust for themselves as tenants in common in equal shares.</p> <p><i>OR</i></p> <p>The Tenant is more than one person. They are to hold the Property on trust <i>Complete as necessary</i></p>

## **SCHEDULE 2**

rule 9

SUBSTITUTED FORM AP1 IN SCHEDULE 1 TO THE PRINCIPAL RULES

[Click here to view AP1](#)

[Click here to view AP1 continued](#)

[Click here to view AP1 continued](#)

## **SCHEDULE 3**

rule 17

NEW AND FURTHER SUBSTITUTED FORMS IN SCHEDULE 1 TO THE  
PRINCIPAL RULES

[Click here to view AN1](#)

[Click here to view AN1 continued](#)

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[Click here to view UN1](#)

[Click here to view UN1 continued](#)

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## EXPLANATORY NOTE

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

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

As amended by rules 5 and 8, the principal rules prescribe that part of the contents (and its form) which must be contained in all prescribed clauses leases, subject to an exception in new rule 58A(3) of the principal rules (inserted by rule 5 of these Rules). A prescribed clauses lease is, by virtue of the definition of that term in new rule 58A(4), a lease for a term of years absolute, granted on or after 19 June 2006 out of a registered estate in land, which is required to be completed by registration, subject to the exceptions contained in (c) and (d) of the definition.

Rule 6 inserts new rule 72A into the principal rules. Rule 72A provides for the entries which the registrar must make in respect of interests contained in a lease created on or after 19 June 2006 which is being completed by registration under section 27(2)(b) of the Land Registration Act 2002.

Paragraphs (3) and (4) of new rule 72A provide for circumstances where the registrar need not make an entry and rule 4 of these Rules amends rule 6 of the principal rules so that if the registrar applies rule 72A(3) and does not make an entry in respect of a prohibition or restriction on disposal of the lease that is being completed by registration this will not conflict with his duty to make such an entry under rule 6.

Rule 7 inserts a new rule 92(7)(d) into the principal rules to provide that where an application for a standard form of restriction is set out in clause LR13 of a relevant lease (defined in substituted rule 92(10) to include a prescribed clauses lease), Form RX1 (the usual application form for a restriction) is not required.

Rule 9 substitutes a new application form, Form AP1, for the existing form in Schedule 1 to the principal rules.

Part 4 amends the principal rules to take account of the Civil Partnership Act 2004. It replaces references to "matrimonial home rights notice" with references to "home rights notice", and replaces the existing Forms MH1, MH2 and MH3 with new Forms HR1, HR2 and HR3. It also substitutes new Forms AN1 and UN1 to make consequential amendments and to follow the layout of the revised Form AP1.

Part 5 provides, subject to an exception, for forms replaced by these rules to be used for a transitional period.

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.

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*Notes:*

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

[2] 1996 c. 27.[back](#)

[3] 2004 c. 33.[back](#)

[4] S.I. 2003/1417; no relevant amending instruments.[back](#)

[5] 1996 c. 27.[back](#)

[6] 1983 c. 19.[back](#)

[7] 1967 c. 75.[back](#)

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ISBN 0 11 073100 X

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*Prepared 25 July 2005*