

Statutory Instrument 1997 No. 713

The Land Registration (Conduct of Business) Regulations 1997

LAND REGISTRATION, ENGLAND AND WALES

The Land Registration (Conduct of Business) Regulations 1997

Made - 10th March 1997

Coming into force - 1st April 1997

The Lord Chancellor, in exercise of the powers conferred on him by section 126(5) and (6A) of the Land Registration Act 1925[1], hereby makes the following Regulations:

Citation, commencement and revocation

1 . - (1) These Regulations may be cited as the Land Registration (Conduct of Business) Regulations 1997 and shall come into force on 1st April 1997.

(2) The Land Registration (Solicitor to HM Land Registry) Regulations 1990[2] are revoked.

Interpretation

2 . In these Regulations:

- (a) "the Act" means the Land Registration Act 1925;
- (b) "qualified registrar" means a registrar who has a 10 year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990[3]; and
- (c) "the Rules" means the Land Registration Rules 1925[4] and a rule referred to by number means the rule so numbered in the Rules.

Solicitor to H M Land Registry

3 . - (1) The acts of the registrar to which this regulation applies may be done for all purposes by a single qualified registrar nominated by the Chief Land Registrar.

(2) The registrar acting under the authority of paragraph (1) shall be styled Solicitor to H M Land Registry.

Acts of the registrar which may be done by the Solicitor to H M Land Registry

4 . Regulation 3 applies to the acts of the registrar which are authorised or required to be done in pursuance of:

- (a) the provisions of the Act specified in the first column of Part I of the Schedule, subject to the limitation, if any, specified in the second column thereof;
- (b) the provisions of the Rules specified in the first column of Part II of the Schedule, subject to the limitation, if any, specified in the second column thereof.

Vacancy in office of, or absence of, the Solicitor to H M Land Registry

5 . - (1) During a vacancy in the office of, or in the absence of, the Solicitor to H M Land Registry, the acts of the registrar to which regulation 3 applies may be done by another qualified registrar.

(2) Any registrar acting under the authority of paragraph (1) shall, while so acting, be styled Acting Solicitor to H M Land Registry.

Hearings under rule 220 or rule 298

6 . - (1) For the purpose of:

- (a) conducting the hearing of a matter where an appointment has been made for parties to appear before the registrar under rule 220 (hearing of cautioner by registrar) and making any order under rule 220(3) consequent upon such a hearing;
- (b) conducting the hearing of a matter by the registrar under rule 298 (hearings before the registrar) and making any order under rule 298(1) consequent upon such a hearing, the acts of the registrar to which regulation 3 applies may be done by any qualified registrar who is directed by the Chief Land Registrar to conduct the hearing.

(2) Any registrar acting under the authority of paragraph (1) shall, while so acting, be styled Deputy Solicitor to H M Land Registry.

Mackay of Clashfern , C.

Dated 10th March 1997

SCHEDULE
Regulation 4

SPECIFIED PROVISIONS OF THE ACT AND RULES

PART I
THE ACT

Provisions of the Act authorising or requiring acts to be done by the registrar	Limitation (if any) on the extent to which regulation 3 applies
Section 13	limited to the hearing and determining of objections under proviso (b)
Section 15	without limitation
Section 17	without limitation
Section 82[5]	limited to rectifying the register (otherwise than pursuant to an order of the court or with the consent of all persons interested) and making orders dispensing with the production of land or charge certificates
Section 140	without limitation

PART II

THE RULES

Provisions of the Rules authorising or requiring acts to be done by the registrar	Extent to which regulation 3 applies
Rule 26	without limitation
Rule 35(2)	without limitation
Rule 131[6]	limited to the making of any entry in or correction of the register (except where the power of disposing of the land has vested in a person other than the proprietor by the operation of any statute, statutory power or order of the court)
Rule 158	without limitation
Rule 220	without limitation
Rule 230(2)	without limitation
Rule 298	without limitation

Rule 300	without limitation
Rule 303	without limitation
Rule 316	without limitation
Rule 320	without limitation
Rule 321	without limitation

EXPLANATORY NOTE
(This note is not part of the Regulations)

These Regulations, which replace the Land Registration (Solicitor to H M Land Registry) Regulations 1990, make amendments to the acts of the registrar which may be done by a legally qualified registrar, called the Solicitor to H M Land Registry or, during a vacancy in the office of, or in the absence of, the Solicitor to H M Land Registry, by another legally qualified registrar (styled the Acting Solicitor to H M Land Registry). They further provide for those acts to be done by any other legally qualified registrar, for the purpose of hearing matters under rule 220 (hearing of cautioner by registrar) and rule 298 (hearings by the registrar) of the Land Registration Rules 1925, and making orders consequent upon such hearings, where such registrar is directed by the Chief Land Registrar to conduct the hearing.

Notes:

[1] 1925 c. 21; section 126(5) was partially repealed by the Statute Law (Repeals) Act 1986 (c. 12), section 1 and Schedule 1; section 126(6A) was inserted by the Courts and Legal Services Act 1990 (c. 41), section 125(2) and Schedule 17.

[2] S.I. 1990/2236.

[3] 1990 c. 41.

[4] S.R. & O. 1925/1093.

[5] Section 82 was amended by the Administration of Justice Act 1977 (c. 38), section 24.

[6] Rule 131 was amended by S.I. 1996/2975.