
STATUTORY INSTRUMENTS

2003 No. 1417

The Land Registration Rules 2003

PART 6

REGISTERED LAND: APPLICATIONS,
DISPOSITIONS AND MISCELLANEOUS ENTRIES

Covenants

Positive covenants

64.—(1) The registrar may make an appropriate entry in the proprietorship register of any positive covenant that relates to a registered estate given by the proprietor or any previous proprietor of that estate.

(2) Any entry made under paragraph (1) must, where practicable, refer to the instrument that contains the covenant.

(3) If it appears to the registrar that a covenant referred to in an entry made under paragraph (1) does not bind the current proprietor of the registered estate, he must remove the entry.

Indemnity covenants

65.—(1) The registrar may make an appropriate entry in the proprietorship register of an indemnity covenant given by the proprietor of a registered estate in respect of any restrictive covenant or other matter that affects that estate or in respect of a positive covenant that relates to that estate.

(2) Any entry made under paragraph (1) must, where practicable, refer to the instrument that contains the indemnity covenant.

(3) If it appears to the registrar that a covenant referred to in an entry made under paragraph (1) does not bind the current proprietor of the registered estate, he must remove the entry.

Modification of implied covenants in transfer of land held under an old tenancy

66. Where a transfer of a registered leasehold estate which is an old tenancy modifies or negatives any covenants implied by paragraphs 20(2) and (3) of Schedule 12 to the Act, an entry that the covenants have been so modified or negated must be made in the register.

Covenants implied under Part I of the Law of Property (Miscellaneous Provisions) Act 1994 and under the Law of Property Act 1925

67.—(1) Subject to paragraph (2), a registrable disposition may be expressed to be made either with full title guarantee or with limited title guarantee and, in the case of a disposition which is effected by an instrument in the Welsh language, the appropriate Welsh expression specified in section 8(4) of the 1994 Act may be used.

(2) In the case of a registrable disposition to which section 76 of the LPA 1925 applies by virtue of section 11(1) of the 1994 Act—

- (a) a person may be expressed to execute, transfer or charge as beneficial owner, settlor, trustee, mortgagee, or personal representative of a deceased person or under an order of the court, and the document effecting the disposition may be framed accordingly, and
- (b) any covenant implied by virtue of section 76 of the LPA 1925 in such a disposition will take effect as though the disposition was expressly made subject to—
 - (i) all charges and other interests that are registered at the time of the execution of the disposition and affect the title of the covenantor,
 - (ii) any of the matters falling within Schedule 3 to the Act of which the purchaser has notice and subject to which it would have taken effect, had the land been unregistered.

(3) The benefit of any covenant implied under sections 76 and 77 of the LPA 1925 or either of them will, on and after the registration of the disposition in which it is implied, be annexed and incident to and will go with the registered proprietorship of the interest for the benefit of which it is given and will be capable of being enforced by the proprietor for the time being of that interest.

(4) The provisions of paragraphs (2)(b) and (3) are in addition to and not in substitution for the other provisions relating to covenants contained in the LPA 1925.

(5) Except as provided in paragraph (6), no reference to any covenant implied by virtue of Part I of the 1994 Act, or by section 76 of the LPA 1925 as applied by section 11(1) of the 1994 Act, shall be made in the register.

(6) A reference may be made in the register where a registrable disposition of leasehold land limits or extends the covenant implied under section 4 of the 1994 Act.

(7) In this rule “the LPA 1925” means the Law of Property Act 1925(1) and “the 1994 Act” means the Law of Property (Miscellaneous Provisions) Act 1994(2).

Additional provisions as to implied covenants

68.—(1) A document effecting a registrable disposition which contains a provision limiting or extending any covenant implied by virtue of Part I of the Law of Property (Miscellaneous Provisions) Act 1994 must include a statement referring to the section of that Act in which the covenant is set out.

(2) The statement required by paragraph (1) must be in one of the following forms—

- (a) “The covenant set out in section (*number*) of the Law of Property (Miscellaneous Provisions) Act 1994 shall [not] extend to”, or
- (b) “The [transferor or lessor] shall not be liable under any of the covenants set out in section (*number*) of the Law of Property (Miscellaneous Provisions) Act 1994”.

Transfer of registered estate subject to a rentcharge

69.—(1) Where the covenants set out in Part VII or Part VIII of Schedule 2 to the LPA 1925 are included in a transfer, the references to “the grantees”, “the conveyance” and “the conveying parties” shall be treated as references to the transferees, the transfer and the transferors respectively.

(2) Where in a transfer to which section 77(1)(B) of the LPA 1925 does not apply, part of a registered estate affected by a rentcharge is, without the consent of the owner of the rentcharge, expressed to be exonerated from the entire rent, and the covenants in paragraph (ii) of Part VIII of Schedule 2 to the LPA 1925 are included, that paragraph shall apply as if—

(1) 1925 c. 20.

(2) 1994 c. 36.

- (a) any reference to the balance of the rent were to the entire rent, and
 - (b) the words “, other than the covenant to pay the entire rent,” were omitted.
- (3) Where in a transfer to which section 77(1)(B) of the LPA 1925 does not apply, part of a registered estate affected by a rentcharge is, without the consent of the owner of the rentcharge, expressed to be subject to or charged with the entire rent, and the covenants in paragraph (i) of Part VIII of Schedule 2 to the LPA 1925 are included, that paragraph shall apply as if—
- (a) any reference to the apportioned rent were to the entire rent, and
 - (b) the words “(other than the covenant to pay the entire rent)” were omitted.
- (4) On a transfer of a registered estate subject to a rentcharge—
- (a) any covenant implied by section 77(1)(A) or (B) of the LPA 1925 may be modified or negatived, and
 - (b) any covenant included in the transfer may be modified,
- by adding suitable words to the transfer.
- (5) In this rule “the LPA 1925” means the Law of Property Act 1925.