
DRAFT STATUTORY INSTRUMENTS

2008 No.

The Land Registration (Network Access) Rules 2008

PART 5

TERMINATION OF ACCESS BY THE REGISTRAR

Termination of a full network access agreement by the registrar

6.—(1) Where a ground set out in Schedule 3 exists in relation to a full network access agreement, the registrar may—

- (a) terminate the full network access agreement with immediate effect, in which case rule 7 applies, or
 - (b) give the Subscriber a notice of termination, in which case rule 8 applies.
- (2) An agreement may be terminated under paragraph (1)(a) even if—
- (a) a notice of termination based on different facts has been given and has not expired, or
 - (b) termination of the agreement has been suspended under rule 10 in respect of a notice of termination based on different facts.

Immediate termination

7.—(1) This rule applies when the registrar has terminated an agreement with immediate effect under rule 6(1)(a).

(2) The registrar must as soon as practicable give notice to the Subscriber that the agreement has terminated.

- (3) A notice under this rule must—
- (a) be in writing,
 - (b) specify each ground of termination on which the registrar relies,
 - (c) specify the facts which, in the opinion of the registrar, justify each ground of termination on which the registrar relies,
 - (d) state why the registrar considers that termination with immediate effect was justified, and
 - (e) state the effect of paragraph 4 of Schedule 5 to the Act.

Termination after notice

8.—(1) This rule applies when the registrar has decided under rule 6(1)(b) to give the Subscriber a notice of termination.

- (2) A notice of termination must—
- (a) be in writing,
 - (b) state the date and time when the notice will expire in accordance with paragraph (3),
 - (c) specify each ground of termination on which the registrar relies,

- (d) specify the facts which, in the opinion of the registrar, justify each ground of termination on which the registrar relies,
 - (e) state the effect of paragraphs (4), (5), (6), (7) and (8) of this rule,
 - (f) state the effect of paragraph 4 of Schedule 5 to the Act, and
 - (g) state the effect of rule 10.
- (3) A notice of termination expires at 12 noon on the expiry date.
- (4) If the registrar is satisfied that it is no longer appropriate to terminate the agreement, he may withdraw a notice of termination (even if it has expired) at any time before the agreement has terminated.
- (5) The registrar withdraws a notice of termination by sending the Subscriber notification to that effect.
- (6) If the registrar withdraws a notice of termination where the termination has been suspended and an appeal in relation to the notice of termination is pending before the adjudicator, he must also inform the adjudicator of the withdrawal.
- (7) Subject to paragraph (8), the agreement will terminate—
- (a) where termination has not been suspended, on the expiry of the notice of termination, or
 - (b) where termination has been suspended, on the expiry of the notice of termination or on the determination of the appeal and of any subsequent appeal, whichever occurs later.
- (8) Paragraph (7) does not apply where—
- (a) the notice of termination has been withdrawn under paragraph (4),
 - (b) the agreement has been terminated by the Subscriber under paragraph 3(1) of Schedule 5 to the Act,
 - (c) the agreement has terminated automatically in accordance with its terms,
 - (d) the agreement has been terminated under rule 6(1)(a) or rule 11, or
 - (e) the adjudicator or the High Court orders otherwise.
- (9) An agreement may be terminated in accordance with this rule even if termination under this rule has been suspended in respect of a notice of termination based on different facts.
- (10) In this rule—
- (a) “expiry date” means—
 - (i) where the notice of termination is issued before the date specified in any notice given pursuant to rule 216(2) of the principal rules, the thirty-fifth business day after the date of issue of the notice of termination, and
 - (ii) where the notice of termination is issued on or after the date specified in any notice given pursuant to rule 216(2) of the principal rules, the forty-second business day after the date of issue of the notice of termination, and
 - (b) references to the suspension of termination are to suspension under rule 10.

Giving of notice

- 9.—(1) A notice under rule 7 or 8 may be given—
- (a) by post, to any postal address specified in accordance with the agreement as the Subscriber’s address for service,
 - (b) by directing the notice to the relevant box number at any document exchange specified in accordance with the agreement as the Subscriber’s address for service, or

(c) by electronic transmission to any electronic address specified in accordance with the agreement as the Subscriber’s address for service.

(2) Notice given in accordance with this rule shall be treated as given at the time shown in the table below—

<i>Manner of giving notice</i>	<i>Time given</i>
Post to an address in the United Kingdom	The second working day after posting
Post to an address outside the United Kingdom	The seventh working day after posting
Document exchange	On the second working day after it was left at the registrar’s document exchange
Electronic transmission to an electronic address	The second working day after transmission

(3) In this rule—

“post” means pre-paid delivery by a postal service which seeks to deliver documents within the United Kingdom no later than the next working day in all or the majority of cases, and to deliver documents outside the United Kingdom within such a period as is reasonable in all the circumstances, and

“working day” means any day from Monday to Friday (inclusive) which is not Christmas Day, Good Friday or any other day either specified or declared by proclamation under section 1 of the Banking and Financial Dealings Act 1971⁽¹⁾ or appointed by the Lord Chancellor.

Suspension of termination pending appeal

10.—(1) A Subscriber who has appealed to the adjudicator under paragraph 4(1) of Schedule 5 to the Act against the registrar’s decision to give a notice of termination may request that the termination be suspended.

(2) A suspension request must—

- (a) be in writing,
- (b) state that the Subscriber has appealed to the adjudicator against the registrar’s decision,
- (c) request that the termination be suspended, and
- (d) be received by the registrar at his address for service before the expiry of the notice of termination.

(3) Where the registrar receives a suspension request either after 12 noon on a business day or on a day which is not a business day, the request shall be treated as having been received on the next business day.

(4) On receipt by the registrar of a suspension request which complies with paragraph (2)—

- (a) subject to paragraph (5), termination of the agreement is suspended, and
- (b) the registrar must as soon as practicable acknowledge receipt of the suspension request and inform the Subscriber of the effect of sub-paragraph (a) and of rule 8(7)(b) and (8).

(5) Paragraph (4) does not apply if at the time the registrar receives the suspension request the appeal has already been determined and no subsequent appeal is pending.

(6) Subject to paragraph (7), the suspension expires on the expiry of the notice of termination or on the determination of the appeal and of any subsequent appeal, whichever occurs later.

(1) 1971 c.80.

(7) Notwithstanding paragraph (6), the suspension expires when any of the following events occurs—

- (a) the notice of termination is withdrawn under rule 8(4),
- (b) the agreement is terminated by the Subscriber under paragraph 3(1) of Schedule 5 to the Act,
- (c) the agreement terminates automatically in accordance with its terms,
- (d) the agreement terminates under rule 6(1)(a) or rule 11, or
- (e) the adjudicator or the High Court so orders.

(8) In this rule, “suspension request” means a request under paragraph (1).

(9) In paragraph (2)(d), the reference to the registrar’s address for service is, where the registrar has more than one such address, to any one of them.

Termination of all network access agreements

11.—(1) If the registrar is of the opinion that it is no longer practicable to operate the land registry network he may give notice in the London Gazette terminating all subsisting network access agreements with effect from a date specified in the notice.

(2) A notice under this rule must be published not less than fourteen days before it takes effect.