

These notes refer to the Commonhold and Leasehold Reform Act 2002 (c.15) which received Royal Assent on 1st May 2002

COMMONHOLD AND LEASEHOLD REFORM ACT 2002

EXPLANATORY NOTES

COMMENTARY ON THE SECTIONS: PART 1

General

Section 65: Registration procedure [Amended at Report stage]

119. *Section 65(1)* gives the Lord Chancellor power to make rules governing registration of commonhold land and the procedures to be followed in relation to commonhold registration documents. *Subsection (2)* provides that such rules should be made in the same way as the Land Registration Rules under the Land Registration Act 2002, that is to say, by statutory instrument with the advice and assistance of the Rule Committee. It also provides that the Rules so made may make provision for any matter that is or may be provided for under the Land Registration Rules, and particularly, to avoid the need to re-make all the Land Registration Rules to make them apply to commonhold, it allows for the application of the rules made under the 2002 Act to commonhold land registration in the same way as they apply to general registration. *Subsection (3)* sets out a number of areas in which the rules may make provision, and *subsection (4)* deals with matters concerning commonhold registration documents, and particularly whether originals or copies are to be used for registration, if copies, whether and if so how they are to be certified and whether electronic documents might be permitted or required. *Subsection (5)* gives HM Land Registry the power to charge fees for commonhold land registration, and *subsection (6)* defines ‘commonhold registration document’ and ‘general registration document’ for the purposes of Part 1 of the Act.