
STATUTORY INSTRUMENTS

2003 No. 1417

The Land Registration Rules 2003

PRELIMINARY

Citation and commencement

1. These rules may be cited as the Land Registration Rules 2003 and shall come into force on the day that section 1 of the Act comes into force.

PART 1

THE REGISTER OF TITLE

Form and arrangement of the register of title

2.—(1) The register of title may be kept in electronic or paper form, or partly in one form and partly in the other.

(2) Subject to rule 3, the register of title must include an individual register for each registered estate which is—

- (a) an estate in land, or
- (b) a rentcharge, franchise, manor or profit a prendre in gross,

vested in a proprietor.

Individual registers and more than one registered estate, division and amalgamation

3.—(1) The registrar may include more than one registered estate in an individual register if the estates are of the same kind and are vested in the same proprietor.

(2) On first registration of a registered estate, the registrar may open an individual register for each separate area of land affected by the proprietor's registered estate as he designates.

(3) Subsequently, the registrar may open an individual register for part of the registered estate in a registered title and retain the existing individual register for the remainder—

- (a) on the application of the proprietor of the registered estate and of any registered charge over it, or
- (b) if he considers it desirable for the keeping of the register of title, or
- (c) on the registration of a charge of part of the registered estate comprised in the registered title.

(4) The registrar may amalgamate two or more registered titles, or add an estate which is being registered for the first time to an existing registered title, if the estates are of the same kind and are vested in the same proprietor—

- (a) on the application of the proprietor of the registered estate and of any registered charge over it, or

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- (b) if he considers it desirable for the keeping of the register of title.
- (5) Where the registrar has divided a registered title under paragraph (3)(b) or amalgamated registered titles or an estate on first registration with a registered title under paragraph (4)(b) he—
 - (a) must notify the proprietor of the registered estate and any registered charge, unless they have agreed to such action, and
 - (b) may make a new edition of any individual register or make entries on any individual register to reflect the division or amalgamation.

Modifications etc. (not altering text)

- C1 Rule 3 applied (with modifications) (27.9.2004) by [THE COMMONHOLD \(LAND REGISTRATION\) RULES 2004 \(S.I. 2004/1830\), rules 1, 3\(3\)\(a\)](#)
- C2 Rule 3(3)(a) excluded (27.9.2004) by [THE COMMONHOLD \(LAND REGISTRATION\) RULES 2004 \(S.I. 2004/1830\), rules 1, 3\(2\)](#)
- C3 Rule 3(4)(a) excluded (27.9.2004) by [THE COMMONHOLD \(LAND REGISTRATION\) RULES 2004 \(S.I. 2004/1830\), rules 1, 3\(2\)](#)

Arrangement of individual registers

- 4.—(1) Each individual register must have a distinguishing number, or series of letters and numbers, known as the title number.
- (2) Each individual register must consist of a property register, a proprietorship register and, where necessary, a charges register.
- (3) An entry in an individual register may be made by reference to a plan or other document; in which case the registrar must keep the original or a copy of the document.
- (4) Whenever the registrar considers it desirable, he may make a new edition of any individual register so that it contains only the subsisting entries, rearrange the entries in the register or alter its title number.

Contents of the property register

- 5. [^{F1}Except where otherwise permitted, the] property register of a registered estate must contain—
 - (a) a description of the registered estate which in the case of a registered estate in land, rentcharge or registered franchise which is an affecting franchise must refer to a plan based on the Ordnance Survey map and known as the title plan;
 - (b) where appropriate, details of—
 - (i) the inclusion or exclusion of mines and minerals in or from the registration under rule 32,
 - [^{F2}(ii) easements, rights and privileges benefiting the registered estate and other similar matters,]
 - (iii) all exceptions [^{F3}or reservations] arising on enfranchisement of formerly copyhold land, and
 - (iv) any ^{F4}... matter [^{F5}otherwise] required to be entered in any other part of the register which the registrar considers may more conveniently be entered in the property register, and
 - (c) such other matters as are required to be entered in the property register by these rules.

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Textual Amendments

- F1** Words in rule 5 substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\), rule 2\(1\), Sch. 1 para. 1\(a\)](#) (with rule 5)
- F2** Rule 5(b)(ii) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\), rule 2\(1\), Sch. 1 para. 1\(b\)](#) (with rule 5)
- F3** Words in rule 5(b)(iii) inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\), rule 2\(1\), Sch. 1 para. 1\(c\)](#) (with rule 5)
- F4** Word in rule 5(b)(iv) omitted (10.11.2008) by virtue of [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\), rule 2\(1\), Sch. 1 para. 1\(d\)](#) (with rule 5)
- F5** Word in rule 5(b)(iv) inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\), rule 2\(1\), Sch. 1 para. 1\(d\)](#) (with rule 5)

Property register of a registered leasehold estate

6.—(1) The property register of a registered leasehold estate must also contain sufficient particulars of the registered lease to enable that lease to be identified.

(2) [^{F6}Subject to rule 72A(3),] If the lease contains a provision that prohibits or restricts dispositions of the leasehold estate, the registrar must make an entry in the property register stating that [^{F7}the lease prohibits or restricts dispositions of the estate].

Textual Amendments

- F6** Words in rule 6(2) inserted (9.1.2006) by [The Land Registration \(Amendment\) \(No 2\) Rules 2005 \(S.I. 2005/1982\), rules 1\(2\), 4](#)
- F7** Words in rule 6(2) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\), rule 2\(1\), Sch. 1 para. 2](#) (with rule 5)

Property register of a registered estate in a rentcharge, a franchise or a profit a prendre in gross

7. [^{F8}Where practicable, the] property register of a registered estate in a rentcharge, franchise or a profit a prendre in gross must, if the estate was created by an instrument, also contain sufficient particulars of the instrument to enable it to be identified.

Textual Amendments

- F8** Words in rule 7 substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\), rule 2\(1\), Sch. 1 para. 3](#) (with rule 5)

Contents of the proprietorship register

8.—(1) The proprietorship register of a registered estate must contain, where appropriate—

- (a) the class of title,
- (b) the name of the proprietor of the registered estate including, where the proprietor is a company registered under the Companies Acts, or a limited liability partnership incorporated under the Limited Liability Partnerships Act 2000 ^{M1}, its registered number,
- (c) an address for service of the proprietor of the registered estate in accordance with rule 198,

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- (d) restrictions under section 40 of the Act, including one entered under section 86(4) of the Act, in relation to the registered estate,
- (e) notices under section 86(2) of the Act in relation to the registered estate,
- (f) positive covenants by a transferor or transferee and indemnity covenants by a transferee entered under rules 64 or 65,
- (g) details of any modification of the covenants implied by paragraphs 20(2) and (3) of Schedule 12 to the Act entered under rule 66,
- (h) details of any modification of the covenants implied under the Law of Property (Miscellaneous Provisions) Act 1994 ^{M2} entered under rule 67(6),
- ^{F9}(i)
- (j) such other matters as are required to be entered in the proprietorship register by these rules.

[^{F10}(2) Where practicable, the registrar must enter in the proprietorship register—

- (a) on first registration of a registered estate,
- (b) following completion by registration of a lease which is a registrable disposition, and
- (c) on a subsequent change of proprietor of a registered estate, the price paid or value declared for the registered estate.]

[^{F10}(3) An entry made under paragraph (2) must remain until there is a change of proprietor, or some other change in the register of title which the registrar considers would result in the entry being misleading.]

Textual Amendments

F9 Rule 8(1)(i) omitted (10.11.2008) by virtue of [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), [rule 2\(1\)](#), [Sch. 1 para. 4\(a\)](#) (with [rule 6](#))

F10 Rule 8(2)(3) substituted for rule 8(2) (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), [rule 2\(1\)](#), [Sch. 1 para. 4\(b\)](#) (with [rule 5](#))

Marginal Citations

M1 2000 c. 12.

M2 1994 c. 36.

Contents of the charges register

9. [^{F11}Except where otherwise permitted, the] charges register of a registered estate must contain, where appropriate—

- (a) details of leases, charges, and any other interests which adversely affect the registered estate subsisting at the time of first registration of the estate or created thereafter,
- (b) any dealings with the interests referred to in paragraph (a), or affecting their priority, which are capable of being noted on the register,
- (c) sufficient details to enable any registered charge to be identified,
- (d) the name of the proprietor of any registered charge including, where the proprietor is a company registered under the Companies Acts, or a limited liability partnership incorporated under the Limited Liability Partnerships Act 2000, its registered number,
- (e) an address for service of the proprietor of any registered charge in accordance with rule 198,

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- (f) restrictions under section 40 of the Act, including one entered under section 86(4) of the Act, in relation to a registered charge,
- (g) notices under section 86(2) of the Act in relation to a registered charge, ^{F12}...
- (h) such other matters affecting the registered estate or any registered charge as are required to be entered in the charges register by these rules [^{F13}, and]
- ^{F14}(i) any matter otherwise required to be entered in any other part of the register which the registrar considers may more conveniently be entered in the charges register.]

Textual Amendments

- F11** Words in rule 9 substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 5(a)** (with rule 5)
- F12** Word in rule 9(g) omitted (10.11.2008) by virtue of [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 5(b)** (with rule 5)
- F13** Word in rule 9(h) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 5(c)** (with rule 5)
- F14** Rule 9(i) added (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 5(d)** (with rule 5)

PART 2

INDICES

Index to be kept under section 68 of the Act

- 10.—(1) The index to be kept under section 68 of the Act must comprise—
- (a) an index map from which it is possible to ascertain, in relation to a parcel of land, whether there is—
 - (i) a pending application for first registration (other than of title to a relating franchise),
 - (ii) a pending application for a caution against first registration (other than where the subject of the caution is a relating franchise),
 - (iii) a registered estate in land,
 - (iv) a registered rentcharge,
 - (v) a registered profit a prendre in gross,
 - (vi) a registered affecting franchise, or
 - (vii) a caution against first registration (other than where the subject of the caution is a relating franchise),and, if there is such a registered estate or caution, the title number, and
 - (b) an index of verbal descriptions of—
 - (i) pending applications for first registration of title to relating franchises,
 - (ii) pending applications for cautions against first registration where the subject of the caution is a relating franchise,
 - (iii) registered franchises which are relating franchises,
 - (iv) registered manors, and

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(v) cautions against first registration where the subject of the caution is a relating franchise,

and the title numbers of any such registered estates and cautions, arranged by administrative area.

(2) The information required to be shown in the index to be kept under section 68 is to be entered by the registrar in the index as soon as practicable.

Modifications etc. (not altering text)

C4 Rule 10(1)(b) restricted (13.10.2003) by [The Land Registration Act 2002 \(Transitional Provisions\) Order 2003 \(S.I. 2003/1953\)](#), arts. 1(1), **21(2)**

Index of proprietors' names

11.—(1) Subject to paragraph (2), the registrar must keep an index of proprietors' names, showing for each individual register the name of the proprietor of the registered estate and the proprietor of any registered charge together with the title number.

(2) Until every individual register is held in electronic form, the index need not contain the name of any corporate or joint proprietor of an estate or of a charge registered as proprietor prior to 1st May 1972.

[^{F15}(3) A person may apply in Form PN1 for a search to be made in the index in respect of—

- (a) his own name,
- (b) the name of a corporation aggregate, or
- (c) the name of some other person in whose property he can satisfy the registrar that he is interested generally (for instance as trustee in bankruptcy or personal representative).]

(4) On receipt of such an application the registrar must make the search and supply the applicant with details of every entry in the index relating to the particulars given in the application.

Textual Amendments

F15 Rule 11(3) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 6** (with rule 5)

The day list

12.—(1) The registrar must keep a record (known as the day list) showing the date and time at which every pending application under the Act or these rules was made and of every application for an official search with priority under rule 147.

(2) The entry of notice of an application for an official search with priority must remain on the day list until the priority period conferred by the entry has ceased to have effect.

(3) Where the registrar proposes to alter the register without having received an application he must enter his proposal on the day list and, when so entered, the proposal will have the same effect for the purposes of rules 15 and 20 as if it were an application to the registrar made at the date and time of its entry.

(4) In this rule the term “pending application” does not include [^{F16}an application made under rule 11(3),][^{F17}an application for a network access agreement under paragraph 1(4) of Schedule 5

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to the Act, or] an application within Part 13, other than an application that the registrar designate a document an exempt information document under rule 136.

Textual Amendments

- F16** Words in rule 12(4) added (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, **Sch. 1 para. 1**
- F17** Words in rule 12(4) inserted (4.8.2008) by [The Land Registration \(Electronic Conveyancing\) Rules 2008 \(S.I. 2008/1750\)](#), rule 1, **Sch. 2 Pt. 1 para. 1**

PART 3

APPLICATIONS: GENERAL PROVISIONS

Modifications etc. (not altering text)

- C5** Pt. 3 excluded (4.8.2008) by [The Land Registration \(Electronic Conveyancing\) Rules 2008 \(S.I. 2008/1750\)](#), rule 1, **Sch. 2 Pt. 2 para. 1**

[^{F18} Application for a network access agreement

A13. This Part does not apply to applications for a network access agreement under paragraph 1(4) of Schedule 5 to the Act.]

Textual Amendments

- F18** Rule A13 inserted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, **Sch. 1 para. 2**

Form AP1

13.—(1) Any application made under the Act or these rules for which no other application form is prescribed must be made in Form AP1.

(2) Paragraph (1) does not apply to—

- (a) an application to remove from the register the name of a deceased joint registered proprietor,
- (b) applications made under rule 14, or
- [^{F19}(c) an application to register an electronic disposition of a kind for which a registrar's notice has been given under rule 54C.]

Textual Amendments

- F19** Rule 13(2)(c) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, **Sch. 1 para. 3**

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Electronic delivery of applications

14. Any application to which rule 15 applies ^{F20}... may during the currency of any notice given under Schedule 2, and subject to and in accordance with the limitations contained in that notice, be delivered by electronic means and the applicant shall provide, in such order as may be required by that notice, such of the particulars required for an application of that type as are appropriate in the circumstances and as are required by the notice.

Textual Amendments

F20 Words in rule 14 omitted (6.4.2018) by virtue of [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 4](#)

Time at which applications are taken to be made

- 15.—**(1) An application received on a business day is to be taken as made at the earlier of—
- (a) the time of the day that notice of it is entered in the day list, or
 - (b) (i) midnight marking the end of the day it was received if the application was received before 12 noon, or
 - (ii) midnight marking the end of the next business day after the day it was received if the application was received at or after 12 noon.
- (2) An application received on a day which is not a business day is to be taken as made at the earlier of—
- (a) the time of [^{F21}the] day that notice of it is entered in the day list, or
 - (b) midnight marking the end of the next business day after the day it was received.
- (3) In this rule an application is received when it is delivered—
- (a) to the designated proper office in accordance with an order under section 100(3) of the Act, or [^{F22}, if no such order subsists, to the registrar under the provisions of any relevant direction by the registrar under section 100(4) of the Act as to the address to be used for the delivery of applications, or]
 - (b) to the registrar in accordance with a written arrangement as to delivery made between the registrar and the applicant or between the registrar and the applicant's conveyancer, or
 - (c) to the registrar under the provisions of any relevant notice given under Schedule 2.
- (4) This rule does not apply to applications under Part 13, other than an application that the registrar designate a document an exempt information document under rule 136.

Textual Amendments

F21 Word in rule 15(2)(a) substituted (4.8.2008) by [The Land Registration \(Electronic Conveyancing\) Rules 2008 \(S.I. 2008/1750\)](#), rule 1, [Sch. 2 Pt. 1 para. 2](#)

F22 Words in rule 15(3)(a) added (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 5](#)

Applications not in order

16.—(1) If an application is not in order the registrar may raise such requisitions as he considers necessary, specifying a period (being not less than twenty [^{F23}working] days) within which the applicant must comply with the requisitions.

(2) If the applicant fails to comply with the requisitions within that period, the registrar may cancel the application or may extend the period when this appears to him to be reasonable in the circumstances.

(3) If an application appears to the registrar to be substantially defective, he may reject it on delivery or he may cancel it at any time thereafter.

(4) Where a fee for an application is paid by means of a cheque and the registrar becomes aware, before that application has been completed, that the cheque has not been honoured, the application may be cancelled.

Textual Amendments

F23 Word in rule 16(1) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 6](#)

Additional evidence and enquiries

17. If the registrar at any time considers that the production of any further documents or evidence or the giving of any notice is necessary or desirable, he may refuse to complete or proceed with an application, or to do any act or make any entry, until such documents, evidence or notices have been supplied or given.

Continuation of application on a transfer by operation of law

18. If, before an application has been completed, the whole of the applicant's interest is transferred by operation of law, the application may be continued by the person entitled to that interest in consequence of that transfer.

Objections

19.—(1) Subject to paragraph (5), an objection under section 73 of the Act to an application must be made by delivering to the registrar at the appropriate office a written statement signed by the objector or his conveyancer.

(2) The statement must—

- (a) state that the objector objects to the application,
- (b) state the grounds for the objection, and
- (c) give the full name of the objector and an address ^{F24}for service in accordance with rule 198].

(3) Subject to paragraph (5), the written statement referred to in paragraph (1) must be delivered—

- (a) in paper form, or
- (b) to the electronic address ^{F25}.]

^{F26}(c)

(4) In paragraph (3) the reference to the electronic address ^{F27}... is to the electronic address ^{F27}... for the appropriate office specified in a direction by the registrar under section 100(4) of the Act as that to be used for delivery of objections.

(5) Where a person is objecting to an application in response to a notice given by the registrar, he may alternatively do so in the manner and to the address stated in the notice as provided by rule 197(1)(c).

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(6) In this rule the appropriate office is the same office as the proper office, designated under an order under section 100(3) of the Act, for the receipt of an application relating to the land in respect of which the objection is made, but on the assumption that if the order contains exceptions none of the exceptions apply to that application [F28, or, if no such order subsists, the address stated in any relevant direction by the registrar under section 100(4) of the Act as to the address to be used for the delivery of objections.]

Textual Amendments

- F24** Words in rule 19(2)(c) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 7** (with rule 5)
- F25** Full stop in rule 19(3)(b) substituted for word (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, **Sch. 1 para. 7(1)**
- F26** Rule 19(3)(c) omitted (6.4.2018) by virtue of [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, **Sch. 1 para. 7(2)**
- F27** Words in rule 19(4) omitted (6.4.2018) by virtue of [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, **Sch. 1 para. 8**
- F28** Words in rule 19(6) added (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, **Sch. 1 para. 9**

Completion of applications

20.—(1) Any entry in, removal of an entry from or alteration of the register pursuant to an application under the Act or these rules has effect from the time of the making of the application.

(2) — This rule does not apply to the applications mentioned in section 74 of the Act.

PART 4

FIRST REGISTRATION

First registration—application by mortgagee

21. A mortgagee under a mortgage falling within section 4(1)(g) of the Act may make an application in the name of the mortgagor for the estate charged by the mortgage to be registered whether or not the mortgagor consents.

Registration of a proprietor of a charge falling within section 4(1)(g) of the Act

22.—(1) This rule applies to an application for first registration made—

- (a) under rule 21, or
- (b) by the owner of an estate that is subject to a legal charge falling within section 4(1)(g) of the Act.

(2) The registrar must enter the mortgagee of the legal charge falling within section 4(1)(g) of the Act as the proprietor of that charge if he is satisfied of that person's entitlement.

First registration—application form

23.—(1) Subject to paragraph (2), an application for first registration must be made in Form FR1.

(2) Where Her Majesty applies for the first registration of an estate under section 79 of the Act, Form FR1 must be used with such modifications to it as are appropriate and have been approved by the registrar.

Documents to be delivered with a first registration application

24.—(1) Unless the registrar otherwise directs, every application for first registration must be accompanied by—

- (a) sufficient details, by plan or otherwise (subject to rules 25 and 26), so that the land can be identified clearly on the Ordnance Survey map,
- (b) in the case of a leasehold estate, the lease, if in the control of the applicant, and a certified copy,
- (c) all deeds and documents relating to the title that are in the control of the applicant,
- (d) a list in duplicate in Form DL of all the documents delivered.

(2) On an application to register a rentcharge, franchise or profit a prendre in gross, the land to be identified under paragraph (1)(a) is the land affected by that estate or to which it relates.

First registration of mines and minerals

25. When applying for first registration of an estate in mines and minerals held apart from the surface, the applicant must provide—

- (a) a plan of the surface under which the mines and minerals lie,
- (b) any other sufficient details by plan or otherwise so that the mines and minerals can be identified clearly, and
- (c) full details of rights incidental to the working of the mines and minerals.

First registration of cellars, flats, tunnels etc

26.—(1) Subject to paragraph (2), unless all of the land above and below the surface is included in an application for first registration the applicant must provide a plan of the surface on under or over which the land to be registered lies, and sufficient information to define the vertical and horizontal extents of the land.

(2) This rule does not apply where only mines and minerals are excluded from the application.

First registration application [^{F29}based on adverse possession or] where title documents are [^{F29}otherwise] unavailable

27.—[^{F30}(1)] An application for first registration by a person who is unable to produce a full documentary title must be supported by evidence—

- (a) to satisfy the registrar that the applicant is entitled to apply under section 3(2) of the Act or required to apply under section 6(1) of the Act, and
- (b) where appropriate, to account for the absence of documentary evidence of title.

[^{F31}(2) The evidence referred to in paragraph (1) may consist of, or include, a statement of truth, which may be made in Form ST1, ST2 or ST3, as appropriate.]

Textual Amendments

F29 Words in rule 27 heading inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 8(1)** (with rule 5)

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- F30** Rule 27(1): rule 27 renumbered as rule 27(1) (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 8(2)** (with rule 5)
- F31** Rule 27(2) added (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 8(3)** (with rule 5)

[^{F32}First registration – where land is or was listed as land of community value

27A.—(1) An owner of listed land who applies for first registration of that land, or where rule 21 applies a mortgagee who makes such an application in the name of the owner, must at the same time apply for entry of a restriction in Form QQ in respect of that land.

(2) Where a person applies for first registration of land and any of the deeds and documents accompanying the application (in accordance with rule 24(1)(c)) includes a conveyance or lease to the applicant or to a predecessor in title made at any time when the land was listed land, the applicant must in respect of each such conveyance or lease provide a certificate by a conveyancer that the conveyance or lease did not contravene section 95(1) of the Localism Act 2011.

(3) In this rule—

- (a) “listed land” means land entered in a local authority’s list of assets of community value maintained under section 87(1) of the Localism Act 2011, and
- (b) “owner” has the same meaning as in section 107 of the Localism Act 2011, except that it includes a person who would be such an owner but for the effect of section 7(1) and (2) of the Act.]

Textual Amendments

- F32** Rule 27A inserted (E.) (21.9.2012) by [The Assets of Community Value \(England\) Regulations 2012 \(S.I. 2012/2421\)](#), reg. 1(1), **Sch. 4 para. 2**

Duty to disclose unregistered interests that override first registration

28.—(1) Subject to paragraph (2), a person applying for first registration must provide information to the registrar about any of the interests that fall within Schedule 1 to the Act that—

- (a) are within the actual knowledge of the applicant, and
- (b) affect the estate to which the application relates,

in Form DI.

(2) The applicant is not required to provide information about—

- (a) an interest that under section 33 or 90(4) of the Act cannot be protected by notice,
- (b) an interest that is apparent from the deeds and documents of title accompanying the application under rule 24,
- (c) a public right,
- (d) a local land charge,
- (e) a leasehold estate in land if—
 - (i) it is within paragraph 1 of Schedule 1 to the Act, and
 - (ii) at the time of the application, the term granted by the lease has one year or less to run.

(3) In this rule and in Form FR1, a “disclosable overriding interest” is an interest that the applicant must provide information about under paragraph (1).

(4) Where the applicant provides information about a disclosable overriding interest under this rule, the registrar may enter a notice in the register in respect of that interest.

First registration—examination of title

29. In examining the title shown by the documents accompanying an application for first registration the registrar may have regard to any examination of title by a conveyancer prior to the application and to the nature of the property.

Searches and enquiries by the registrar

- 30.** In examining title on an application for first registration the registrar may—
- (a) make searches and enquiries and give notices to other persons,
 - (b) direct that searches and enquiries be made by the applicant,
 - (c) advertise the application.

First registration—foreshore

31.—(1) Where it appears to the registrar that any land included in an application for first registration comprises foreshore, he must serve a notice of that application on—

- (a) the Crown Estate Commissioners in every case,
- (b) the Chancellor of the Duchy of Lancaster in the case of land in the county palatine of Lancaster,
- (c) the appropriate person in the case of land in the counties of Devon and Cornwall and in the Isles of Scilly and in the case of land within the jurisdiction of the Port of London Authority, and
- (d) the Port of London Authority in the case of land within its jurisdiction.

(2) A notice under paragraph (1) must provide a period ending at 12 noon on the twentieth [F33 working] day after the date of issue of the notice in which to object to the application.

(3) A notice need not be served under paragraph (1) where, if it was served, it would result in it being served on the applicant for first registration.

(4) In this rule—

“the appropriate person” means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints,

“foreshore” has the meaning given by paragraph 13(3) of Schedule 6 to the Act.

Textual Amendments

F33 Word in [rule 31\(2\)](#) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), [rule 1](#), [Sch. 1 para. 6](#)

Mines and minerals—note as to inclusion or exclusion

32. Where, on first registration of an estate in land which comprises or includes the land beneath the surface, the registrar is satisfied that the mines and minerals are included in or excluded from the applicant's title he must make an appropriate note in the register.

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First registration—entry of beneficial rights

33.—(1) The benefit of an appurtenant right may be entered in the register at the time of first registration if—

- (a) on examination of the title, or
- (b) on receipt of a written application providing details of the right and evidence of its existence,

the registrar is satisfied that the right subsists as a legal estate and benefits the registered estate.

(2) If the registrar is not satisfied that the right subsists as a legal interest benefiting the registered estate, he may enter details of the right claimed in the property register with such qualification as he considers appropriate.

[^{F34}(3) The evidence referred to in paragraph (1)(b) may consist of, or include, a statement of truth, which may be made in Form ST4 if appropriate.]

Textual Amendments

F34 Rule 33(3) added (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 9](#) (with rule 5)

First registration—registration of a proprietor of a legal mortgage not within rule 22 or rule 38

34.—(1) The registrar must enter the mortgagee of a legal mortgage to which this rule applies as the proprietor of that charge if on first registration of the legal estate charged by that charge he is satisfied of that person's entitlement.

- (2) This rule applies to a legal mortgage—
 - (a) which is either—
 - (i) a charge on the legal estate that is being registered, or
 - (ii) is a charge on such charge, and
 - (b) which is not a charge falling within rule 22 or rule 38.

First registration—entry of burdens

35.—(1) On first registration the registrar must enter a notice in the register of the burden of any interest which appears from his examination of the title to affect the registered estate.

- (2) This rule does not apply to—
 - (a) an interest that under section 33 or 90(4) of the Act cannot be protected by notice,
 - (b) a public right,
 - (c) a local land charge,
 - (d) an interest which appears to the registrar to be of a trivial or obvious character, or the entry of a notice in respect of which would be likely to cause confusion or inconvenience.

First registration—note as to rights of light and air

36. On first registration, if it appears to the registrar that an agreement prevents the acquisition of rights of light or air for the benefit of the registered estate, he may make an entry in the property register of that estate.

First registration—notice of lease

37.—^[F35](1) This rule applies where—

- (a) an application is made for registration of a leasehold estate under Chapter 1 of Part 2 of the Act,
- (b) at the time of the grant of the lease—
 - (i) the reversion was not registered, or
 - (ii) the reversion was registered but the grant of the lease was not required to be completed by registration,
- (c) the registrar is satisfied that a particular registered estate is the reversion, and
- (d) the lease is not noted in the register of the registered reversion.]

^[F35](2) Before completing registration of the leasehold estate, the registrar must give notice of the application to the proprietor of the registered reversion, unless it is apparent from the application that the proprietor consents to the registration.]

(3) On completing registration of the leasehold estate, the registrar must enter notice of the lease in the register of the registered reversion.

(4) In this rule, “the reversion” refers to the estate that is the immediate reversion to the lease that is the subject of the application referred to in paragraph (1) and “registered reversion” refers to such estate when it is a registered estate.

Textual Amendments

F35 Rule 37(1)(2) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 10](#) (with rule 5)

Application of the Act to dealings prior to first registration

38.—(1) If, while a person is subject to a duty under section 6 of the Act to make an application to be registered as proprietor of a legal estate, there is a dealing with that estate, then the Act applies to that dealing as if the dealing had taken place after the date of first registration of that estate.

(2) The registration of any dealing falling within paragraph (1) that is delivered for registration with the application made pursuant to section 6 has effect from the time of the making of that application.

PART 5

CAUTIONS AGAINST FIRST REGISTRATION

Modifications etc. (not altering text)

C6 Pt. 5 applied (with modifications) (13.10.2003) by [The Land Registration Act 2002 \(Transitional Provisions\) Order 2003 \(S.I. 2003/1953\)](#), arts. 1(1), [14](#)

Definitions

39. In this Part—

“cautioner” has the same meaning as in section 22 of the Act (read with rule 52),

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“cautioner's register“ is the register so named in rule 41(2) the contents of which are described in rule 41(5),

“relevant interest” means the interest claimed by the cautioner in the unregistered legal estate to which the caution against first registration relates.

Form and arrangement of the cautions register

40.—(1) The cautions register may be kept in electronic or paper form, or partly in one form and partly in the other.

(2) Subject to paragraph (3), the cautions register will comprise an individual caution register for each caution against the registration of title to an unregistered estate.

(3) On registration of a caution, the registrar may open an individual caution register for each separate area of land affected by the caution as he designates.

Arrangement of individual caution registers

41.—(1) Each individual caution register will have a distinguishing number, or series of letters and numbers, known as the caution title number.

(2) Each individual caution register will be in two parts called the caution property register and the cautioner's register.

(3) The caution property register will contain—

- (a) a description of the legal estate to which the caution relates, and
- (b) a description of the relevant interest.

(4) Where the legal estate to which the caution relates is an estate in land, a rentcharge, or an affecting franchise, the description will refer to a caution plan, which plan will be based on the Ordnance Survey map.

(5) The cautioner's register will contain—

- (a) the name of the cautioner including, where the cautioner is a company registered under the Companies Acts, or a limited liability partnership incorporated under the Limited Liability Partnerships Act 2000 ^{M3}, its registered number,
- (b) an address for service in accordance with rule 198, and
- (c) where appropriate, details of any person consenting to the lodging of the caution under rule 47.

Marginal Citations

M3 2000 c. 12.

Caution against first registration—application

42. An application for a caution against first registration must be made in Form CT1 and contain sufficient details, by plan or otherwise, so that the extent of the land to which the caution relates can be identified clearly on the Ordnance Survey map.

Withdrawal of a caution against first registration—application

43. An application to withdraw a caution against first registration must be made in Form WCT and, if the application is made in respect of part only of the land to which the individual caution

register relates, it must contain sufficient details, by plan or otherwise, so that the extent of that part can be identified clearly on the Ordnance Survey map.

Cancellation of a caution against first registration—application

44.—(1) Subject to paragraph (5), an application for the cancellation of a caution against first registration must be in Form CCT.

(2) Where the application is made in respect of part only of the land to which the individual caution register relates, it must contain sufficient details, by plan or otherwise, so that the extent of that part can be identified clearly on the Ordnance Survey map.

(3) Where a person applies under section 18(1)(a) of the Act or rule 45(a) or (b)(ii), evidence to satisfy the registrar that he is entitled to apply must accompany the application.

(4) Where the applicant, or a person from whom the applicant derives title to the legal estate by operation of law, has consented to the lodging of the caution, evidence of the facts referred to in rule 46 must accompany the application.

(5) Where an application is made for the cancellation of a caution against first registration by Her Majesty by virtue of rule 45(b)(i), Form CCT must be used with such modifications to it as are appropriate and have been approved by the registrar.

Other persons who may apply to cancel a caution against first registration

45. In addition to the owner of the legal estate to which the caution relates—

- (a) the owner of a legal estate derived out of that estate, and
- (b) where the land to which the caution relates is demesne land,
 - (i) Her Majesty, or
 - (ii) the owner of a legal estate affecting the demesne land,

may apply under section 18(1)(b) of the Act for cancellation of a caution against first registration.

Application for cancellation of a caution against first registration by a person who originally consented

46. A person to whom section 18(2) of the Act applies may make an application for cancellation of a caution against first registration only if—

- (a) the relevant interest has come to an end, or
- (b) the consent referred to in section 18(2) was induced by fraud, misrepresentation, mistake or undue influence or given under duress.

Consent to registration of a caution against first registration

47. For the purposes of section 18(2) of the Act a person consents to the lodging of a caution against first registration if before the caution is entered in the cautions register—

- (a) he has confirmed in writing that he consents to the lodging of the caution, and
- (b) that consent is produced to the registrar.

Alteration of the cautions register by the court

48.—(1) If in any proceedings the court decides that the cautioner does not own the relevant interest, or only owns part, or that such interest either wholly or in part did not exist or has come

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to an end, the court must make an order for alteration of the cautions register under section 20(1) of the Act.

(2) An order for alteration of the cautions register must state the caution title number of the individual caution register affected, describe the alteration that is to be made, and direct the registrar to make the alteration.

(3) For the purposes of section 20(2) of the Act an order for alteration of the cautions register may only be served on the registrar by making an application for him to give effect to the order.

[^{F36}Alteration of the cautions register by the registrar]

[^{F36}49.—(1) Subject to paragraph (2), if the registrar is satisfied that the cautioner does not own the relevant interest, or only owns part, or that such interest did not exist or has come to an end wholly or in part, he must on application alter the cautions register under section 21(1) of the Act.

(2) The registrar is not obliged to alter the cautions register under section 21(1) of the Act to substitute another person for the cautioner in the cautioner's register unless the whole of the relevant interest is vested in that other person by operation of law.]

Textual Amendments

F36 Rule 49 substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 11](#) (with rule 5)

Applications to the registrar to alter the cautions register and service of notice

50.—(1) A person who wishes the registrar to alter the cautions register under section 21(1) of the Act must request the registrar to do so by an application, which must include—

- (a) written details of the alteration required and of the grounds on which the application is made, and
- (b) any supporting document.

(2) Before the registrar alters the cautions register under section 21(1) of the Act he must serve a notice on the cautioner giving details of the application, unless the registrar is satisfied that service of the notice is unnecessary.

Alteration of the cautions register—alteration of cautioner

51.—(1) A person who claims that the whole of the relevant interest described in an individual caution register is vested in him by operation of law as successor to the cautioner may apply for the register to be altered under section 21(1) of the Act to [^{F37}substitute him for the] cautioner in the cautioner's register ^{F38}....

(2) If the registrar does not serve notice under rule 50(2) or if the cautioner does not object within the time specified in the notice, the registrar must give effect to the application.

Textual Amendments

F37 Words in rule 51(1) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 12](#) (with rule 5)

F38 Words in rule 51(1) omitted (10.11.2008) by virtue of [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 12](#) (with rule 5)

[^{F39}Definition of “the cautioner”]

[^{F39}52.—(1) The other person referred to in sections 22 and 73(2) of the Act shall be the person for the time being shown as cautioner in the cautioner’s register, where that person is not the person who lodged the caution against first registration.

(2) Where the cautioner shown in the cautioner’s register comprises more than one person, then each such person has a separate right to object to an application made under section 18 of the Act.]

Textual Amendments

F39 Rule 52 substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 13](#) (with rule 5)

The prescribed periods under section 16(2) and section 18(4) of the Act

53.—(1) The period for the purpose of section 16(2) and section 18(4) of the Act is the period ending at 12 noon on the fifteenth [^{F40}working] day after the date of issue of the notice under section 16(1) or section 18(3) of the Act, as the case may be, or such longer period as the registrar may allow following a request under paragraph (2), provided that the longer period never exceeds a period ending at 12 noon on the thirtieth [^{F40}working] day after the date of issue of the notice.

(2) The request referred to in paragraph (1) is one by the cautioner to the registrar setting out why the longer period referred to in that paragraph should be allowed.

(3) If a request is received under paragraph (2), the registrar may, if he considers it appropriate, seek the views of the person who applied for registration or cancellation, as the case may be, and if, after considering any such views and all other relevant matters, he is satisfied that a longer period should be allowed he may allow such period (not exceeding a period ending at 12 noon on the thirtieth [^{F41}working] day after the date of issue of the notice) as he considers appropriate, whether or not the period is the same as any period requested by the cautioner.

(4) A request under paragraph (2) must be made before the period ending at 12 noon on the fifteenth [^{F42}working] day after the date of issue of the notice has expired.

Textual Amendments

F40 Word in [rule 53\(1\)](#) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 6](#)

F41 Word in [rule 53\(3\)](#) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 6](#)

F42 Word in [rule 53\(4\)](#) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 6](#)

PART 6

REGISTERED LAND: APPLICATIONS, DISPOSITIONS AND MISCELLANEOUS ENTRIES

Applications

Outline applications

^{F43}54.

Textual Amendments

F43 Rule 54 omitted (6.4.2018) by virtue of [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 10](#)

[^{F44}Electronic dispositions

54A. A disposition of a registered estate or charge which is a registrable disposition is a disposition falling within section 91(2) of the Act (electronic dispositions).

54B. The following are conditions to be met for the purpose of section 91(3)(d) of the Act—

- (a) the document purports to effect a kind of disposition which is specified in a notice given under rule 54C,
- (b) the document, each electronic signature which the document has and the certification of each electronic signature are in accordance with any requirements in such a notice, and,
- (c) such other conditions contained in the notice given under rule 54C as are appropriate to a document of that type.

54C.—(1) If the registrar is satisfied that adequate arrangements have been made or will be in place for dealing with documents in electronic form that purport to effect a disposition of a kind falling within rule 54A, he may, in such manner as he thinks appropriate, give notice publicising the fact.

(2) Subject to paragraphs (3), (4) and (5), a notice given under paragraph (1) will be current from the time specified in the notice until the time, if any, specified in the notice or, if no expiry date is specified in the notice, indefinitely.

(3) Subject to paragraph (6), a notice given under paragraph (1) may from time to time be varied, suspended, withdrawn, renewed or replaced by a further notice.

(4) Subject to paragraph (6), if and so long as owing to the breakdown or other unavailability of facilities or data involved in giving effect to the arrangements referred to in paragraph (1), such arrangements cease, in whole or part, to be effective, the notice shall cease, to the necessary extent, to be treated as current.

(5) Paragraph (4) will apply despite the absence of a variation, suspension or withdrawal of the notice under paragraph (3).

(6) On the occurrence of any of the events mentioned in paragraphs (3) and (4), if a document in electronic form has been prepared and has taken effect, but the disposition effected by it has not been registered, the registrar must make such arrangements as are appropriate for that disposition to be registered.

54D. The notice referred to in rule 54C—

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- (a) must specify the kind of dispositions to which it relates, and may specify only one kind of disposition or more than one kind of disposition referred to in rule 54A,
- (b) may make exceptions and limitations to a specified kind of disposition,
- (c) may apply different conditions for each specified kind of disposition.]

Textual Amendments

F44 Rules 54A-54D inserted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 11](#)

Priority of applications

55.—(1) Where two or more applications relating to the same registered title are under the provisions of rule 15 taken as having been made at the same time, the order in which, as between each other, they rank in priority shall be determined in the manner prescribed by this rule.

(2) Where the applications are made by the same applicant, they rank in such order as he may specify.

(3) Where the applications are not made by the same applicant, they rank in such order as the applicants may specify that they have agreed.

(4) Where the applications are not made by the same applicant, and the applicants have not specified the agreed order of priority, the registrar must notify the applicants that their applications are regarded as having been delivered at the same time and request them to agree, within a specified time (being not less than fifteen [^{F45}working] days), their order of priority.

(5) Where the parties fail within the time specified by the registrar to indicate the order of priority of their applications the registrar must propose the order of priority and serve notice on the applicants of his proposal.

(6) Any notice served under paragraph (5) must draw attention to the right of any applicant who does not agree with the registrar's proposal to object to another applicant's application under the provisions of section 73 of the Act.

(7) Where one transaction is dependent upon another the registrar must assume (unless the contrary appears) that the applicants have specified that the applications will have priority so as to give effect to the sequence of the documents effecting the transactions.

Textual Amendments

F45 Word in [rule 55\(4\)](#) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 6](#)

Dispositions affecting two or more registered titles

56.—(1) A disposition affecting two or more registered titles may, on the written request of the applicant, be registered as to some or only one of the registered titles.

(2) The applicant may later apply to have the disposition registered as to any of the other registered titles affected by it.

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Duty to disclose unregistered interests that override registered dispositions

57.—(1) Subject to paragraph (2), a person applying to register a registrable disposition of a registered estate must provide information to the registrar about any of the interests that fall within Schedule 3 to the Act that—

- (a) are within the actual knowledge of the applicant, and
- (b) affect the estate to which the application relates,

in Form DI.

(2) The applicant is not required to provide information about—

- (a) an interest that under section 33 or 90(4) of the Act cannot be protected by notice,
- (b) a public right,
- (c) a local land charge, or
- (d) a leasehold estate in land if—
 - (i) it is within paragraph 1 of Schedule 3 to the Act, and
 - (ii) at the time of the application, the term granted by the lease has one year or less to run.

(3) In this rule and in Form AP1, a “disclosable overriding interest” is an interest that the applicant must provide information about under paragraph (1).

(4) The applicant must produce to the registrar any documentary evidence of the existence of a disclosable overriding interest that is under his control.

(5) Where the applicant provides information about a disclosable overriding interest under this rule, the registrar may enter a notice in the register in respect of that interest.

Modifications etc. (not altering text)

C7 Rule 57 excluded (4.8.2008) by [The Land Registration \(Electronic Conveyancing\) Rules 2008 \(S.I. 2008/1750\)](#), rule 1, [Sch. 2 Pt. 2 para. 2](#)

Registrable dispositions—Form

Form of transfer of registered estates

58. A transfer of a registered estate must be in Form TP1, TP2, ^{F46}... TR1, TR2, TR5, AS1 or AS3, as appropriate [^{F47}unless it is effected by an electronic document to which section 91 of the Act applies.]

Textual Amendments

F46 Word in rule 58 omitted (10.11.2008) by virtue of [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 15](#) (with rule 5)

F47 Words in rule 58 added (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 12](#)

[^{F48}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 regrant, 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.]

[^{F49}(5) If a prescribed clauses lease is an electronic document to which section 91 of the Act applies, the required wording will be such of the wording in clauses LR1 to LR14 of Schedule 1A, and in such order, as is required by the notice given under rule 54C.

(6) Where the required wording is provided under paragraph (5) it must be to like effect to that which would have been provided had the wording been given in paper form.]

Textual Amendments

F48 Rule 58A inserted (9.1.2006) by [The Land Registration \(Amendment\) \(No 2\) Rules 2005 \(S.I. 2005/1982\)](#), rules 1(2), **5**

F49 Rule 58A(5)(6) added (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, **Sch. 1 para. 13**

Transfers by way of exchange

59.—(1) Where any registered estate is transferred wholly or partly in consideration of a transfer of another estate, the transaction must be effected by a transfer in one of the forms prescribed by rule 58.

(2) A receipt for the equality money (if any) must be given in the receipt panel and the following provision must be included in the additional provisions panel—

“This transfer is in consideration of a transfer (*or conveyance, or as appropriate,*) of (*brief description of property exchanged*) dated today [*if applicable*, and of the sum stated above paid for equality of exchange].”

Transfer of leasehold land, the rent being apportioned or land exonerated

60.—(1) A transfer of a registered leasehold estate in land which contains a legal apportionment of or exoneration from the rent reserved by the lease must include the following statement in the additional provisions panel, with any necessary alterations and additions—

“Liability for the payment of [*if applicable* the previously apportioned rent of (*amount*) being part of] the rent reserved by the registered lease is apportioned between the Transferor and the Transferee as follows—

(*amount*) shall be payable out of the Property and the balance shall be payable out of the land remaining in title number (*title number of retained land*) or

the whole of that rent shall be payable out of the Property and none of it shall be payable out of the land remaining in title number (*title number of retained land*) or

the whole of that rent shall be payable out of the land remaining in title number (*title number of retained land*) and none of it shall be payable out of the Property”.

(2) Where in a transfer of part of a registered leasehold estate which is held under an old tenancy that part is, without the consent of the lessor, expressed to be exonerated from the entire rent, and the covenants in paragraph 20(4) of Schedule 12 to the Act are included, that paragraph shall apply as if—

- (a) the reference in paragraph 20(4)(a) to the rent apportioned to the part retained were to the entire rent, and
- (b) the covenants in paragraphs 20(4)(b) and (c) extended to a covenant to pay the entire rent.

(3) Where in a transfer of part of a registered leasehold estate which is held under an old tenancy that part is, without the consent of the lessor, expressed to be subject to or charged with the entire rent, and the covenants in paragraph 20(3) of Schedule 12 to the Act are included, that paragraph shall apply as if—

- (a) the reference in paragraph 20(3)(a) to the rent apportioned to the part transferred were to the entire rent, and
- (b) the covenants in paragraphs 20(3)(b) and (c) extended to a covenant to pay the entire rent.

Execution by an attorney

Documents executed by attorney

61.—(1) If any document executed by an attorney is delivered to the land registry, there must be produced to the registrar—

- (a) the instrument creating the power, or
- (b) a copy of the power by means of which its contents may be proved under section 3 of the Powers of Attorney Act 1971 ^{M4}, or
- ^{F50}(c) a document which under section 4 of the Evidence and Powers of Attorney Act 1940, paragraph 16 of Part 2 of Schedule 1, or paragraph 15(3) of Part 5 of Schedule 4 to the Mental Capacity Act 2005 (c.9) is sufficient evidence of the contents of the power, or]
- (d) a certificate by a conveyancer in Form 1.

^{F51}(2) If an order or direction under section 22 or 23 of, or paragraph 16 of Part 5 of Schedule 4 to, the Mental Capacity Act 2005 has been made with respect to a power or the donor of the power or the attorney appointed under it, the order or direction must be produced to the registrar.]

(3) In this rule, “power” means the power of attorney.

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Textual Amendments

- F50** Rule 61(1)(c) substituted (1.10.2007) by [The Mental Capacity Act 2005 \(Transitional and Consequential Provisions\) Order 2007 \(S.I. 2007/1898\)](#), art. 1, **Sch. 1 para. 31(2)(a)**
- F51** Rule 61(2) substituted (1.10.2007) by [The Mental Capacity Act 2005 \(Transitional and Consequential Provisions\) Order 2007 \(S.I. 2007/1898\)](#), art. 1, **Sch. 1 para. 31(2)(b)**

Marginal Citations

- M4** 1971 c. 27.

Evidence of non-revocation of power more than 12 months old

62.—(1) If any transaction between a donee of a power of attorney and the person dealing with him is not completed within 12 months of the date on which the power came into operation, the registrar may require the production of evidence to satisfy him that the power had not been revoked at the time of the transaction.

(2) The evidence that the registrar may require under paragraph (1) may consist of or include a statutory declaration [^{F52}or statement of truth] by the person who dealt with the attorney or a certificate given by that person's conveyancer in Form 2.

Textual Amendments

- F52** Words in rule 62(2) inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 16** (with rule 5)

Evidence in support of power delegating trustees' functions to a beneficiary

63.—(1) If any document executed by an attorney to whom functions have been delegated under section 9 of the Trusts of Land and Appointment of Trustees Act 1996 ^{M5} is delivered to the registrar, the registrar may require the production of evidence to satisfy him that the person who dealt with the attorney—

- (a) did so in good faith, and
- (b) had no knowledge at the time of the completion of the transaction that the attorney was not a person to whom the functions of the trustees in relation to the land to which the application relates could be delegated under that section.

(2) The evidence that the registrar may require under paragraph (1) may consist of or include a statutory declaration [^{F53}or statement of truth] by the person who dealt with the attorney or a certificate given by that person's conveyancer either in Form 3 or, where evidence of non-revocation is also required pursuant to rule 62, in Form 2.

Textual Amendments

- F53** Words in rule 63(2) inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 17** (with rule 5)

Marginal Citations

- M5** 1996 c. 47.

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

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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 [^{F54}a covenant implied under section 4(1)(b)] of the 1994 Act.

(7) In this rule “the LPA 1925” means the Law of Property Act 1925 ^{M6} and “the 1994 Act” means the Law of Property (Miscellaneous Provisions) Act 1994 ^{M7}.

Textual Amendments

F54 Words in rule 67(6) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 18](#) (with rule 5)

Marginal Citations

M6 1925 c. 20.

M7 1994 c. 36.

[^{F55}Additional provision as to implied covenants]

[^{F55}**68.** A document effecting a registrable disposition of leasehold land which limits or extends a covenant implied under section 4(1)(b) of the Law of Property (Miscellaneous Provisions) Act 1994 must do so by express reference to that section.]

Textual Amendments

F55 Rule 68 substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 19](#) (with rule 5)

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—

- (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

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- (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.

Mines or minerals

[^{F56} **Description of land where mines or minerals situated**]

[^{F56}70. Where the registrar is describing a registered estate in land in the property register by reference to land where mines or minerals are or may be situated, he may make an entry to the effect that the description is an entry made under rule 5(a) and is not a note that the registered estate includes the mines or minerals for the purposes of paragraph 2 of Schedule 8 to the Act.]

Textual Amendments

F56 Rule 70 substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 20](#) (with rule 5)

[^{F57} **Note as to inclusion of mines or minerals in the registered estate**]

[^{F57}71.—(1) An application for a note to be entered that a registered estate includes the mines or minerals, or specified mines or minerals, must be accompanied by evidence to satisfy the registrar that those mines or minerals are included in the registered estate.

(2) If the registrar is satisfied that those mines or minerals are included in the registered estate, he must enter the appropriate note.]

Textual Amendments

F57 Rule 71 substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 21](#) (with rule 5)

Miscellaneous entries

[^{F58} **Register entries arising from transfers and charges of part**]

[^{F58}72.—(1) Subject to paragraphs (2) and (3), on registration of a transfer or charge of part of the registered estate in a registered title the registrar must make an entry in the property register of that registered title referring to the removal of the estate comprised in the transfer or charge.

(2) The registrar may, instead of making the entry referred to in paragraph (1), make a new edition of the registered title out of which the transfer or charge is made and, if the registrar considers it desirable, he may allot a new title number to that registered title.

(3) Paragraph (1) only applies to a charge of part of a registered estate in a registered title if the registrar decides that the charged part will be comprised in a separate registered title from the uncharged part.

(4) Subject to paragraph (5), on registration of a transfer or charge of part of the registered estate in a registered title the registrar must (where appropriate) make entries in the relevant individual registers in respect of any rights, restrictive covenants, provisions and other matters created by the transfer or charge which are capable of being entered in an individual register.

(5) The registrar need make no entries under paragraph (4) in individual registers where the title numbers of those registers in which entries are to be made have not been given in panel 2 of the Form AP1 lodged for the purpose of registering the transfer or charge, unless separate application is made in respect of the rights, restrictive covenants, provisions or other matters.

(6) Unless the Form AP1 contains a specific application, the registrar need not complete under paragraph 6 of Schedule 2 to the Act the registration of an interest of a kind falling within section 1(2)(b) of the Law of Property Act 1925 contained in a transfer or charge of part of the registered estate in a registered title.]

Textual Amendments

F58 Rule 72 substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 22](#) (with rule 5)

[^{F59} 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.

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(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).]

Textual Amendments

F59 Rule 72A inserted (9.1.2006) by [The Land Registration \(Amendment\) \(No 2\) Rules 2005 \(S.I. 2005/1982\)](#), [rules 1\(2\), 6](#)

[^{F60}E] Entries in the tenant’s registered title in respect of notices in the landlord’s registered title

72B. On completion of a lease within section 27(2)(b) or (c) of the Act by registration, the registrar must enter a notice or make another entry, as appropriate, in the individual register of the registered lease in respect of any interest which—

- (a) at the time of registration, is the subject of a notice in the individual register of the registered estate out of which the lease is granted, and
- (b) the registrar considers may affect the registered lease.

Textual Amendments

F60 Rules 72B, 72C inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), [rule 2\(1\), Sch. 1 para. 23](#) (with rule 5)

Register entries arising from other registrable dispositions

72C.—(1) This rule applies to dispositions of registered estates within section 27(2) of the Act, to which rules 72 and 72A do not apply.

(2) Subject to paragraph (3), on registration of a disposition within paragraph (1), the registrar must (where appropriate) make entries in the relevant individual registers in respect of any rights, restrictive covenants, provisions and other matters created by the disposition which are capable of being entered in an individual register.

(3) The registrar need make no entries in individual registers under paragraph (2) where the title numbers of those registers have not been given in panel 2 of the Form AP1 lodged for the purpose of registering the disposition, unless separate application is made in respect of the rights, restrictive covenants, provisions or other matters.

(4) Unless the Form AP1 contains a specific application, the registrar need not complete under paragraph 6 of Schedule 2 to the Act the registration of an interest of a kind falling within section 1(2)(b) of the Law of Property Act 1925 contained in a disposition within paragraph (1).]

Textual Amendments

F60 Rules 72B, 72C inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), [rule 2\(1\), Sch. 1 para. 23](#) (with rule 5)

[^{F61}Application for register entries for legal easements and profits a prendre]

[^{F61}73A.—(1) A proprietor of a registered estate may apply to be registered as the proprietor of a legal easement or profit a prendre which—

- (a) has been expressly granted or reserved over an unregistered estate, or
- (b) has been acquired otherwise than by express grant or reservation.

(2) The application must be accompanied by evidence to satisfy the registrar that the easement or profit a prendre is a legal estate which subsists for the benefit of the applicant's registered estate.

(3) In paragraph (1)(a) the reference to express grant does not include a grant as a result of the operation of section 62 of the Law of Property Act 1925, but the reference in paragraph (1)(b) to acquisition otherwise than by express grant does include an acquisition as a result of the operation of that section.

(4) The evidence referred to in paragraph (2) may consist of, or include, a statement of truth, which may be made in Form ST4, if appropriate.

(5) Where the registrar is not satisfied that the right claimed is a legal estate which subsists for the benefit of the applicant's registered estate, the registrar may enter details of the right claimed in the property register with such qualification as he considers appropriate.]

Textual Amendments

F61 Rule 73A substituted for rules 73, 74, 75 (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\), rule 2\(1\), Sch. 1 para. 24](#) (with rule 5)

Note as to rights of light or air

76. If it appears to the registrar that an agreement prevents the acquisition of rights of light or air for the benefit of the registered estate, he may make an entry in the property register of that estate.

[^{F62}No entry in the register of a right of entry in certain leases]

[^{F62}77.—(1) This rule applies to a right of entry created in a grant of a term of years absolute, the right being exercisable over or in respect of that term of years.

(2) Where the grant is completed by registration, the disposition which consists of the creation of the right of entry is also completed by registration, without any specific entry relating to it being made in the register.]

Textual Amendments

F62 Rule 77 substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\), rule 2\(1\), Sch. 1 para. 25](#) (with rule 5)

Note of variation of lease etc on register

^{F63}78.

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Textual Amendments

F63 Rule 78 revoked (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 26](#) (with rule 5)

Determination of registered estates

79.—(1) An application to record in the register the determination of a registered estate must be accompanied by evidence to satisfy the registrar that the estate has determined.

(2) Subject to paragraph (3), if the registrar is satisfied that the estate has determined, he must close the registered title to the estate and cancel any notice in any other registered title relating to it.

(3) Where an entry is made under rule 173 the registrar need not close the registered title to the estate until a freehold legal estate in land in respect of the land in which such former estate subsisted has been registered.

[^{F64}Acquisition of the right to manage by a RTM company

79A.—(1) This rule applies where a RTM company applies for an entry to be made in an individual register of a registered estate to the effect that the RTM company has acquired the right to manage.

(2) An application for such an entry must be accompanied by evidence to satisfy the registrar that—

- (a) the applicant is a RTM company,
- (b) the right to manage is in relation to premises comprised in the registered estate,
- (c) the registered proprietor of the registered estate is the landlord under a lease of the whole or part of the premises, and
- (d) the right to manage the premises has been acquired, and remains exercisable, by the RTM company.

(3) If the registrar is so satisfied, he must make an appropriate entry in the proprietorship register of the registered estate.

(4) In this rule, “right to manage” and “RTM company” have the same meanings as in sections 71 and 73 of the Commonhold and Leasehold Reform Act 2002.]

Textual Amendments

F64 Rule 79A inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 27](#) (with rule 5)

PART 7

NOTICES

Certain interests to be protected by agreed notices

80. A person who applies for the entry of a notice in the register must apply for the entry of an agreed notice where the application is for—

- (a) a ^{F65}... home rights notice,

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- (b) an inheritance tax notice,
- (c) a notice in respect of an order under the Access to Neighbouring Land Act 1992 ^{M8},
- (d) a notice of any variation of a lease effected by or under an order under section 38 of the Landlord and Tenant Act 1987 ^{M9} (including any variation as modified by an order under section 39(4) of that Act),
- (e) a notice in respect of a—
 - (i) public right, or
 - (ii) customary right.

Textual Amendments

F65 Word in rule 80(a) deleted (5.12.2005) by [The Land Registration \(Amendment\) \(No 2\) Rules 2005 \(S.I. 2005/1982\)](#), [rules 1\(3\)](#), **10**

Marginal Citations

M8 1992 c. 23.

M9 1987 c. 31.

Application for an agreed notice

81.—(1) Subject to paragraph (2), an application for the entry in the register of an agreed notice (including an agreed notice in respect of any variation of an interest protected by a notice) must be—

- (a) made in Form AN1,
- (b) accompanied by the order or instrument (if any) giving rise to the interest claimed or, if there is no such order or instrument, such other details of the interest claimed as satisfy the registrar as to the nature of the applicant's claim, and
- (c) accompanied, where appropriate, by—
 - (i) the consent referred to in section 34(3)(b) of the Act, and, where appropriate, evidence to satisfy the registrar that the person applying for, or consenting to the entry of, the notice is entitled to be registered as the proprietor of the registered estate or charge affected by the interest to which the application relates, or
 - (ii) evidence to satisfy the registrar as to the validity of the applicant's claim.

(2) Paragraph (1) does not apply to an application for the entry of a ^{F66}... home rights notice made under rule 82.

[^{F67}(3) Paragraph (1)(b) does not apply to an application for the entry in the register of an agreed notice in relation to an electronic disposition stored by the registrar, provided that the applicant gives sufficient details of the document effecting the disposition to enable the registrar to identify it.]

Textual Amendments

F66 Word in rule 81(2) deleted (5.12.2005) by [The Land Registration \(Amendment\) \(No 2\) Rules 2005 \(S.I. 2005/1982\)](#), [rules 1\(3\)](#), **11**

F67 Rule 81(3) added (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), [rule 1](#), [Sch. 1 para. 14](#)

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Modifications etc. (not altering text)

- C8** Rule 81(1)(b) excluded (4.8.2008) by [The Land Registration \(Electronic Conveyancing\) Rules 2008 \(S.I. 2008/1750\)](#), rules 1, 6, **Sch. 2 Pt. 2 para. 3**

Application for a ^{F68}... home rights notice or its renewal

82.—(1) An application under section 31(10)(a) or section 32 of, and paragraph 4(3)(b) of Schedule 4 to, the Family Law Act 1996 ^{M10} for the entry of an agreed notice in the register must be in [^{F69}Form HR1] .

(2) An application to renew the registration of a ^{F70}... home rights notice or a matrimonial home rights caution under section 32 of, and paragraph 4(3)(a) of Schedule 4 to, the Family Law Act 1996 must be in [^{F71}Form HR2] .

(3) An application in [^{F72}Form HR1] , where the application is made under section 32 of, and paragraph 4(3)(b) of Schedule 4 to, the Family Law Act 1996, or in [^{F72}Form HR2] must be accompanied by—

- (a) an office copy of the section 33(5) order, or
- (b) a conveyancer's certificate that he holds an office copy of the section 33(5) order.

Textual Amendments

- F68** Word in rule 82 heading deleted (5.12.2005) by [The Land Registration \(Amendment\) \(No 2\) Rules 2005 \(S.I. 2005/1982\)](#), rules 1(3), **12(1)**
- F69** Words in rule 82(1) substituted (5.12.2005) by [The Land Registration \(Amendment\) \(No 2\) Rules 2005 \(S.I. 2005/1982\)](#), rules 1(3), **12(2)**
- F70** Word in rule 82(2) deleted (5.12.2005) by [The Land Registration \(Amendment\) \(No 2\) Rules 2005 \(S.I. 2005/1982\)](#), rules 1(3), **12(3)**
- F71** Words in rule 82(2) substituted (5.12.2005) by [The Land Registration \(Amendment\) \(No 2\) Rules 2005 \(S.I. 2005/1982\)](#), rules 1(3), **12(3)**
- F72** Words in rule 82(3) substituted (5.12.2005) by [The Land Registration \(Amendment\) \(No 2\) Rules 2005 \(S.I. 2005/1982\)](#), rules 1(3), **12(4)**

Marginal Citations

- M10** 1996 c. 27.

Application for entry of a unilateral notice

83. An application for the entry in the register of a unilateral notice must be in Form UN1.

Entry of a notice in the register

84.—(1) A notice under section 32 of the Act must be entered in the charges register of the registered title affected.

(2) The entry must identify the registered estate or registered charge affected and, where the interest protected by the notice only affects part of the registered estate in a registered title, it must contain sufficient details, by reference to a plan or otherwise, to identify clearly that part.

(3) In the case of a notice (other than a unilateral notice), the entry must give details of the interest protected.

(4) In the case of a notice (other than a unilateral notice) of a variation of an interest protected by a notice, the entry must give details of the variation.

(5) In the case of a unilateral notice, the entry must give such details of the interest protected as the registrar considers appropriate.

Removal of a unilateral notice

85.—(1) An application for the removal of a unilateral notice from the register under section 35(3) of the Act must be in Form UN2.

(2) The personal representative or trustee in bankruptcy of the person shown in the register as the beneficiary of a unilateral notice may apply under section 35(3) of the Act; and if he does he must provide evidence to satisfy the registrar as to his appointment as personal representative or trustee in bankruptcy.

(3) If the registrar is satisfied that the application is in order he must remove the notice.

Cancellation of a unilateral notice

86.—(1) An application to cancel a unilateral notice under section 36 of the Act must be made in Form UN4.

(2) An application made under section 36(1)(b) of the Act must be accompanied by—

- (a) evidence to satisfy the registrar of the applicant's entitlement to be registered as the proprietor of the estate or charge to which the unilateral notice the subject of the application relates, or
- (b) a conveyancer's certificate that the conveyancer is satisfied that the applicant is entitled to be registered as the proprietor of the estate or charge to which the unilateral notice the subject of the application relates.

(3) The period referred to in section 36(3) of the Act is the period ending at 12 noon on the fifteenth [^{F73}working] day after the date of issue of the notice or such longer period as the registrar may allow following a request under paragraph (4), provided that the longer period never exceeds a period ending at 12 noon on the thirtieth [^{F73}working] day after the issue of the notice.

(4) The request referred to in paragraph (3) is one by the beneficiary to the registrar setting out why the longer period referred to in that paragraph should be allowed.

(5) If a request is received under paragraph (4) the registrar may, if he considers it appropriate, seek the views of the person who applied for cancellation and if after considering any such views and all other relevant matters he is satisfied that a longer period should be allowed he may allow such period (not exceeding a period ending at 12 noon on the thirtieth [^{F74}working] day after the issue of the notice) as he considers appropriate, whether or not the period is the same as any period requested by the beneficiary.

(6) A request under paragraph (4) must be made before the period ending at 12 noon on the fifteenth [^{F75}working] day after the date of issue of the notice under section 36(2) of the Act has expired.

(7) A person entitled to be registered as the beneficiary of a notice under rule 88 may object to an application under section 36(1) of the Act for cancellation of that notice and the reference to the beneficiary in section 36(3) includes such a person.

[^{F76}(8) Where there are two or more persons—

- (a) shown in the register as the beneficiary of the notice, or
- (b) to whom paragraph (7) applies,

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each such person is a beneficiary of the notice for the purpose of section 36(3) of the Act.]

Textual Amendments

- F73** Word in [rule 86\(3\)](#) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), [rule 1](#), [Sch. 1 para. 6](#)
- F74** Word in [rule 86\(5\)](#) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), [rule 1](#), [Sch. 1 para. 6](#)
- F75** Word in [rule 86\(6\)](#) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), [rule 1](#), [Sch. 1 para. 6](#)
- F76** Rule 86(8) added (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), [rule 2\(1\)](#), [Sch. 1 para. 28](#) (with [rule 5](#))

Cancellation of a notice (other than a unilateral notice or a ^{F77} ... home rights notice)

87.—(1) An application for the cancellation of a notice (other than a unilateral notice or a ^{F78} ... home rights notice) must be in Form CN1 and be accompanied by evidence to satisfy the registrar of the determination of the interest.

(2) Where a person applies for cancellation of a notice in accordance with paragraph (1) and the registrar is satisfied that the interest protected by the notice has come to an end, he must cancel the notice or make an entry in the register that the interest so protected has come to an end.

(3) If the interest protected by the notice has only come to an end in part, the registrar must make an appropriate entry.

[^{F79}(4) If the registrar is not satisfied that the interest protected by the notice has come to an end, he may enter in the register details of the circumstances in which the applicant claims the interest has determined.]

Textual Amendments

- F77** Word in [rule 87 heading](#) deleted (5.12.2005) by [The Land Registration \(Amendment\) \(No 2\) Rules 2005 \(S.I. 2005/1982\)](#), [rules 1\(3\)](#), [13](#)
- F78** Word in [rule 87\(1\)](#) deleted (5.12.2005) by [The Land Registration \(Amendment\) \(No 2\) Rules 2005 \(S.I. 2005/1982\)](#), [rules 1\(3\)](#), [13](#)
- F79** Rule 87(4) added (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), [rule 2\(1\)](#), [Sch. 1 para. 29](#) (with [rule 5](#))

[^{F80}Cancellation of a home rights notice

87A. An application for the cancellation of a home rights notice must be made in Form HR4.]

Textual Amendments

- F80** Rule 87A inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), [rule 2\(1\)](#), [Sch. 1 para. 30](#) (with [rule 5](#))

Registration of a new or additional beneficiary of a unilateral notice

88.—(1) A person entitled to the benefit of an interest protected by a unilateral notice may apply to be entered in the register in place of, or in addition to, the registered beneficiary.

- (2) An application under paragraph (1) must be—
 - (a) in Form UN3, and
 - (b) accompanied by evidence to satisfy the registrar of the applicant's title to the interest protected by the unilateral notice.
- (3) Subject to paragraph (4), if an application is made in accordance with paragraph (2) and the registrar is satisfied that the interest protected by the unilateral notice is vested—
 - (a) in the applicant, the registrar must enter the applicant in the register in place of the registered beneficiary, or
 - (b) in the applicant and the registered beneficiary, the registrar must enter the applicant in addition to the registered beneficiary.
- (4) Except where one of the circumstances specified in paragraph (5) applies, the registrar must serve notice of the application on the registered beneficiary before entering the applicant in the register.
- (5) The registrar is not obliged to serve notice on the registered beneficiary if—
 - (a) the registered beneficiary signs Form UN3 or otherwise consents to the application, or
 - (b) the applicant is the registered beneficiary's personal representative and evidence of his title to act accompanies the application.
- (6) In this rule, “registered beneficiary” means the person shown in the register as the beneficiary of the notice at the time an application is made under paragraph (1).

Notice of unregistered interests

- 89.**—(1) If the registrar enters a notice of an unregistered interest under section 37(1) of the Act, he must give notice—
- (a) subject to paragraph (2), to the registered proprietor, and
 - (b) subject to paragraph (3), to any person who appears to the registrar to be entitled to the interest protected by the notice or whom the registrar otherwise considers appropriate.
- (2) The registrar is not obliged to give notice to a registered proprietor under paragraph (1)(a) who applies for entry of the notice or otherwise consents to an application to enter the notice.
- (3) The registrar is not obliged to give notice to a person referred to in paragraph (1)(b) if—
- (a) that person applied for the entry of the notice or consented to the entry of the notice, or
 - (b) that person's name and his address for service under rule 198 are not set out in the individual register in which the notice is entered.

Application for entry of a notice under paragraph 5(2) or, in certain cases, paragraph 7(2)(a) of Part 1 of Schedule 2 to the Act

- 90.** An application to meet the registration requirements under—
- (a) paragraph 5(2) of Part 1 of Schedule 2 to the Act, or
 - (b) paragraph 7(2)(a) of that Part, where the interest is created for the benefit of an unregistered estate,
- must be made in Form AP1 [^{F81}or Form AN1].

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Textual Amendments

F81 Words in rule 90 added (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 15](#)

PART 8

RESTRICTIONS

Standard forms of restriction

91.—(1) The forms of restriction set out in Schedule 4 [^{F82}(varied, where appropriate, as permitted by rule 91A)] are standard forms of restriction prescribed under section 43(2)(d) of the Act.

(2) The word “conveyancer”, where it appears in any of the standard forms of restriction, has the same meaning as in these rules.

(3) The word “registered”, where it appears in any of the standard forms of restriction in relation to a disposition, means completion of the registration of that disposition by meeting the relevant registration requirements under section 27 of the Act.

Textual Amendments

F82 Words in rule 91(1) inserted (24.10.2005) by [The Land Registration \(Amendment\) Rules 2005 \(S.I. 2005/1766\)](#), rules 1, 3

Completion of standard forms of restriction

[^{F83}**91A.**—(1) Subject to paragraphs (2) and (3), [^{F84}if] a standard form of restriction is to affect part only of the registered estate, then, where it refers to a disposition, or to a disposition of a specified type, to which it applies, that reference may be followed by the words “of the part of the registered estate” together with a sufficient description, by reference to a plan or otherwise, to identify clearly the part so affected.

(2) The words incorporated [^{F85}under] paragraph (1) shall be in place of the words “of the registered estate” where those latter words appear in a standard form of restriction and are referring to a disposition, or to a disposition of a specified type, to which the restriction applies.

(3) The registrar may alter the words of any restriction affecting part of the registered estate ^{F86}... that he intends to enter in the register so that such part is described by reference to the relevant title plan or in another appropriate way.

[^{F87}(4) A restriction in Form L, N, S, T, II, NN or OO may commence with—

- (a) the words “Until the death of [*name*]”,
- (b) the words “Until the death of the survivor of [*names of two or more persons*]”, or
- (c) the word “Until” followed by a calendar date.]

[^{F88}(5) A restriction in Form M, O, P or PP may commence with the word “Until” followed by a calendar date.

(6) Where a restriction in Form J, K, Q, S, T, BB, DD, FF, HH, JJ, LL or OO relates to a registered charge, which is one of two or more registered charges bearing the same date and affecting the same

registered estate, the words “in favour of” followed by the name of the registered proprietor of the charge must be inserted in the restriction after the date of the charge.

(7) Where in a standard form of restriction the word “they” or “their” refers to a person named in the restriction, it may be replaced as appropriate by the word “he”, “she”, “it”, “his”, “her” or “its”.

(8) Where a standard form of restriction permits a type of disposition to be specified in place of the word “disposition”, the types of disposition that may be specified are “transfer”, “lease”, “charge” or “sub-charge”, or any appropriate combination of those types.]]

Textual Amendments

- F83** Rule 91A inserted (24.10.2005) by [The Land Registration \(Amendment\) Rules 2005 \(S.I. 2005/1766\)](#), rules 1, 4
- F84** Word in rule 91A(1) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 31\(a\)](#) (with rule 5)
- F85** Word in rule 91A(2) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 31\(b\)](#) (with rule 5)
- F86** Word in rule 91A(3) omitted (10.11.2008) by virtue of [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 31\(c\)](#) (with rule 5)
- F87** Rule 91A(4) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 31\(d\)](#) (with rule 5)
- F88** Rules 91A(5)-(8) added (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 31\(e\)](#) (with rule 5)

[^{F89}Where a certificate or consent under a restriction is given by a corporation

91B.—(1) Subject to paragraphs (2), (3) and (4), where a certificate or written consent required by the terms of a restriction is given by a corporation aggregate, it must be signed on its behalf by—

- (a) its clerk, secretary or other permanent officer,
- (b) a member of its board of directors, council or other governing body,
- (c) its conveyancer, or
- (d) its duly authorised employee or agent.

(2) This rule does not apply where the certificate or written consent is given in a deed executed by the company or in a document to which section 91 of the Act applies.

(3) Paragraph (1) does not apply if a contrary intention appears in the restriction, except where paragraph (4) applies.

(4) Where a restriction requires a certificate or consent to be signed on behalf of a corporation aggregate by its secretary (whether or not it also permits signature by its conveyancer), and the corporation has no secretary, the certificate or consent must be signed on its behalf by a person specified in paragraph (1).

(5) A document signed on behalf of a corporation in accordance with this rule must state the full name of the signatory and the capacity in which the signatory signs.]

Textual Amendments

- F89** Rule 91B inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 32](#) (with rule 5)

Application for a restriction and the prescribed period under section 45(2) of the Act

92.—(1) Subject to paragraphs (5), (6), (7) and (8) an application for a restriction to be entered in the register must be made in Form RX1.

(2) The application must be accompanied by—

- (a) full details of the required restriction,
- [^{F90}(b) where rule 198(2)(d) applies, the address for service of the person named in the restriction,]
- (c) if the application is made with the consent of the relevant registered proprietor, or a person entitled to be registered as such proprietor, and that consent is not given in Form RX1, the relevant consent,
- (d) if the application is made by or with the consent of a person entitled to be registered as the relevant registered proprietor, evidence to satisfy the registrar of his entitlement, and
- (e) if the application is made by a person who claims that he has a sufficient interest in the making of the entry, the statement referred to in paragraph (3) signed by the applicant or his conveyancer.

[^{F91}(3) The statement required under paragraph (2)(e) must—

- (a) give details of the nature of the applicant’s interest in the making of the entry of the required restriction, and
- (b) give details of how the applicant’s interest arose.]

(4) If requested to do so, an applicant within paragraph (2)(e) must supply further evidence to satisfy the registrar that he has a sufficient interest.

(5) The registrar may accept a certificate given by a conveyancer that the conveyancer is satisfied that the person making or consenting to the application is entitled to be registered as the relevant proprietor, and that either—

- (a) the conveyancer holds the originals of the documents that contain evidence of that person's entitlement, or
- (b) an application for registration of that person as proprietor is pending at the land registry.

(6) If an application is made with the consent of the relevant registered proprietor, or a person entitled to be registered as such proprietor, the registrar may accept a certificate given by a conveyancer that the conveyancer holds the relevant consent.

[^{F92}(7) Paragraph (1) of this rule does not apply where a person applies for the entry of a standard form of restriction—

- (a) in the additional provisions panel of Form TP1, TP2, TR1, TR2, TR4, TR5, AS1, AS2 or AS3,
- (b) in panel 8 of Form CH1 ^{F93} ...,
- (c) in an approved charge,
- (d) in clause LR13 (as set out in Schedule 1A) of a relevant lease, or
- (e) in Form A, using Form SEV][^{F94}, or]
- [^{F95}(f) in an electronic document to which section 91 of the Act applies where the form of the document (including the application for the restriction) has first been approved by the registrar.]

(8) This rule does not apply to an application to the registrar to give effect to an order of the court made under section 46 of the Act.

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(9) The period for the purpose of section 45(2) of the Act is the period ending at 12 noon on the fifteenth [F96working] day after the date of issue of the notice under section 45(1) or, if more than one such notice is issued, the date of issue of the latest notice.

[F97(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.]

Textual Amendments

- F90** Rule 92(2)(b) substituted (24.10.2005) by [The Land Registration \(Amendment\) Rules 2005 \(S.I. 2005/1766\)](#), [rules 1, 5](#)
- F91** Rule 92(3) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), [rule 2\(1\)](#), [Sch. 1 para. 33\(a\)](#) (with rule 5)
- F92** Rule 92(7) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), [rule 2\(1\)](#), [Sch. 1 para. 33\(b\)](#) (with rule 5)
- F93** Words in [rule 92\(7\)\(b\)](#) omitted (6.4.2018) by virtue of [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), [rule 1](#), [Sch. 1 para. 16\(1\)](#)
- F94** Word in [rule 92\(7\)\(e\)](#) added (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), [rule 1](#), [Sch. 1 para. 16\(2\)](#)
- F95** [Rule 92\(7\)\(f\)](#) added (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), [rule 1](#), [Sch. 1 para. 16\(3\)](#)
- F96** Word in [rule 92\(9\)](#) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), [rule 1](#), [Sch. 1 para. 6](#)
- F97** Rule 92(10) substituted (9.1.2006) by [The Land Registration \(Amendment\) \(No 2\) Rules 2005 \(S.I. 2005/1982\)](#), [rules 1\(2\), 7\(2\)](#)

Modifications etc. (not altering text)

- C9** Rule 92(1) excluded (13.10.2003) by [The Land Registration Act 2002 \(Transitional Provisions\) Order 2003 \(S.I. 2003/1953\)](#), [arts. 1\(1\), 18\(2\)\(c\)](#)

Persons regarded as having a sufficient interest to apply for a restriction

93. The following persons are to be regarded as included in section 43(1)(c) of the Act—

- (a) any person who has an interest in a registered estate held under a trust of land where a sole proprietor or a survivor of joint proprietors (unless a trust corporation) will not be able to give a valid receipt for capital money, and who is applying for a restriction in Form A to be entered in the register of that registered estate,
- (b) any person who has a sufficient interest in preventing a contravention of section 6(6) or section 6(8) of the Trusts of Land and Appointment of Trustees Act 1996 ^{M11} and who is applying for a restriction in order to prevent such a contravention,
- (c) any person who has an interest in a registered estate held under a trust of land where the powers of the trustees are limited by section 8 of the Trusts of Land and Appointment of

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- Trustees Act 1996, and who is applying for a restriction in Form B to be entered in the register of that registered estate,
- (d) any person who has an interest in the due administration of the estate of a deceased person, where—
- (i) the personal representatives of the deceased hold a registered estate on a trust of land created by the deceased's will and the personal representatives' powers are limited by section 8 of the Trusts of Land and Appointment of Trustees Act 1996, and
 - (ii) he is applying for a restriction in Form C to be entered in the register of that registered estate,
- (e) the donee of a special power of appointment in relation to registered land affected by that power,
- (f) the Charity Commissioners in relation to registered land held upon charitable trusts,
- (g) the Church Commissioners, the Parsonages Board or the Diocesan Board of Finance if applying for a restriction [^{F98}in Form D]—
- (i) to give effect to any arrangement which is made under any enactment or Measure administered by or relating to the Church Commissioners, the Parsonages Board or the Diocesan Board of Finance, or
 - (ii) to protect any interest in registered land arising under any such arrangement or statute,
- (h) any person with the benefit of a freezing order or an undertaking given in place of a freezing order, who is applying for a restriction in Form AA or BB,
- (i) any person who has applied for a freezing order and who is applying for a restriction in Form CC or DD,
- [^{F99}(j) a trustee in bankruptcy in whom a beneficial interest in registered land held under a trust of land has vested, and who is applying for a restriction in Form J to be entered in the register of that land,]
- (k) any person with the benefit of a charging order over a beneficial interest in registered land held under a trust of land who is applying for a restriction in Form K to be entered in the register of that land,
- (l) a person who has obtained a restraint order under—
- (i) paragraph 5(1) or 5(2) of Schedule 4 to the Terrorism Act 2000 ^{M12}, or
 - (ii) section 41 of the Proceeds of Crime Act 2002 ^{M13},
- and who is applying for a restriction in Form EE or FF,
- (m) a person who has applied for a restraint order under the provisions referred to in paragraph (1) and who is applying for a restriction in Form GG or HH,
- (n) a person who has obtained an acquisition order under section 28 of the Landlord and Tenant Act 1987 ^{M14} and who is applying for a restriction in Form L or N,
- (o) a person who has applied for an acquisition order under section 28 of the Landlord and Tenant Act 1987 and who is applying for a restriction in Form N,
- (p) a person who has obtained a vesting order under section 26(1) or 50(1) of the Leasehold Reform, Housing and Urban Development Act 1993 ^{M15} and who is applying for a restriction in Form L or N,
- (q) a person who has applied for a vesting order under section 26(1) or 50(1) of the Leasehold Reform, Housing and Urban Development Act 1993 and who is applying for a restriction in Form N,

- (r) the International Criminal Court where it applies for a restriction—
 - (i) in Form AA or BB to give effect to a freezing order under Schedule 6 to the International Criminal Court Act 2001 ^{M16}, or
 - (ii) in Form CC or DD to protect an application for such a freezing order,
- (s) a receiver or a sequestrator appointed by order who applies for a restriction in Form L or N,
- (t) a trustee under a deed of arrangement who applies for a restriction in Form L or N,
- (u) a person who has obtained an interim receiving order under section 246 of the Proceeds of Crime Act 2002 and who is applying for a restriction in Form EE or FF, ^{F100} ...
- (v) a person who has applied for an interim receiving order under section 246 of the Proceeds of Crime Act 2002 and who is applying for a restriction in Form GG or HH, ^{F101} ...
- ^{F102}(w) [^{F103}the Lord Chancellor where the Lord Chancellor] has a statutory charge, created by section 16(6) of the Legal Aid Act 1988(1) or by section 10(7) of the Access to Justice Act 1999(2) [^{F104}or by section 25(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012], over a beneficial interest in registered land held under a trust of land and is applying for a restriction in Form JJ to be entered in the register of that land [^{F105}, [^{F106}and]]]
- ^{F107}(x) a local authority where it has a statutory charge created under section 22 of the Health and Social Services and Social Security Adjudications Act 1983 [^{F108}or, as the case may be, [^{F109}section 71] of the Social Services and Well-being (Wales) Act 2014] on the beneficial interest of an equitable joint tenant in a registered estate and is applying for a restriction in Form MM to be entered in the register of that estate.]
- ^{F110}(y) a local authority where it has entered land, the title to which is registered, in its list of assets of community value which it maintains in accordance with section 87(1) of the Localism Act 2011, and is applying for a restriction in form QQ to be entered in the register for that land, ^{F111} ...
- (z) a mortgagee under a mortgage falling within section 4(1)(g) of the Act who makes an application for first registration under rule 21, where the estate charged relates to land entered in a local authority's list of assets of community value maintained under section 87(1) of the Localism Act 2011, and is applying for a restriction in Form QQ to be entered in the register of that estate [^{F112},]
- ^{F113}(aa) a deputy appointed under section 16 of the Mental Capacity Act 2005 with general authority over the property and affairs of a registered proprietor, who is applying for a restriction in Form RR, and
- (bb) a trustee of a registered estate or registered charge that requires the consent of the Court of Protection to any disposition, who is applying for a restriction in Form SS.]

Textual Amendments

- F98** Words in rule 93(g) inserted (E.) (20.12.2018) by Church of England (Miscellaneous Provisions) Measure 2018 (No. 7), **ss. 2(7)**, 17(2)(a) (with s. 2(1), (3)-(6), (8))
- F99** Rule 93(j) substituted (10.11.2008) by The Land Registration (Amendment) Rules 2008 (S.I. 2008/1919), rule 2(1), **Sch. 1 para. 34(a)** (with rule 5)
- F100** Word in rule 93(u) deleted (24.10.2005) by The Land Registration (Amendment) Rules 2005 (S.I. 2005/1766), rules 1, **6(2)**
- F101** Word in rule 93(v) omitted (10.11.2008) by virtue of The Land Registration (Amendment) Rules 2008 (S.I. 2008/1919), rule 2(1), **Sch. 1 para. 34(b)** (with rule 5)
- F102** Rule 93(w) inserted (24.10.2005) by The Land Registration (Amendment) Rules 2005 (S.I. 2005/1766), rules 1, **6(4)**

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- F103** Words in rule 93(w) substituted (1.4.2013) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) Regulations 2013 (S.I. 2013/534), reg. 1, **Sch. para. 5(1)(a)**
- F104** Words in rule 93(w) inserted (1.4.2013) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) Regulations 2013 (S.I. 2013/534), reg. 1, **Sch. para. 5(1)(b)**
- F105** Word in rule 93(w) substituted (10.11.2008) by The Land Registration (Amendment) Rules 2008 (S.I. 2008/1919), rule 2(1), **Sch. 1 para. 34(c)** (with rule 5)
- F106** Word in rule 93(w) omitted (E.) (21.9.2012) by virtue of The Assets of Community Value (England) Regulations 2012 (S.I. 2012/2421), reg. 1(1), **Sch. 4 para. 3(a)**
- F107** Rule 93(x) added (10.11.2008) by The Land Registration (Amendment) Rules 2008 (S.I. 2008/1919), rule 2(1), **Sch. 1 para. 34(d)** (with rule 5)
- F108** Words in rule 93(x) inserted (W.) (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) (Secondary Legislation) Regulations 2016 (S.I. 2016/211), reg. 1(2), **Sch. 3 para. 52**
- F109** Words in rule 93(x) substituted (W.) (6.4.2020) by The Care and Support (Charging) (Wales) and Land Registration Rules (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/131), regs. 1(2), **3(a)**
- F110** Rule 93(y)(z) added (E.) (21.9.2012) by The Assets of Community Value (England) Regulations 2012 (S.I. 2012/2421), reg. 1(1), **Sch. 4 para. 3(b)**
- F111** Word in rule 93(y) omitted (6.4.2018) by virtue of The Land Registration (Amendment) Rules 2018 (S.I. 2018/70), rule 1, **Sch. 1 para. 17(1)**
- F112** Comma in rule 93(z) substituted for full stop (6.4.2018) by The Land Registration (Amendment) Rules 2018 (S.I. 2018/70), rule 1, **Sch. 1 para. 17(2)**
- F113** Rule 93(aa)(bb) added (6.4.2018) by The Land Registration (Amendment) Rules 2018 (S.I. 2018/70), rule 1, **Sch. 1 para. 17(3)**

Marginal Citations

- M11** 1996 c. 47.
M12 2000 c. 11.
M13 2002 c. 29.
M14 1987 c. 31.
M15 1993 c. 28.
M16 2001 c. 17.

When an application for a restriction must be made

94.—(1) [^{F114}Subject to paragraph (9), a proprietor] of a registered estate must apply for a restriction in Form A where—

- (a) the estate becomes subject to a trust of land, other than on a registrable disposition, and the proprietor or the survivor of joint proprietors will not be able to give a valid receipt for capital money, or
- (b) the estate is held on a trust of land and, as a result of a change in the trusts, the proprietor or the survivor of joint proprietors will not be able to give a valid receipt for capital money.

(2) A sole or last surviving trustee of land held on a trust of land must, when applying to register a disposition of a registered estate in his favour or to be registered as proprietor of an unregistered estate, at the same time apply for a restriction in Form A.

[^{F115}(2A) Where two or more persons apply to register a disposition of a registered estate in their favour or to be registered as proprietors of an unregistered estate, they must at the same time apply for a restriction in Form A if—

- (a) the estate is a rentcharge, profit a prendre in gross, franchise or manor, and

(b) a sole proprietor or the survivor of joint proprietors will not be able to give a valid receipt for capital money.]

(3) Subject to [^{F116}paragraphs (6) and (10)], a personal representative of a deceased person who holds a registered estate on a trust of land created by the deceased's will, or on a trust of land arising under the laws of intestacy which is subsequently varied, and whose powers have been limited by section 8 of the Trusts of Land and Appointment of Trustees Act 1996^{M17}, must apply for a restriction in Form C.

(4) Subject to [^{F117}paragraphs (6), (7) and (9)], a proprietor of a registered estate must apply for a restriction in Form B where—

(a) a declaration of trust of that estate imposes limitations on the powers of the trustees under section 8 of the Trusts of Land and Appointment of Trustees Act 1996, or

(b) a change in the trusts on which that estate is held imposes limitations or changes the limitations on the powers of the trustees under section 8 of the Trusts of Land and Appointment of Trustees Act 1996.

(5) Subject to paragraphs (6) and (7), an applicant for first registration of a legal estate held on a trust of land where the powers of the trustees are limited by section 8 of the Trusts of Land and Appointment of Trustees Act 1996 must at the same time apply for a restriction in Form B.

(6) Paragraphs (3), (4) and (5) do not apply to legal estates held on charitable, ecclesiastical or public trusts.

(7) Paragraphs (4) and (5) apply not only where the legal estate is held by the trustees, but also where it is vested in the personal representatives of a sole or last surviving trustee.

(8) An application for a restriction must be made where required by paragraphs (2) or (3) of rule 176 or paragraph (2) of rule 178.

[^{F118}(9) Where there are two or more persons entered in the register as the proprietor of a registered estate, an application for the appropriate restriction by one or more of them satisfies the obligation in paragraph (1) or (4).

(10) Where there are two or more personal representatives of a deceased proprietor, an application for a restriction in Form C by one or more of them satisfies the obligation in paragraph (3).]

[^{F119}(11) Where a local authority has entered land in its list of assets of community value which it maintains in accordance with section 87(1) of the Localism Act 2011, an application for a restriction in Form QQ must be made—

(a) if that land includes a registered estate the proprietor of which is an owner as defined in section 107 of that Act, as soon as practicable by the local authority in respect of that registered estate unless there is an existing restriction in Form QQ in respect of that estate, or

(b) if the title to the land is unregistered, where required by rule 27A(1).]

Textual Amendments

F114 Words in rule 94(1) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 35\(a\)](#) (with rule 5)

F115 Rule 94(2A) inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 35\(b\)](#) (with rule 5)

F116 Words in rule 94(3) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 35\(c\)](#) (with rule 5)

F117 Words in rule 94(4) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 35\(d\)](#) (with rule 5)

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- F118** Rule 94(9)(10) added (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 35(e)** (with rule 5)
- F119** Rule 94(11) added (E.) (21.9.2012) by [The Assets of Community Value \(England\) Regulations 2012 \(S.I. 2012/2421\)](#), reg. 1(1), **Sch. 4 para. 4**

Marginal Citations

M17 1996 c. 47.

Form of obligatory restrictions

95.—(1) The form of any restriction that the registrar is obliged to enter under any enactment shall be—

- (a) as specified in these rules,
 - (b) as required by the relevant enactment, or
 - (c) in other cases, such form as the registrar may direct having regard to the provisions of the relevant enactment.
- (2) The form of the restriction required under—
- (a) section 44(1) of the Act is Form A,
 - (b) section 37(5A) of the Housing Act 1985 ^{M18} is Form U,
 - (c) section 157(7) of the Housing Act 1985 is Form V,
 - ^{F120}(d)
 - (e) section 133 of the Housing Act 1988 is Form X,
 - (f) paragraph 4 of Schedule 9A to the Housing Act 1985 is Form W,
 - (g) section 173(9) of the Local Government and Housing Act 1989 ^{M19} is Form X, and
 - (h) section 13(5) of the Housing Act 1996 ^{M20} is Form Y.

Textual Amendments

F120 Rule 95(2)(d) omitted (15.8.2018) by virtue of [The Regulation of Registered Social Landlords \(Wales\) Act 2018 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/870\)](#), regs. 1(2), **4(a)**

Marginal Citations

M18 1985 c. 68.
M19 1989 c. 42.
M20 1996 c. 52.

Application for an order that a restriction be disapplied or modified

96.—(1) An application to the registrar for an order under section 41(2) of the Act must be made in Form RX2.

- (2) The application must—
- (a) state whether the application is to disapply or to modify the restriction and, if the latter, give details of the modification requested,
 - (b) explain why the applicant has a sufficient interest in the restriction to make the application,
 - (c) give details of the disposition or the kind of dispositions that will be affected by the order, and

- (d) state why the applicant considers that the registrar should make the order.
- (3) If requested to do so, the applicant must supply further evidence to satisfy the registrar that he should make the order.
- (4) The registrar may make such enquiries and serve such notices as he thinks fit in order to determine the application.
- (5) A note of the terms of any order made by the registrar under section 41(2) of the Act must^[F121], if appropriate, be entered in the register.

Textual Amendments

F121 Words in rule 96(5) inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 36** (with rule 5)

Application to cancel a restriction

- 97.**—(1) An application to cancel a restriction must be made in Form RX3.
- (2) The application must be accompanied by evidence to satisfy the registrar that the restriction is no longer required.
- (3) If the registrar is satisfied that the restriction is no longer required, he must cancel the restriction.

^[F122]Applications to withdraw a restriction from the register

- ^[F122]**98.**—(1) An application to withdraw a restriction must be made in Form RX4 and be accompanied by the required consent.
- (2) The required consent is—
 - (a) where the restriction requires the consent of a specified person, the consent of that person,
 - (b) where the restriction requires a certificate to be given by a specified person, the consent of that person,
 - (c) where the restriction requires notice to be given to a specified person, the consent of that person,
 - (d) where the restriction requires the consent of a specified person, or alternatively a certificate to be given by a specified person, the consent of all such persons,
 - (e) in any other case, the consent of all persons who appear to the registrar to have an interest in the restriction.
- (3) No application may be made to withdraw a restriction—
 - (a) that is entered under section 42(1)(a) of the Act and reflects some limitation on the registered proprietor's powers of disposition imposed by statute or the general law,
 - (b) that is entered in the register following an application under rule 94,
 - (c) that the registrar is under an obligation to enter in the register,
 - (d) that reflects a limitation under an order of the court or registrar, or an undertaking given in place of such an order,
 - (e) that is entered pursuant to a court order under section 46 of the Act.
- (4) The registrar may accept a certificate given by a conveyancer that the conveyancer holds a required consent.]

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Textual Amendments

F122 Rule 98 substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 37](#) (with rule 5)

Cancellation of a restriction relating to a trust

99. When registering a disposition of a registered estate, the registrar must cancel a restriction entered for the purpose of protecting an interest, right or claim arising under a trust of land if he is satisfied that the registered estate is no longer subject to that trust of land.

Entry following a direction of the court regarding overriding priority in connection with a restriction

100.—(1) Any entry in the register required under section 46(4) of the Act shall be in such form as the registrar may determine so as to ensure that the priority of the restriction ordered by the court is apparent from the register.

(2) Where the making of the entry is completed by the registrar during the priority period of an official search which was delivered before the making of the application for the entry, he must give notice of the entry to the person who applied for the official search or, if a conveyancer or other agent applied on behalf of that person, to that agent, unless he is satisfied that such notice is unnecessary.

PART 9

CHARGES

How ranking of registered charges as between themselves to be shown on register

101. Subject to any entry in the individual register to the contrary, for the purpose of section 48(1) of the Act the order in which registered charges are entered in an individual register shows the order in which the registered charges rank as between themselves.

Alteration of priority of registered charges

102.—(1) An application to alter the priority of registered charges, as between themselves, must be made by or with the consent of the proprietor or a person entitled to be registered as the proprietor of any registered charge whose priority is adversely affected by the alteration, but no such consent is required from a person who has executed the instrument which alters the priority of the charges.

(2) The registrar may accept a conveyancer's certificate confirming that the conveyancer holds any necessary consents.

(3) The registrar must make an entry in the register in such terms as the registrar considers appropriate to give effect to the application.

Form of charge of registered estate

103. A legal charge of a registered estate may be made in Form CH1.

Application for registration of the title to a local land charge

104. An application to register the title to a charge over registered land which is a local land charge must be supported by evidence of the charge.

Overriding statutory charges

105.—(1) An applicant for registration of a statutory charge that has the effect mentioned in section 50 of the Act must lodge Form SC with the application.

(2) If the applicant satisfies the registrar that the statutory charge has the priority specified in that Form SC, the registrar must make an entry showing that priority in the charges register of the affected registered title.

(3) If the applicant does not satisfy the registrar as mentioned in paragraph (2) but the registrar considers that the applicant has an arguable case, the registrar may make an entry in the charges register of the affected registered title that the applicant claims the priority specified in that Form SC.

(4) If the registrar makes an entry under paragraph (3) the registrar must give notice of the entry to the persons mentioned in rule 106(1) (subject to rule 106(2)).

(5) Where an entry has been made under paragraph (3)—

- (a) the proprietor of the statutory charge which gave rise to the entry, or
- (b) the proprietor of a charge entered in the charges register of the affected registered title which, subject to the effect of the entry, would rank in priority to or have equal priority with that statutory charge under rule 101,

may apply for the entry to be removed or to be replaced by an entry of the kind referred to in paragraph (2).

(6) Paragraph (5)(b) includes the proprietor of a statutory charge entered in the charges register of the affected registered title which has had an entry made in respect of it under paragraph (3) claiming priority over the statutory charge referred to in paragraph (5)(a).

(7) An applicant under paragraph (5) must provide evidence to satisfy the registrar that the registrar should take the action sought by the applicant under that paragraph.

(8) Before taking the action sought by the applicant under paragraph (5), the registrar must give notice of the application to any proprietors within that paragraph (other than the applicant).

Service of notice of overriding statutory charges

106.—(1) The registrar shall give notice under section 50 of the Act to—

- (a) the registered proprietor of a registered charge, and
- (b) subject to paragraph (2), any person who appears to the registrar to be entitled to a charge protected by a notice,

entered in the charges register of the affected registered title at the time of registration of the statutory charge.

(2) The registrar shall not be obliged to give notice to a person referred to in paragraph (1)(b) if that person's name and his address for service under rule 198 are not set out in the individual register in which the notice is entered.

Further advances—notice of creation of subsequent charge

107.—(1) A notice given for the purposes of section 49(1) of the Act by one of the methods mentioned in paragraph (2) ought to have been received at the time shown in the table in paragraph (4).

(2) The methods referred to in paragraph (1) are—

- (a) by post, to the postal address, whether or not in the United Kingdom, entered in the register as the prior chargee's address for service, or
- (b) by leaving the notice at that address, or

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- (c) by sending to the box number at the relevant document exchange entered in the register as an additional address for service of the prior chargee, or
- (d) by electronic transmission to the electronic address entered in the register as an additional address for service of the prior chargee, or
- (e) where paragraph (3) applies, by post, document exchange, fax or electronic transmission to the address, box number or fax number provided.

(3) This paragraph applies where the prior chargee has provided to the subsequent chargee a postal address, document exchange box number, fax number, e-mail or other electronic address, and stated in writing to the subsequent chargee that notices to the prior chargee under section 49(1) of the Act may be sent to that address, box number or fax number.

(4) For the purposes of section 49(2) of the Act a notice sent in accordance with paragraph (2) or (3) ought to have been received at the time shown in the table below—

<i>Method of delivery</i>	<i>Time of receipt</i>
Post to an address in the United Kingdom	The second working day after posting
Leaving at a postal address	The working day after it was left
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 sender's document exchange
Fax	The working day after transmission
Electronic transmission to an electronic address entered in the register as an address for service or e-mail or other electronic means of delivery under paragraph (3)	The second working day after transmission

(5) A notice posted or transmitted after 1700 hours on a working day or posted or transmitted on a day which is not a working day is to be treated as having been posted or transmitted on the next working day.

(6) 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 outside the United Kingdom within such a period as is reasonable in all the circumstances,

“prior chargee” means the proprietor of a registered charge to whom notice is being given under section 49(1) of the Act,

“subsequent chargee” means the chargee giving notice under section 49(1) of the Act,

F123

Textual Amendments

F123 Words in rule 107(6) omitted (10.11.2008) by virtue of [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 38](#) (with rule 5)

Obligations to make further advances

108.—(1) The proprietor of a registered charge or a person applying to be so registered, who is under an obligation to make further advances on the security of that charge, may apply to the registrar for such obligation to be entered in the register for the purposes of section 49(3) of the Act.

(2) Except as provided in paragraph (3), the application must be made in Form CH2.

(3) Form CH2 need not be used if the application is contained in panel [F1248] of Form CH1^{F125} ..., or in a charge received for registration where the form of that charge has been approved by the registrar.

(4) The registrar must make an entry in the register in such terms as he considers appropriate to give effect to an application under this rule.

Textual Amendments

F124 Figure in rule 108(3) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 39](#) (with rule 5)

F125 Words in rule 108(3) omitted (6.4.2018) by virtue of [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 18](#)

Agreement of maximum amount of security

109.—(1) Where the parties to a legal charge which is a registered charge or which is a registrable disposition have agreed a maximum amount for which the charge is security, the proprietor of the registered charge or a person applying to be registered as proprietor of the registrable disposition may apply to the registrar for such agreement to be entered in the register under section 49(4) of the Act.

(2) The application must be made in Form CH3.

(3) The registrar must make an entry in the register in such terms as he considers appropriate to give effect to an application under this rule.

Consolidation of registered charges

110.—(1) A chargee who has a right of consolidation in relation to a registered charge may apply to the registrar for an entry to be made in respect of that right in the individual register in which the charge is registered.

(2) The application must be made in Form CC.

(3) The registrar must make an entry in the individual register in such terms as he considers appropriate to give effect to an application under this rule.

[F126]Certificate of registration of company charges

111.—(1) When making an application for the registration of a charge created by a company registered under the Companies Acts or a limited liability partnership incorporated under the Limited Liability Partnerships Act 2000^{M21} or the Limited Liability Partnership Act (Northern Ireland) 2002 the applicant must produce to the registrar the^{F127} ... certificate issued under [F128section 859I] of the Companies Act 2006 that the charge has been registered under [F129section 859A] of that Act.

(2) If the applicant does not produce the certificate required by paragraph (1) with the application for registration of the charge, the registrar must enter a note in the register stating that no evidence of registration of the charge in accordance with [F130section 859A] of the Companies Act 2006^{F131} ... has been lodged.]

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Textual Amendments

- F126** Rule 111 substituted (1.10.2009) by The Land Registration (Amendment) Rules 2008 (S.I. 2008/1919), rule 2(2), **Sch. 1 para. 40** (with rule 5)
- F127** Word in rule 111(1) omitted (6.4.2013) by virtue of The Companies Act 2006 (Amendment of Part 25) Regulations 2013 (S.I. 2013/600), reg. 1, **Sch. 2 para. 5(2)(a)(i)** (with reg. 6)
- F128** Words in rule 111(1) substituted (6.4.2013) by The Companies Act 2006 (Amendment of Part 25) Regulations 2013 (S.I. 2013/600), reg. 1, **Sch. 2 para. 5(2)(a)(ii)** (with reg. 6)
- F129** Words in rule 111(1) substituted (6.4.2013) by The Companies Act 2006 (Amendment of Part 25) Regulations 2013 (S.I. 2013/600), reg. 1, **Sch. 2 para. 5(2)(a)(iii)** (with reg. 6)
- F130** Words in rule 111(2) substituted (6.4.2013) by The Companies Act 2006 (Amendment of Part 25) Regulations 2013 (S.I. 2013/600), reg. 1, **Sch. 2 para. 5(2)(b)(i)** (with reg. 6)
- F131** Words in rule 111(2) omitted (6.4.2013) by virtue of The Companies Act 2006 (Amendment of Part 25) Regulations 2013 (S.I. 2013/600), reg. 1, **Sch. 2 para. 5(2)(b)(ii)** (with reg. 6)

Marginal Citations

- M21** 2000 c. 12.

Registration of charges by certain overseas companies

^{F132}**111A.**

Textual Amendments

- F132** Rule 111A omitted (6.4.2018) by virtue of The Land Registration (Amendment) Rules 2018 (S.I. 2018/70), rule 1, **Sch. 1 para. 19**

Foreclosure—registration requirements

112.—(1) Subject to paragraph (3), an application by a person who has obtained an order for foreclosure absolute to be entered in the register as proprietor of the registered estate in respect of which the charge is registered must be accompanied by the order.

(2) The registrar must—

- (a) cancel the registration of the charge in respect of which the order was made,
- (b) cancel all entries in respect of interests over which the charge has priority, and
- (c) enter the applicant as proprietor of the registered estate.

(3) The registrar may accept a conveyancer's certificate confirming that the conveyancer holds the order for foreclosure absolute or an office copy of it.

[^{F133}Variation of the terms of a registered charge]

[^{F133}**113.**—(1) Subject to paragraph (2), an application to register an instrument varying the terms of a registered charge must be made—

- (a) by, or with the consent of, the proprietor of the registered charge and the proprietor of the estate charged,
- (b) with the consent of the proprietor, or a person entitled to be registered as proprietor, of every other registered charge of equal or inferior priority that is prejudicially affected by the variation, and

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- (c) with the consent of the proprietor, or a person entitled to be registered as proprietor, of a registered sub-charge of every registered charge of equal or inferior priority that is prejudicially affected by the variation.
- (2) A consent under paragraph (1) is not required if—
 - (a) the consent of that person is not required by the terms of the registered charge or registered sub-charge of which that person is the proprietor or in respect of which that person is entitled to be registered as proprietor, or
 - (b) the person from whom a consent would otherwise be required has executed the instrument.
- (3) The registrar may accept a conveyancer’s certificate confirming that the conveyancer holds any necessary consents.
- (4) If the registrar is satisfied that the proprietor of any other registered charge, and of any registered sub-charge of that registered charge, of equal or inferior priority to the varied charge that is prejudicially affected by the variation is bound by it, he shall make a note of the variation in the register.
- (5) If the registrar is not so satisfied, he may make an entry in the register that an instrument which is expressed to vary the terms of the registered charge has been entered into.
- (6) In this rule a reference to a registered sub-charge includes any registered sub-charge which derives directly or indirectly from the registered charge.]

Textual Amendments

F133 Rule 113 substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 41](#) (with rule 5)

Discharges and releases of registered charges

- 114.**—(1) Subject to rule 115, a discharge of a registered charge must be in Form DS1.
- (2) Subject to rule 115, a release of part of the registered estate in a registered title from a registered charge must be in Form DS3.
- (3) Any discharge or release in Form DS1 or DS3 must be executed as a deed or authenticated in such other manner as the registrar may approve.
- (4) Notwithstanding paragraphs (1) and (2) and rule 115, the registrar is entitled to accept and act upon any other proof of satisfaction of a charge that he may regard as sufficient.
- (5) An application to register a discharge in Form DS1 must be made in Form AP1 or DS2 and an application to register a release in Form DS3 must be made in Form AP1.

Discharges and releases of registered charges in electronic form

- 115.**—(1) During the currency of a notice given under Schedule 2 and subject to and in accordance with the limitations contained in such notice, notification of—
 - (a) the discharge of, or
 - (b) the release of part of a registered estate in a registered title from,
a registered charge may be delivered to the registrar in electronic form.
- (2) Notification of discharge or release of part given in accordance with paragraph (1) shall be regarded as having the same effect as a discharge in Form DS1, or a release of part in Form DS3, as appropriate, executed in accordance with rule 114 by or on behalf the person who has delivered it to the registrar.

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Transfer of a registered charge

116. A transfer of a registered charge must be in Form ^{F134}... TR4 or AS2, as appropriate.

Textual Amendments

F134 Word in rule 116 omitted (10.11.2008) by virtue of [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 42](#) (with rule 5)

[^{F135}Information relating to deeds of postponement in respect of registered charges and noted charges

116A. The registrar may, upon application, make an entry in an individual register referring to an agreement which it is claimed relates to priorities between a registered charge and a charge which is the subject of a notice in the same individual register.]

Textual Amendments

F135 Rule 116A inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 43](#) (with rule 5)

PART 10

BOUNDARIES

Definition

117. In this Part, except in rule 121, “boundary” includes part only of a boundary.

Application for the determination of the exact line of a boundary

118.—(1) A proprietor of a registered estate may apply to the registrar for the exact line of the boundary of that registered estate to be determined.

(2) An application under paragraph (1) must be made in Form DB and be accompanied by—

- (a) a plan, or a plan and a verbal description, identifying the exact line of the boundary claimed and showing sufficient surrounding physical features to allow the general position of the boundary to be drawn on the Ordnance Survey map, and
- (b) evidence to establish the exact line of the boundary.

Procedure on an application for the determination of the exact line of a boundary

119.—(1) [^{F136}Subject to paragraph (2), where] the registrar is satisfied that—

- (a) the plan, or plan and verbal description, supplied in accordance with rule 118(2)(a) identifies the exact line of the boundary claimed,
- (b) the applicant has shown an arguable case that the exact line of the boundary is in the position shown on the plan, or plan and verbal description, supplied in accordance with rule 118(2)(a), and
- (c) he can identify all the owners of the land adjoining the boundary to be determined and has an address at which each owner may be given notice,

he must give the owners of the land adjoining the boundary to be determined (except the applicant) notice of the application ^{F137}... and of the effect of paragraph (6).

[^{F138}(2) The registrar need not give notice of the application to an owner of the land adjoining the boundary to be determined where the evidence supplied in accordance with rule 118(2)(b) includes—

- (a) an agreement in writing with that owner as to the line of the boundary, or
- (b) a court order determining the line of the boundary.]

(3) Subject to paragraph (4), the time fixed by the notice to the owner of the land to object to the application shall be the period ending at 12 noon on the twentieth [^{F139}working] day after the date of issue of the notice or such longer period as the registrar may decide before the issue of the notice.

(4) The period set for the notice under paragraph (3) may be extended for a particular recipient of the notice by the registrar following a request by that recipient, received by the registrar before that period has expired, setting out why an extension should be allowed.

(5) If a request is received under paragraph (4) the registrar may, if he considers it appropriate, seek the views of the applicant and if, after considering any such views and all other relevant matters, he is satisfied that a longer period should be allowed he may allow such period as he considers appropriate, whether or not the period is the same as any period requested by the recipient of the notice.

(6) Unless any recipient of the notice objects to the application to determine the exact line of the boundary within the time fixed by the notice (as extended under paragraph (5), if applicable), the registrar must complete the application.

(7) Where the registrar is not satisfied as to paragraph (1)(a), (b) and (c), he must cancel the application.

(8) In this rule, the “owner of the land” means—

- (a) a person entitled to apply to be registered as the proprietor of an unregistered legal estate in land under section 3 of the Act,
- (b) the proprietor of any registered estate or charge affecting the land, [^{F140}or]
- (c) if the land is demesne land, Her Majesty.

Textual Amendments

F136 Words in rule 119(1) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\), rule 2\(1\), Sch. 1 para. 44\(a\)](#) (with rule 5)

F137 Words in rule 119(1) omitted (10.11.2008) by virtue of [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\), rule 2\(1\), Sch. 1 para. 44\(a\)](#) (with rule 5)

F138 Rule 119(2) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\), rule 2\(1\), Sch. 1 para. 44\(b\)](#) (with rule 5)

F139 Word in rule 119(3) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\), rule 1, Sch. 1 para. 6](#)

F140 Word in rule 119(8)(b) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\), rule 2\(1\), Sch. 1 para. 44\(c\)](#) (with rule 5)

Completion of application for the exact line of a boundary to be determined

120.—(1) Where the registrar completes an application under rule 118, he must—

- (a) make an entry in the individual register of the applicant's registered title and, if appropriate, in the individual register of any superior or inferior registered title, and any registered title

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affecting the other land adjoining the determined boundary, stating that the exact line of the boundary is determined under section 60 of the Act, and

- (b) subject to paragraph (2), add to the title plan of the applicant's registered title and, if appropriate, to the title plan of any superior or inferior registered title, and any registered title affecting the other land adjoining the determined boundary, such particulars of the exact line of the boundary as he considers appropriate.

(2) Instead of, or as well as, adding particulars of the exact line of the boundary to the title plans mentioned in paragraph (1)(b), the registrar may make an entry in the individual registers mentioned in paragraph (1)(a) referring to any other plan showing the exact line of the boundary.

Relationship between determined and undetermined parts of a boundary

121. Where the exact line of part of the boundary of a registered estate has been determined, the ends of that part of the boundary are not to be treated as determined for the purposes of adjoining parts of the boundary the exact line of which has not been determined.

Determination of the exact line of a boundary without application

122.—(1) This rule applies where—

- (a) there is—
 - (i) a transfer of part of a registered estate in land, or
 - (ii) the grant of a term of years absolute which is a registrable disposition of part of a registered estate in land,
- (b) there is a common boundary, and
- (c) there is sufficient information in the disposition to enable the registrar to determine the exact line of the common boundary.

(2) The registrar may determine the exact line of the common boundary and if he does he must—

- (a) make an entry in the individual registers of the affected registered titles stating that the exact line of the common boundary is determined under section 60 of the Act, and
- (b) subject to paragraph (3), add to the title plan of the disponor's affected registered title (whether or not the disponor is still the proprietor of that title, or still entitled to be registered as proprietor of that title) and to the title plan of the registered title under which the disposition is being registered, such particulars of the exact line of the common boundary as he considers appropriate.

(3) Instead of, or as well as, adding particulars of the exact line of the common boundary to the title plans mentioned in paragraph (2)(b), the registrar may make an entry in the individual registers of the affected registered titles referring to the description of the common boundary in the disposition.

(4) In this rule—

“common boundary” means any boundary of the land disposed of by a disposition which adjoins land in which the disponor at the date of the disposition had a registered estate in land or of which such disponor was entitled to be registered as proprietor, and

“disposition” means a transfer or grant mentioned in paragraph (1)(a).

Agreement about accretion or diluvion

123.—(1) An application to register an agreement about the operation of accretion or diluvion in relation to a registered estate in land must be made by, or be accompanied by the consent of, the proprietor of the registered estate and of any registered charge, except that no such consent is required from a person who is party to the agreement.

(2) On registration of such an agreement the registrar must make a note in the property register that the agreement is registered for the purposes of section 61(2) of the Act.

PART 11

QUALITY OF TITLE

Application to upgrade title under section 62 of the Act

124.—(1) An application for the registrar to upgrade title under section 62 of the Act must be made in Form UT1.

(2) An application referred to in paragraph (1) must, except where made under sections 62(2), (4) or (5) of the Act, be accompanied by such documents as will satisfy the registrar as to the title.

(3) An application under section 62(2) of the Act must be accompanied by—

- (a) such documents as will satisfy the registrar as to any superior title which is not registered,
- (b) where any superior title is registered with possessory, qualified or good leasehold title, such evidence as will satisfy the registrar that that title qualifies for upgrading to absolute title, and

(c) evidence of any consent to the grant of the lease required from—

- (i) any chargee of any superior title, and
- (ii) any superior lessor.

(4) An application under section 62(3)(b) of the Act must, in addition to the documents referred to in paragraph (2), be accompanied by the documents listed at paragraph (3)(a) to (c).

(5) An application by a person entitled to be registered as the proprietor of the estate to which the application relates must be accompanied by evidence of that entitlement.

(6) An application by a person interested in a registered estate which derives from the estate to which the application relates must be accompanied by—

- (a) details of the interest, and
- (b) where the interest is not apparent from the register, evidence to satisfy the registrar of the applicant's interest.

Use of register to record defects in title

125.—(1) An entry under section 64 of the Act that a right to determine a registered estate in land is exercisable shall be made in the property register.

(2) An application for such an entry must be supported by evidence to satisfy the registrar that the applicant has the right to determine the registered estate and that the right is exercisable.

(3) Subject to paragraph (4), the registrar must make the entry on receipt of an application which relates to a right to determine the registered estate on non-payment of a rentcharge.

(4) Before making an entry under this rule the registrar must give notice of the application to the proprietor of the registered estate to which the application relates and the proprietor of any registered charge on that estate.

(5) A person may apply to the registrar for removal of the entry if he is—

- (a) the person entitled to determine the registered estate,
- (b) the proprietor of the registered estate to which the entry relates,
- (c) a person entitled to be registered as proprietor of that estate, or

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- (d) any other person whom the registrar is satisfied has an interest in the removal of the entry.
- (6) An application for removal of the entry must be supported by evidence to satisfy the registrar that the right to determine the registered estate is not exercisable.

PART 12

ALTERATIONS AND CORRECTIONS

Alteration under a court order—not rectification

126.—(1) Subject to paragraphs (2) and (3), if in any proceedings the court decides that—

- (a) there is a mistake in the register,
- (b) the register is not up to date, or
- (c) there is an estate, right or interest excepted from the effect of registration that should be given effect to,

it must make an order for alteration of the register under the power given by paragraph 2(1) of Schedule 4 to the Act.

(2) The court is not obliged to make an order if there are exceptional circumstances that justify not doing so.

(3) This rule does not apply to an alteration of the register that amounts to rectification.

Modifications etc. (not altering text)

C10 Rule 126 excluded (27.9.2004) by [THE COMMONHOLD \(LAND REGISTRATION\) RULES 2004 \(S.I. 2004/1830\)](#), rules 1, **3(2)**

Court order for alteration of the register—form and service

127.—(1) An order for alteration of the register must state the title number of the title affected and the alteration that is to be made, and must direct the registrar to make the alteration.

(2) Service on the registrar of an order for alteration of the register must be made by making an application for the registrar to give effect to the order, accompanied by the order.

Modifications etc. (not altering text)

C11 Rule 127 excluded (27.9.2004) by [THE COMMONHOLD \(LAND REGISTRATION\) RULES 2004 \(S.I. 2004/1830\)](#), rules 1, **3(2)**

Alteration otherwise than pursuant to a court order—notice and enquiries

128.—(1) Subject to paragraph (5), this rule applies where an application for alteration of the register has been made, or where the registrar is considering altering the register without an application having been made.

- (2) The registrar must give notice of the proposed alteration to—
- (a) the registered proprietor of any registered estate,
 - (b) the registered proprietor of any registered charge, and

- (c) subject to paragraph (3), any person who appears to the registrar to be entitled to an interest protected by a notice,

where that estate, charge or interest would be affected by the proposed alteration, unless he is satisfied that such notice is unnecessary.

(3) The registrar is not obliged to give notice to a person referred to in paragraph (2)(c) if that person's name and his address for service under rule 198 are not set out in the individual register in which the notice is entered.

(4) The registrar may make such enquiries as he thinks fit.

(5) This rule does not apply to alteration of the register in the specific circumstances covered by any other rule.

Alteration otherwise than under a court order—evidence

129. Unless otherwise provided in these rules, an application for alteration of the register (otherwise than under a court order) must be supported by evidence to justify the alteration.

Correction of mistakes in an application or accompanying document

130.—(1) This rule applies to any alteration made by the registrar for the purpose of correcting a mistake in any application or accompanying document.

- (2) The alteration will have effect as if made by the applicant or other interested party or parties—
- (a) in the case of a mistake of a clerical or like nature, in all circumstances,
 - (b) in the case of any other mistake, only if the applicant and every other interested party has requested, or consented to, the alteration.

PART 13

INFORMATION ETC

Interpretation of this Part

Definitions

131. In this Part—

“commencement date” means the date of commencement of this Part,

“edited information document” means, where the registrar has designated a document an exempt information document, the edited copy of that document lodged under rule 136(2)(b), [F141 or the document prepared by the registrar under either rule 136(6) or rule 138(4),]

“exempt information document” means the original and copies of a document so designated under rule 136(3),

“prejudicial information” means—

- (a) information that relates to an individual who is the applicant under rule 136 and if disclosed to other persons (whether to the public generally or specific persons) would, or would be likely to, cause substantial unwarranted damage or substantial unwarranted distress to the applicant or another, or

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- (b) information that if disclosed to other persons (whether to the public generally or specific persons) would, or would be likely to, prejudice the commercial interests of the applicant under rule 136,

[^{F142}“priority period” means the period beginning at the time when an application for an official search is entered on the day list and ending at midnight marking the end of the thirtieth working day thereafter],

“protectable disposition” means a registrable disposition (including one by virtue of rule 38) of a registered estate or registered charge made for valuable consideration,

“purchaser” means a person who has entered into or intends to enter into a protectable disposition as donee,

“registrable estate or charge” means the legal estate and any charge which is sought to be registered as a registered estate or registered charge in an application for first registration,

“search from date” means—

- (a) the date stated on an official copy of the individual register of the relevant registered title, as the date on which the entries shown on that official copy were subsisting,
- (b) the date stated at the time of an access by remote terminal, where provided for under these rules, to the individual register of the relevant registered title as the date on which the entries accessed were subsisting,

F143

F143

Textual Amendments

- F141** Words in rule 131 added (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 45(a)** (with rule 5)
- F142** Words in rule 131 substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, **Sch. 1 para. 20**
- F143** Words in rule 131 omitted (10.11.2008) by virtue of [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 45(b)** (with rule 5)

Delivery of applications and issuing of certificates

Delivery of applications and issuing of certificates by electronic and other means

132.—(1) During the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in that notice, any application under this Part may be made by delivering the application to the registrar by any means of communication other than post, document exchange or personal delivery, and the applicant must provide, in such order as may be required by that notice, such of the particulars required for an application of that type as are appropriate in the circumstances and as are required by the notice.

(2) During the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in that notice, any certificates and other results of applications and searches under this Part may be issued by any means of communication other than post, document exchange or personal delivery.

(3) Except where otherwise provided in this Part, where information is issued under paragraph (2) it must be to like effect to that which would have been provided had the information been issued in paper form.

Inspection and copying

[^{F144}Inspection and copying]

[^{F144}133.—(1) This rule applies to the right to inspect and make copies of the registers and documents [^{F145}, or of any part of them,] under section 66(1) of the Act.

(2) Excepted documents [^{F146}, and any part of them,] are excepted from the right.

(3) Subject to rule 132(1), an application under section 66 of the Act must be in Form PIC.

(4) Where inspection and copying under this rule takes place at an office of the land registry it must be undertaken in the presence of a member of the land registry.

(5) In paragraph (2), an “excepted document” is—

- (a) an exempt information document,
- (b) an edited information document which has been replaced by another edited information document under rule 136(6),
- (c) a Form EX1A,
- (d) a Form CIT,
- (e) any form to which a Form CIT has been attached under rule 140(3) or (4),
- (f) any document or copy of any document prepared by the registrar in connection with an application in a form to which Form CIT has been attached under rule 140(3) or (4),
- (g) any document relating to an application for a network access agreement under paragraph 1(4) of Schedule 5 to the Act,
- (h) an identity document, and
- (i) an investigation of crime document.

(6) Subject to paragraph (7), in paragraph (5)(h) an “identity document” means any document within section 66(1)(c) of the Act provided to the registrar as evidence of identity of any person or prepared or obtained by the registrar in connection with such identity.

(7) Forms AP1, DS2 and FR1 are not identity documents.

(8) In paragraph 5(i), an “investigation of crime document” is any document within section 66(1)(c) of the Act (other than an identity document) which relates to the prevention or detection of crime and is not—

- (a) a document received by the registrar as part of or in support of an application to the registrar,
- (b) a document received by the registrar as part of or in support of an objection made under section 73 of the Act, or
- (c) a document to which paragraph (9) applies.

(9) This paragraph applies to a document if—

- (a) it is a document prepared by, or at the request of, the registrar as part of the process of considering an application or objection, and
- (b) it is not so prepared principally in connection with the prevention or detection of crime.

(10) In paragraph (5), the references to Form EX1A and Form CIT and forms to which Form CIT has been attached include any equivalent information provided under rule 132 and the reference to an application in a form to which Form CIT has been attached includes an equivalent application made by virtue of rule 132.

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[^{F147}(11) A person may apply to inspect and make copies of part of an individual register of title or part of a document only during the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice.]]

Textual Amendments

- F144** Rule 133 substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 46** (with rule 5)
- F145** Words in rule 133(1) inserted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, **Sch. 1 para. 21(1)**
- F146** Words in rule 133(2) inserted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, **Sch. 1 para. 21(2)**
- F147** Rule 133(11) added (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, **Sch. 1 para. 21(3)**

Official Copies

Application for official copies of a registered title [^{F148}or of any part of it], the cautions register or for a certificate of inspection of the title plan

- 134.—(1) A person may apply for—
- an official copy of an individual register,
 - an official copy of any title plan referred to in an individual register,
 - an official copy of an individual caution register and any caution plan referred to in it, and
 - a certificate of inspection of any title plan.
- (2) Subject to rule 132(1), an application under paragraph (1) must be in Form OC1.
- (3) A separate application must be made in respect of each registered title or individual caution register.
- (4) Where, notwithstanding paragraph (3), an application is in respect of more than one registered title or individual caution register, but the applicant fails to provide a title number, or the title number provided does not relate to any part of the property in respect of which the application is made, the registrar may—
- deal with the application as if it referred only to one of the title numbers relating to the property,
 - deal with the application as if it referred to all of the title numbers relating to the property, or
 - cancel the application.
- (5) In paragraph (4) the reference to title number includes in the case of an individual caution register a caution title number.
- (6) Where the registrar deals with the application under paragraph (4)(b), the applicant is to be treated as having made a separate application in respect of each of the registered titles or each of the individual caution registers.
- (7) An official copy of an individual caution register and any caution plan referred to in it must be issued disregarding any application or matter that may affect the subsistence of the caution.
- [^{F149}(8) A person may apply for an official copy of part of an individual register only during the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice.]

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(9) The registrar must provide the official copy of part of the individual register in the manner specified in the relevant notice.]]

Textual Amendments

F148 Words in rule 134 heading inserted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 22\(1\)](#)

F149 Rule 134(8)(9) added (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 22\(2\)](#)

[^{F150} Application for official copies of documents referred to in the register of title and other documents kept by the registrar [^{F151} or part of them]

135.—(1) Subject to paragraph (2), a person may apply for an official copy of—

- (a) any document referred to in the register of title and kept by the registrar,
- (b) any other document kept by the registrar that relates to an application to the registrar.

(2) Excepted documents [^{F152}, and any part of them,] are excepted from paragraph (1).

(3) Subject to rule 132(1), an application under paragraph (1) must be made in Form OC2.

(4) In this rule, “excepted document” has the same meaning as in rule 133.

[^{F153}(5) A person may apply for an official copy of part of a document only during the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice.

(6) The registrar must provide the official copy of part of a document in the manner specified in the relevant notice.]]

Textual Amendments

F150 Rule 135 substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 47](#) (with rule 5)

F151 Words in rule 135 heading added (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 23\(1\)](#)

F152 Words in rule 135(2) inserted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 23\(2\)](#)

F153 Rule 135(5)(6) added (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 23\(3\)](#)

Exempt information documents

Application that the registrar designate a document an exempt information document

136.—(1) A person may apply for the registrar to designate a relevant document an exempt information document if he claims that the document contains prejudicial information.

[^{F154}(2) Subject to rule 132(1), an application under paragraph (1) must be made in Form EX1 and EX1A and include a copy of the relevant document which—

- (a) excludes the prejudicial information,
- (b) includes the words “excluded information” where the prejudicial information has been excluded, and

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- (c) is certified as being a true copy of the relevant document, except that it does not include the prejudicial information and includes the words required by sub-paragraph (b).]
- (3) Subject to paragraph (4), provided that the registrar is satisfied that the applicant's claim is not groundless he must designate the relevant document an exempt information document.
- (4) Where the registrar considers that designating the document an exempt information document could prejudice the keeping of the register, he may cancel the application.
- (5) Where a document is an exempt information document, the registrar may make an appropriate entry in the individual register of any affected registered title.
- (6) Where a document is an exempt information document and a further application is made under paragraph (1) which would, but for the existing designation, have resulted in its being so designated, the registrar must prepare another edited information document which excludes—
- (a) the information excluded from the existing edited information document, and
 - (b) any further information excluded from the edited information document lodged by the applicant.
- (7) In this rule a “relevant document” is a document—
- (a) referred to in the register of title, or one that relates to an application to the registrar, the original or a copy of which is kept by the registrar, or
 - (b) that will be referred to in the register of title as a result of an application (the “accompanying application”) made at the same time as an application under this rule, or that relates to the accompanying application, the original or a copy of which will be or is for the time being kept by the registrar.

Textual Amendments

F154 Rule 136(2) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 48** (with rule 5)

Modifications etc. (not altering text)

C12 Rule 136 applied (with modifications) (27.9.2004) by [The Commonhold \(Land Registration\) Rules 2004 \(S.I. 2004/1830\)](#), rules 1, **3(3)(c)**

Application for an official copy of an exempt information document

- 137.**—(1) A person may apply for an official copy of an exempt information document.
- (2) Subject to rule 132(1), application under paragraph (1) must be made in Form EX2.
- (3) The registrar must give notice of an application under paragraph (1) to the person who made the relevant application under rule 136(1) unless he is satisfied that such notice is unnecessary or impracticable.
- (4) If the registrar decides that—
- (a) none of the information excluded from the edited information document is prejudicial information, or
 - (b) although all or some of the information excluded is prejudicial information, the public interest in providing an official copy of the exempt information document to the applicant outweighs the public interest in not doing so,
- then he must provide an official copy of the exempt information document to the applicant.

(5) Where the registrar has decided an application under paragraph (1) on the basis that none of the information is prejudicial information, he must remove the designation of the document as an exempt information document and any entry made in respect of the document under rule 136(5).

Application for removal of the designation of a document as an exempt information document

138.—(1) Where a document is an exempt information document, the person who applied for designation under rule 136(1) may apply for the designation to be removed.

(2) Subject to rule 132(1), an application made under paragraph (1) must be in Form EX3.

(3) Subject to paragraph (4), where the registrar is satisfied that the application is in order, he must remove the designation of the document as an exempt information document and remove any entry made in respect of the document under rule 136(5).

(4) Where—

- (a) the document has been made an exempt information document under more than one application,
- (b) an application under paragraph (1) is made by fewer than all of the applicants under rule 136(1), and
- (c) the registrar is satisfied that the application is in order,

the registrar must replace the existing edited information document with one that excludes only the information excluded both from that edited information document and the edited information documents lodged under rule 136(2)(b) by those applicants not applying under paragraph (1).

Transitional period documents

Inspection, copying and official copies of transitional period documents

^{F155}**139.**

Textual Amendments

F155 Rule 139 revoked (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 49](#) (with rule 5)

[^{F156}Inspection, official copies and searches of the index of proprietors' names in connection with investigation or enforcement proceedings]

Textual Amendments

F156 Rule 140 cross-heading substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 24\(1\)](#)

[^{F157}Application in connection with investigation or enforcement proceedings]

140.—[^{F158}(1) In this rule—

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“qualifying applicant” means a person whom the registrar is satisfied has a statutory power to carry out investigations, or institute enforcement proceedings, or both (for example, but not limited to, a person referred to in Schedule 5),

“appropriate certificate” means the certificate set out in Form CIT relating to the statutory powers of the qualifying applicant,

“Form CIT” means the form published from time to time by the registrar under section 100(4) of the Act containing the appropriate certificates for applications made under this rule.]

[^{F159}(1A) For any application made under this rule, a qualifying applicant must give the registrar the appropriate certificate, or, where rule 132 applies, an equivalent certificate in accordance with a notice given under Schedule 2.

(1B) Where the registrar is satisfied that a person is a qualifying applicant, he must ensure that Form CIT contains an appropriate certificate for that person.]

(2) A qualifying applicant may apply—

- (a) to inspect or make copies of any document (including a form) within rule 133(2) ^{F160} ...,
- (b) for official copies of any document (including a form) within rule 135(2) ^{F160} ..., and
- (c) for a search in the index of proprietors' names in respect of the name of a person specified in the application.

(3) Subject to rule 132(1), an application under paragraph (2) must be made in Form PIC, OC2 or PN1, as appropriate, with Form CIT attached.

(4) A qualifying applicant who applies—

- (a) to inspect and make copies of registers and documents not within paragraph (2)(a) under section 66 of the Act,
- (b) for official copies of registers and plans under rule 134(1) and of documents not within paragraph (2)(b) under rule 135,
- (c) for an historical edition of a registered title under rule 144,
- (d) for an official search of the index map under rule 145, or
- (e) for an official search of the index of relating franchises and manors under rule 146,

may attach Form CIT to the Form PIC, OC1, OC2, HC1, SIM or SIF, as appropriate, used in the application.

[^{F161}(4A) A qualifying applicant who applies for a search in the index of proprietors' names under paragraph (2) may apply at the same time in the Form CIT attached to the Form PN1 for official copies of every individual register referred to in the entries (if any) in the index relating to the particulars given in the search application.]

^{F162}(5)

Textual Amendments

F157 Rule 140 heading substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, **Sch. 1 para. 24(1)**

F158 Rule 140(1) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, **Sch. 1 para. 24(2)**

F159 Rule 140(1A)(1B) inserted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, **Sch. 1 para. 24(3)**

F160 Words in rule 140(2)(a)(b) omitted (10.11.2008) by virtue of [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 50** (with rule 5)

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F161 Rule 140(4A) inserted (24.10.2005) by [The Land Registration \(Amendment\) Rules 2005 \(S.I. 2005/1766\)](#), [rules 1, 7](#)

F162 Rule 140(5) omitted (6.4.2018) by virtue of [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), [rule 1](#), [Sch. 1 para. 24\(4\)](#)

Information about the day list, electronic discharges of registered charges and title plans

Day list information

141.—^{F163}(1) In this rule—

- (a) “day list information” means information kept by the registrar under rule 12,
- (b) “historic day list information” means information that was but is no longer on the day list kept by the registrar under rule 12.]

(2) A person may only apply for the day list information relating to a specified title number during the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice.

(3) The registrar must provide the day list information in the manner specified in the relevant notice.

(4) Unless otherwise stated by the registrar, the day list information provided must be based on the entries subsisting in the day list immediately before the information is provided.

(5) The registrar is not required to disclose under this rule details of an application under rule 136.

^{F164}(6) A person may apply for historic day list information only during the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice.

(7) The registrar must provide the historic day list information in the manner specified in the relevant notice.]

Textual Amendments

F163 Rule 141(1) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), [rule 1](#), [Sch. 1 para. 25\(1\)](#)

F164 Rule 141(6)(7) added (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), [rule 1](#), [Sch. 1 para. 25\(2\)](#)

Enquiry as to discharge of a charge by electronic means

142.—(1) A person may apply in respect of a specified registered title for confirmation of receipt by the registrar of notification of—

- (a) the discharge of a registered charge given by electronic means, or
- (b) the release of part of a registered estate from a registered charge given by electronic means.

(2) An application under paragraph (1) may only be made during the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice.

(3) The registrar is not required to disclose under this rule any information concerning a notification once the entries of the registered charge to which it relates have been cancelled from the relevant registered title, or the affected part of it.

Certificate of inspection of title plan

143.—(1) Where a person has applied under rule 134 for a certificate of inspection of a title plan, on completion of the inspection the registrar must issue a certificate of inspection.

(2) Subject to rule 132(2), the certificate of inspection must be issued by the registrar in Form CI or to like effect.

Historical information

Application for ^{F165}... historical [^{F166}information about] a registered title kept by the registrar in electronic form

144.—(1) A person may apply for a copy of—

(a) the last edition for a specified day, ^{F167}...

(b) every edition for a specified day, [^{F168}or]

[^{F169}(c) subject to paragraphs (5) and (6), information that was but is no longer on the register,] of a registered title, and of a registered title that has been closed, kept by the registrar in electronic form.

(2) Subject to rule 132(1), an application under paragraph (1) must be made in Form HC1.

(3) Subject to paragraph (4), if an application under paragraph (1) is in order and the registrar is keeping in electronic form an edition of the registered title for the day specified in the application, he must issue—

(a) if the application is under paragraph (1)(a), subject to rule 132(2), a paper copy of the edition of the registered title at the end of that day, or

(b) if the application is under paragraph (1)(b), subject to rule 132(2), a paper copy of the edition of the registered title at the end of that day and any prior edition kept in electronic form of the registered title for that day.

(4) Where only part of the edition of the registered title requested is kept by the registrar in electronic form he must issue, subject to rule 132(2), a paper copy of that part.

[^{F170}(5) A person may apply for historical information under paragraph (1)(c) only during the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice.

(6) The registrar must provide the historical information referred to in paragraph (5) in the manner specified in the relevant notice.]

Textual Amendments

F165 Word in rule 144 heading omitted (6.4.2018) by virtue of [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 26\(1\)\(a\)](#)

F166 Words in rule 144 heading substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 26\(1\)\(b\)](#)

F167 Word in rule 144(1)(a) omitted (6.4.2018) by virtue of [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 26\(2\)\(a\)](#)

F168 Word in rule 144(1)(b) added (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 26\(2\)\(b\)](#)

F169 Rule 144(1)(c) inserted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 26\(2\)\(c\)](#)

F170 Rule 144(5)(6) added (6.4.2018) by The Land Registration (Amendment) Rules 2018 (S.I. 2018/70), rule 1, Sch. 1 para. 26(3)

Official searches of the index kept under section 68 of the Act

Searches of the index map

- 145.**—(1) Any person may apply for an official search of the index map.
- (2) Subject to rule 132(1), an application under paragraph (1) must be made in Form SIM.
- (3) If the registrar so requires, an applicant must provide a copy of an extract from the Ordnance Survey map on the largest scale published showing the land to which the application relates.
- (4) If an application under paragraph (1) is in order, subject to rule 132(2), a paper certificate must be issued including such information specified in Part 1 of Schedule 6 as the case may require.

Searches of the index of relating franchises and manors

- 146.**—(1) Any person may apply for an official search of the index of relating franchises and manors.
- (2) Subject to rule 132(1), an application under paragraph (1) must be made in Form SIF.
- (3) If an application under paragraph (1) is in order, subject to rule 132(2), a paper certificate must be issued including such information specified in Part 2 of Schedule 6 as the case may require.

Official searches with priority

Application for official search with priority by purchaser

- 147.**—(1) A purchaser may apply for an official search with priority of the individual register of a registered title to which the protectable disposition relates.
- (2) Where there is a pending application for first registration, the purchaser of a protectable disposition which relates to that pending application may apply for an official search with priority in relation to that pending application.
- (3) Subject to rule 132(1), an application for an official search with priority must be made in Form OS1 or Form OS2, as appropriate.
- (4) Where the application is made in Form OS2 and an accompanying plan is required, unless the registrar allows otherwise, the plan must be delivered in duplicate.

Entry on day list of application for official search with priority

- 148.**—(1) An application for an official search with priority is to be taken as having been made on the date and at the time of the day notice of it is entered on the day list.
- (2) Paragraph (3) has effect where—
- (a) an application for an official search is in order, and
- (b) the applicant has not withdrawn the official search.
- (3) Subject to paragraph (4), the entry on the day list of notice of an application for an official search with priority confers a priority period on an application for an entry in the register in respect of the protectable disposition to which the official search relates.
- (4) Paragraph (3) does not apply if the application for an official search with priority is cancelled subsequently because it is not in order.

Issue of official search certificate with priority

149.—(1) If an application for an official search with priority is in order an official search certificate with priority must be issued giving the result of the search as at the date and time that the application was entered on the day list.

(2) An official search certificate with priority relating to a registered estate or to a pending application for first registration may, at the registrar's discretion, be issued in one or both of the following ways—

(a) in paper form, or

(b) under rule 132(2).

(3) Subject to paragraph (4), an official search certificate issued under paragraph (2) must include such information as specified in Part 3 or Part 4 of Schedule 6 as the case may require and may be issued by reference to an official copy of the individual register of the relevant registered title.

(4) If an official search certificate is to be, or has been, issued in paper form under paragraph (2) (a), another official search certificate issued under paragraph (2)(b) in respect of the same application need only include the information specified at A, F, G and H of Part 3 and A, H and I of Part 4 of Schedule 6, as the case may require.

Withdrawal of official search with priority

150.—(1) Subject to paragraph (2), a person who has made an application for an official search with priority of a registered title or in relation to a pending first registration application, may withdraw that official search by application to the registrar.

(2) An application under paragraph (1) cannot be made if an application for an entry in the register in respect of the protectable disposition made pursuant to the official search has been made and completed.

(3) Once an official search has been withdrawn under paragraph (1) rule 148(3) shall cease to apply in relation to it.

Protection of an application on which a protected application is dependent

151.—(1) Subject to paragraph (4), paragraph (2) has effect where an application for an entry in the register is one on which an official search certificate confers a priority period and there is a prior registrable disposition affecting the same registered land, on which that application is dependent.

(2) An application for an entry in the register in relation to that prior registrable disposition is for the purpose of section 72(1)(a) of the Act an application to which a priority period relates.

(3) The priority period referred to in paragraph (2) is a period expiring at the same time as the priority period conferred by the official search referred to in paragraph (1).

(4) Paragraph (2) does not have effect unless both the application referred to in paragraph (1) and the application referred to in paragraph (2) are—

(a) made before the end of that priority period, and

(b) in due course completed by registration.

Modifications etc. (not altering text)

C13 Rule 151 applied (with modifications) (13.10.2003) by [The Land Registration Act 2002 \(Transitional Provisions\) Order 2003 \(S.I. 2003/1953\)](#), arts. 1(1), **28(2)**

Protection of an application relating to a pending application for first registration on which a protected application is dependent

152.—(1) Subject to paragraphs (4) and (5), paragraph (2) has effect where—

- (a) there is a pending application for first registration,
- (b) there is a pending application for an entry in the register on which an official search confers a priority period,
- (c) there is an application for registration of a prior registrable disposition affecting the same registrable estate or charge as the pending application referred to in sub-paragraph (b),
- (d) the pending application referred to in sub-paragraph (b) is dependent on the application referred to in sub-paragraph (c), and
- (e) the application referred to in sub-paragraph (c) is subject to the pending application for first registration referred to in sub-paragraph (a).

(2) An application for an entry in the register in relation to the prior registrable disposition referred to in paragraph (1)(c) is for the purpose of section 72(1)(a) of the Act an application to which a priority period relates.

(3) The priority period referred to in paragraph (2) is a period expiring at the same time as the priority period conferred by the official search referred to in paragraph (1)(b).

(4) Paragraph (2) does not have effect unless the pending application for first registration referred to in paragraph (1)(a) is in due course completed by registration of all or any part of the registrable estate.

(5) Paragraph (2) does not have effect unless both the pending application on which an official search confers priority referred to in paragraph (1)(b) and the application relating to the prior registrable disposition referred to in paragraph (1)(c) are—

- (a) made before the end of that priority period, and
- (b) in due course completed by registration.

Priority of concurrent applications for official searches with priority and concurrent official search certificates with priority

153.—(1) Where two or more official search certificates with priority relating to the same registrable estate or charge or to the same registered land have been issued and are in operation, the certificates take effect, as far as relates to the priority conferred, in the order of the times at which the applications for official search with priority were entered on the day list, unless the applicants agree otherwise.

(2) Where one transaction is dependent upon another the registrar must assume (unless the contrary appears) that the applicants for official search with priority have agreed that their applications have priority so as to give effect to the sequence of the documents effecting the transactions.

Applications lodged at the same time as the priority period expires

154.—(1) Where an official search with priority has been made in respect of a registered title and an application relating to that title is taken as having been made at the same time as the expiry of the priority period relating to that search, the time of the making of that application is to be taken as within that priority period.

(2) Where an official search with priority has been made in respect of a pending application for first registration and a subsequent application relating to a registrable estate which is subject to that pending application for first registration, or was so subject before completion of the registration of

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that registrable estate, is taken as having been made at the same time as the expiry of the priority period relating to that search, the time of the making of that subsequent application is to be taken as within that priority period.

Official searches without priority

Application for official search without priority

155.—(1) A person may apply for an official search without priority of an individual register of a registered title.

(2) Subject to rule 132(1), an application for an official search without priority must be made in Form OS3.

(3) Where the application is in Form OS3 and an accompanying plan is required, unless the registrar allows otherwise, the plan must be delivered in duplicate.

Issue of official search certificate without priority

156.—(1) If an application for an official search without priority is in order, an official search certificate without priority must be issued.

(2) An official search certificate without priority may, at the registrar's discretion, be issued in one or both of the following ways—

- (a) in paper form, or
- (b) under rule 132(2).

(3) Subject to paragraph (4), an official search certificate without priority issued under paragraph (2) must include such information specified in Part 3 of Schedule 6 as the case may require and may be issued by reference to an official copy of the individual register of the relevant registered title.

(4) If an official certificate of search is to be, or has been, issued in paper form under paragraph (2) (a), another official search certificate issued under paragraph (2)(b) in respect of the same application need only include the information specified at A, F, G and H of Part 3 of Schedule 6, as the case may require.

Request for information

Information requested by telephone, oral or remote terminal application for an official search

157.—(1) If an application under rule 147(3) or rule 155(2) has been made by telephone or orally by virtue of rule 132(1) in respect of a registered title, the registrar may, before or after the official search has been completed, at his discretion, inform the applicant, by telephone or orally, whether or not—

- (a) there have been any relevant adverse entries made in the individual register since the search from date given in the application, or
- (b) there is any relevant entry subsisting on the day list.

(2) If an application under rule 147(3) has been made by telephone or orally by virtue of rule 132(1) in respect of a legal estate subject to a pending application for first registration, the registrar may, before or after the official search has been completed, at his discretion, inform the applicant, by telephone or orally, whether or not there is any relevant entry subsisting on the day list.

(3) If an application under rule 147(3) or rule 155(2) has been made to the land registry computer system from a remote terminal by virtue of rule 132(1), the registrar may, before or after the official search has been completed, at his discretion, inform the applicant, by a transmission to the remote terminal, whether or not—

- (a) in the case of an official search of a registered title, there have been any relevant entries of the kind referred to in paragraph (1)(a) or (b), or
 - (b) in the case of an official search of a legal estate subject to a pending application for first registration, there have been any relevant entries of the kind referred to in paragraph (2).
- (4) Under this rule the registrar need not provide the applicant with details of any relevant entries.

Official searches for the purpose of the Family Law Act 1996 and information requests

Application for official search for the purpose of the Family Law Act 1996 by a mortgagee

158.—(1) A mortgagee of land comprised in a registered title that consists of or includes all or part of a dwelling-house may apply for an official search certificate of the result of a search of the relevant individual register for the purpose of section 56(3) of the Family Law Act 1996 ^{M22}.

(2) Subject to rule 132(1), an application under paragraph (1) must be made in [F171Form HR3] .

Textual Amendments

F171 Words in rule 158(2) substituted (5.12.2005) by [The Land Registration \(Amendment\) \(No 2\) Rules 2005 \(S.I. 2005/1982\)](#), rules 1(3), 14

Marginal Citations

M22 1996 c. 27.

Issue of official search certificate result following an application made by a mortgagee for the purpose of section 56(3) of the Family Law Act 1996

159.—(1) An official search certificate giving the result of a search in respect of an application made under rule 158 may, at the registrar's discretion, be issued in one or both of the following ways—

- (a) in paper form, or
- (b) under rule 132(2).

(2) Subject to paragraph (3), an official search certificate issued under paragraph (1) must include the information specified in Part 5 of Schedule 6.

(3) If an official search certificate is to be, or has been, issued under paragraph (1)(a), another official search certificate issued under rule 132(2) by virtue of paragraph (1)(b) in respect of the same application need only include the information specified at A, E and F of Part 5 of Schedule 6.

Information requested by an applicant for an official search for the purpose of the Family Law Act 1996

160. If an application has been made under rule 158 the registrar may, at his discretion, during the currency of a relevant notice given under Schedule 2, and in accordance with the limitations contained in that notice, before the official search has been completed, inform the applicant, by any means of communication, whether or not—

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- (a) a ^{F172}... home rights notice or matrimonial home rights caution has been entered in the individual register of the relevant registered title, or
- (b) there is a pending application for the entry of a ^{F173}... home rights notice entered on the day list.

Textual Amendments

F172 Word in rule 160(a) deleted (5.12.2005) by [The Land Registration \(Amendment\) \(No 2\) Rules 2005 \(S.I. 2005/1982\)](#), rules 1(3), **15(1)**

F173 Word in rule 160(b) deleted (5.12.2005) by [The Land Registration \(Amendment\) \(No 2\) Rules 2005 \(S.I. 2005/1982\)](#), rules 1(3), **15(2)**

PART 14

MISCELLANEOUS AND SPECIAL CASES

Dispositions by operation of law within section 27(5) of the Act

Applications to register dispositions by operation of law which are registrable dispositions

161.—(1) Subject to paragraphs (2) and (3), an application to register a disposition by operation of law which is a registrable disposition must be accompanied by sufficient evidence of the disposition.

(2) Where a vesting order has been made, it must accompany the application.

(3) Where there is a vesting declaration to which section 40 of the Trustee Act 1925 ^{M23} applies, the application must be accompanied by the deed of appointment or retirement, and—

- (a) a certificate from the conveyancer acting for the persons making the appointment or effecting the retirement that they are entitled to do so, or
- (b) such other evidence to satisfy the registrar that the persons making the appointment or effecting the retirement are entitled to do so.

Marginal Citations

M23 1925 c. 19.

Death of proprietor

Transfer by a personal representative

162.—^{F174}(1) An application to register a transfer by a personal representative, who is not already registered as proprietor, must be accompanied by—

- (a) the original grant of probate of the deceased proprietor and, where section 7 of the Administration of ^{F175}Estates Act 1925 applies, the original grant of probate showing the chain of representation, to prove that the transferor is his personal representative,
- (b) the original letters of administration of the deceased proprietor showing the transferor as his personal representative,
- (c) a court order appointing the transferor as the deceased's personal representative, or

- (d) (where a conveyancer is acting for the applicant) a certificate given by a conveyancer that the conveyancer holds the original or a certified or office copy of such grant of probate, letters of administration or court order.]

(2) The registrar shall not be under a duty to investigate the reasons a transfer of registered land by a personal representative of a deceased sole proprietor or last surviving joint proprietor is made nor to consider the contents of the will and, provided the terms of any restriction on the register are complied with, he must assume, whether he knows of the terms of the will or not, that the personal representative is acting correctly and within his powers.

Textual Amendments

F174 Rule 162(1) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 51](#) (with rule 5)

F175 Word in rule 162(1)(a) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 27](#)

Registration of a personal representative

163.—(1) An application by a personal representative to become registered as proprietor of a registered estate or registered charge—

- (a) in place of a deceased sole proprietor or the last surviving joint proprietor, or
- (b) jointly with another personal representative who is already so registered, or
- (c) in place of another personal representative who is already registered as proprietor,

must be accompanied by the evidence specified in paragraph (2).

[^{F176}(2) Subject to paragraph (3), the evidence that must accompany an application under paragraph (1) is—

- (a) the original grant of probate of the deceased proprietor and, where section 7 of the Administration of [^{F177}Estates] Act 1925 applies, the original grant of probate showing the chain of representation, to prove that the [^{F177}applicant] is his personal representative,
- (b) the original letters of administration of the deceased proprietor showing the [^{F178}applicant] as his personal representative,
- (c) a court order appointing the applicant as the deceased's personal representative, or
- (d) (where a conveyancer is acting for the applicant) a certificate given by the conveyancer that he holds the original or an office copy of such grant of probate, letters of administration or court order.]

(3) An application under paragraph (1)(c) must be accompanied by evidence to satisfy the registrar that the appointment of the personal representative whom the applicant is replacing has been terminated.

(4) When registering a personal representative of a deceased proprietor, the registrar must add the following after the personal representative's name—

“executor or executrix (or administrator or administratrix) of [name] deceased”.

(5) Before registering another personal representative as a result of an application made under paragraph (1)(b) the registrar must serve notice upon the personal representative who is registered as proprietor.

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Textual Amendments

- F176** Rule 163(2) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008](#) (S.I. 2008/1919), rule 2(1), **Sch. 1 para. 52** (with rule 5)
- F177** Words in rule 163(2)(a) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018](#) (S.I. 2018/70), rule 1, **Sch. 1 para. 28(1)**
- F178** Word in rule 163(2)(b) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018](#) (S.I. 2018/70), rule 1, **Sch. 1 para. 28(2)**

Death of joint proprietor

164. An application for alteration of the register by the removal from the register of the name of a deceased joint proprietor of a registered estate or registered charge must be accompanied by evidence of his death.

Bankruptcy of proprietor

Bankruptcy notice

165.—(1) The bankruptcy notice in relation to a registered estate must be entered in the proprietorship register and the bankruptcy notice in relation to a registered charge must be entered in the charges register ^{F179}.

(1A) The bankruptcy notice on registration of a petition in bankruptcy must be in the following form—

“BANKRUPTCY NOTICE entered under section 86(2) of the Land Registration Act 2002 in respect of a pending action, as the title of the [proprietor of the registered estate] *or* [the proprietor of the charge dated..... referred to above] appears to be affected by a petition in bankruptcy against [*name of debtor*], presented in the [*name*] Court (Court Reference Number.....) (Land Charges Reference Number PA.....).”

^{F180}(1B) The bankruptcy notice on registration of a bankruptcy application must be in the following form—

“BANKRUPTCY NOTICE entered under section 86(2) of the Land Registration Act 2002 in respect of a pending action, as the title of [the proprietor of the registered estate] *or* [the proprietor of the charge dated....referred to above] appears to be affected by a bankruptcy application made by [name of debtor] (reference.....) (Land Charges Reference Number PA.....).”

(2) The registrar must give notice of the entry of a bankruptcy notice to the proprietor of the registered estate or registered charge to which it relates.

(3) In this rule, “bankruptcy notice” means the notice which the registrar must enter in the register under section 86(2) of the Act.

Textual Amendments

- F179** Words in rule 165(1) substituted (6.4.2016) by virtue of [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\)](#) and the [Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016](#) (S.I. 2016/481), reg. 1, **Sch. 2 para. 8(2)(a)**
- F180** Rule 165(1B) inserted (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\)](#) and the [Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016](#) (S.I. 2016/481), reg. 1, **Sch. 2 para. 8(2)(b)**

Bankruptcy restriction

166.—(1) The bankruptcy restriction in relation to a registered estate must be entered in the proprietorship register and the bankruptcy restriction in relation to a registered charge must be entered in the charges register ^{F181}.

(1A) The bankruptcy restriction on registration of a bankruptcy order made by the court must be in the following form—

“BANKRUPTCY RESTRICTION entered under section 86(4) of the Land Registration Act 2002, as the title of [the proprietor of the registered estate] *or* [the proprietor of the charge dated..... referred to above] appears to be affected by a bankruptcy order made by the [name] Court (Court Reference Number.....) against [name of debtor] (Land Charges Reference Number WO.....).

[No disposition of the registered estate] *or* [No disposition of the charge] is to be registered until the trustee in bankruptcy of the property of the bankrupt is registered as proprietor of the [registered estate] *or* [charge].”

^{F182}(1B) The bankruptcy restriction on registration of a bankruptcy order made by the adjudicator must be in the following form—

“BANKRUPTCY RESTRICTION entered under section 86(4) of the Land Registration Act 2002 as the title of [the proprietor of the registered estate] *or* [the proprietor of the charge dated.....referred to above] appears to be affected by a bankruptcy order made by the adjudicator (reference.....) against [name of debtor] (Land Charges Reference Number WO.....).

[No disposition of the registered estate] *or* [No disposition of the charge] is to be registered until the trustee in bankruptcy of the property of the bankrupt is registered as proprietor of the [registered estate] *or* [charge].”

(2) The registrar must give notice of the entry of a bankruptcy restriction to the proprietor of the registered estate or registered charge to which it relates.

(3) In this rule, “bankruptcy restriction” means the restriction which the registrar must enter in the register under section 86(4) of the Act.

Textual Amendments

F181 Words in rule 166(1) substituted (6.4.2016) by virtue of [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\) and the Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/481\), reg. 1, Sch. 2 para. 8\(3\)\(a\)](#)

F182 Rule 166(1B) inserted (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\) and the Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/481\), reg. 1, Sch. 2 para. 8\(3\)\(b\)](#)

Action of the registrar in relation to bankruptcy entries

167.—(1) Where the registrar is satisfied that—

(a) the bankruptcy order has been annulled, *or*

^{F183}(ab) the adjudicator has refused to make a bankruptcy order, *or*

(b) the bankruptcy petition has been dismissed or withdrawn with the court's permission, *or*

(c) the bankruptcy proceedings do not affect or have ceased to affect the registered estate or registered charge in relation to which a bankruptcy notice or bankruptcy restriction has been entered on the register,

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he must as soon as practicable cancel any bankruptcy notice or bankruptcy restriction which relates to that bankruptcy order, [^{F184}to that bankruptcy application,] to that bankruptcy petition or to those proceedings from the register.

(2) Where it appears to the registrar that there is doubt as to whether the debtor or bankrupt is the same person as the proprietor of the registered estate or registered charge in relation to which a bankruptcy notice or bankruptcy restriction has been entered, he must as soon as practicable take such action as he considers necessary to resolve the doubt.

(3) In this rule—

“bankruptcy notice” means the notice which the registrar must enter in the register under section 86(2) of the Act, and

“bankruptcy restriction” means the restriction which the registrar must enter in the register under section 86(4) of the Act.

Textual Amendments

F183 Rule 167(1)(ab) inserted (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\) and the Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/481\), reg. 1, Sch. 2 para. 8\(4\)\(a\)](#)

F184 Words in rule 167(1) inserted (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\) and the Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/481\), reg. 1, Sch. 2 para. 8\(4\)\(b\)](#)

Registration of trustee in bankruptcy

168.—(1) Where—

- (a) a proprietor has had a bankruptcy order made against him, or
- (b) an insolvency administration order has been made in respect of a deceased proprietor,

and the bankrupt's or deceased's registered estate or registered charge has vested in the trustee in bankruptcy, the trustee may apply for the alteration of the register by registering himself in place of the bankrupt or deceased proprietor.

(2) The application must be supported by, as appropriate—

- (a) the bankruptcy order relating to the bankrupt or the insolvency administration order relating to the deceased's estate, and
- (b) a certificate signed by the trustee that the registered estate or registered charge is comprised in the bankrupt's estate or deceased's estate, and
- (c) where the official receiver is the trustee, a certificate by him to that effect, and, where the trustee is another person, the evidence referred to in paragraph (3).

(3) The evidence referred to at paragraph (2)(c) is—

- (a) his certificate of appointment as trustee by the meeting of the bankrupt's or deceased debtor's creditors, or
- (b) his certificate of appointment as trustee by the Secretary of State, or
- (c) the order of the court appointing him trustee.

(4) In this rule, “insolvency administration order” has the same meaning as in section 385(1) of the Insolvency Act 1986 ^{M24}.

Marginal Citations

M24 1986 c. 45.

Trustee in bankruptcy vacating office

169.—(1) This rule applies where—

- (a) a trustee in bankruptcy, who has been registered as proprietor, vacates his office, and
- (b) the official receiver or some other person has been appointed the trustee of the relevant bankrupt's estate, and
- (c) the official receiver or that person applies to be registered as proprietor in place of the former trustee.

(2) The application referred to in paragraph (1)(c) must be supported by the evidence required by rule 168(2)(c).

Description of trustee in register

170. Where the official receiver or another trustee in bankruptcy is registered as proprietor, the words “Official Receiver and trustee in bankruptcy of [name]” or “Trustee in bankruptcy of [name]” must be added to the register, as appropriate.

Overseas insolvency proceedings

Proceedings under the EU Regulation on insolvency proceedings.

^{F185}**171.**

Textual Amendments

F185 Rule 171 omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/146), reg. 1(3), [Sch. para. 109](#) (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

Pending land actions, writs and orders

Benefit of pending land actions, writs and orders

172.—(1) For the purposes of section 34(1) of the Act, a relevant person shall be treated as having the benefit of the pending land action, writ or order, as appropriate.

(2) In determining whether a person has a sufficient interest in the making of an entry of a restriction under section 43(1)(c) of the Act, a relevant person shall be treated as having the benefit of the pending land action, writ or order, as appropriate.

(3) In this rule, “a relevant person” means a person (or his assignee or chargee, if appropriate) who is taking any action or proceedings which are within section 87(1)(a) of the Act, or who has obtained a writ or order within section 87(1)(b) of the Act.

The Crown

Escheat etc

173.—(1) Where a registered freehold estate in land has determined, the registrar may enter a note of that fact in the property register and in the property register of any inferior affected registered title.

(2) Where the registrar considers that there is doubt as to whether a registered freehold estate in land has determined, the entry under paragraph (1) must be modified by a statement to that effect.

Church of England

Entry of Incumbent on a transfer to the Church Commissioners

174.—(1) Where by virtue of any Act or Measure a transfer to the Church Commissioners has the effect, subject only to being completed by registration, of vesting any registered land either immediately or at a subsequent time in an incumbent or any other ecclesiastical corporation sole, the registrar must register the incumbent or such other ecclesiastical corporation as proprietor upon receipt of—

- (a) an application,
- (b) the transfer to the Church Commissioners, and
- (c) a certificate by the Church Commissioners in Form 4.

(2) The certificate in Form 4 may be given either in the transfer or in a separate document.

(3) In this rule, “Measure” means a Measure of the National Assembly of the Church of England or of the General Synod of the Church of England.

Entry of Church Commissioners etc as proprietor

175.—(1) When any registered land is transferred to or (subject only to completion by registration) vested in the Church Commissioners, any ecclesiastical corporation, aggregate or sole, or any other person, by—

- (a) a scheme of the Church Commissioners, or
- (b) an instrument taking effect on publication in the London Gazette made pursuant to any Act or Measure relating to or administered by the Church Commissioners, or
- (c) any transfer authorised by any such Act or Measure,

the registrar must, on application, register the Church Commissioners, such ecclesiastical corporation or such other person as proprietor.

(2) The application must be accompanied by—

- (a) a certificate by the Church Commissioners in Form 5, and

[^{F186}(b) one of the following, as appropriate—

- (i) a sealed copy of the scheme of the Church Commissioners,
- (ii) a copy of the London Gazette publishing the instrument, or
- (iii) the transfer.]

(3) The certificate in Form 5 may be given either in the transfer or in a separate document.

(4) In this rule, “Measure” means a Measure of the National Assembly of the Church of England or of the General Synod of the Church of England.

Textual Amendments

F186 Rule 175(2)(b) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 53](#) (with rule 5)

Charities

Non-exempt charities—restrictions

176.—(1) The restriction which the registrar is required by section 37(8) or section 39(1B) of the Charities Act 1993 ^{M25} to enter in the register where one of those subsections applies must be the appropriate restriction.

(2) Any of the following applications must, if they relate to a registered or unregistered estate held by or in trust for a non-exempt charity, be accompanied by an application for entry of the appropriate restriction unless, in the case of a registered estate, that restriction is already in the register—

- (a) an application for first registration of an unregistered estate unless the disposition which triggers the requirement of registration is effected by an instrument containing the statement set out in rule 179(b) or rule 180(2)(b) [^{F187}, (c) or (d)],
- (b) an application to register a transfer of a registered estate unless the disposition is effected by an instrument containing the statement set out in rule 179(b),
- (c) an application under rule 161 to register the vesting of a registered estate in a person other than the proprietor of that estate.

(3) Where a registered estate is held by or in trust for a corporation and the corporation becomes a non-exempt charity, the charity trustees must apply for entry of the appropriate restriction.

(4) In this rule “the appropriate restriction” means a restriction in Form E.

Textual Amendments

F187 Words in rule 176(2)(a) substituted (7.3.2024) by [The Charities Act 2022 \(Commencement No. 3, Consequential, Saving and Transitional Provisions\) Regulations 2024 \(S.I. 2024/265\)](#), [Sch. 3 para. 5](#) (with reg. 10, Sch. 3 paras. 2-4)

Marginal Citations

M25 1993 c. 10.

Registration of trustees incorporated under Part VII of the Charities Act 1993

177. In any registrable disposition in favour of charity trustees incorporated under Part VII of the Charities Act 1993 they must be described as “a body corporate under Part VII of the Charities Act 1993” and the application to register the disposition must be accompanied by the certificate granted by the Charity Commissioners under section 50 of that Act.

Registration of official custodian

178.—(1) An application to register the official custodian as proprietor of a registered estate or a registered charge must be accompanied by—

- (a) an order of the court made under section 21(1) of the Charities Act 1993, or

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(b) an order of the Charity Commissioners made under sections 16 or 18 of the Charities Act 1993.

(2) Where the estate or charge is vested in the official custodian by virtue of an order under section 18 of the Charities Act 1993, an application to register him as proprietor (whether under Chapter 1 of Part 2 of the Act or following a registrable disposition) must be accompanied by an application for the entry of a restriction in Form F.

(3) Where the official custodian is registered as proprietor of a registered estate or a registered charge, except where the estate or charge is vested in him by virtue of an order under section 18 of the Charities Act 1993, the address of the charity trustees or, where the registered estate or registered charge is held on behalf of a charity which is a corporation, the address of the charity, must be entered in the register as his address for service under rule 198.

Statements to be contained in dispositions in favour of a charity

179. The statement required by section 37(5) of the Charities Act 1993 must, in an instrument to which section 37(7) of that Act applies, be in one of the following forms—

- (a) “The land transferred (*or as the case may be*) will, as a result of this transfer (*or as the case may be*) be held by (or in trust for) (*charity*), an exempt charity.”
- (b) “The land transferred (*or as the case may be*) will, as a result of this transfer (*or as the case may be*) be held by (or in trust for) (*charity*), a non-exempt charity, and the restrictions on disposition imposed by section 36 of the Charities Act 1993 will apply to the land (subject to section 36(9) of that Act).”

Statements to be contained in dispositions by a charity

180.—(1) The statement required by [F188section 122(2) of the Charities Act 2011] must, in an instrument to which [F189section 123(1)] of that Act applies, be in one of the following forms—

- (a) “The land transferred (*or as the case may be*) is held by [(*proprietors*) in trust for] (*charity*), an exempt charity.”
- (b) “The land transferred (*or as the case may be*) is held by [(*proprietors*) in trust for] (*charity*), a non-exempt charity, but this transfer (*or as the case may be*) is one falling within [F190paragraph (a), (aa),][F191(c) or (d) *as the case may be*] of section 117(3) of the Charities Act 2011.”
- (c) “The land transferred (*or as the case may be*) is held by [(*proprietors*) in trust for] (*charity*), a non-exempt charity, and this transfer (*or as the case may be*) is not one falling within [F192paragraph (a), (aa),][F193(c) or (d) of section 117(3) of the Charities Act 2011, but the disposition has been sanctioned by an order of the court or of the Charity Commission.]”
- [F194(d) “The land transferred (*or as the case may be*) is held by [(*proprietors*) in trust for] (*charity*), a non-exempt charity, and this transfer (*or as the case may be*) is not one falling within paragraph (a), (aa), (c) or (d) of section 117(3) of the Charities Act 2011, but there is power under the trusts of the charity to effect the disposition and sections 117 to 121 of that Act have been complied with.”.]

(2) The statement required by [F195section 125(1) of the Charities Act 2011] must, in a mortgage which is a registrable disposition or to which section 4(1)(g) of the Act applies, be in one of the following forms—

- (a) “The land charged is held by (*or in trust for*) (*charity*), an exempt charity.”
- (b) “The land charged is held by (*or in trust for*) (*charity*), a non-exempt charity, but this charge (*or mortgage*) is one falling within [F196section 124(9) of the Charities Act 2011].”

- (c) “The land charged is held by (or in trust for) (*charity*), a non-exempt charity, and this charge (or mortgage) is not one falling within [F197]section 124(9) of the Charities Act 2011, but the charge (or mortgage) has been sanctioned by an order of the court or of the Charity Commission.”]
- [F198](d) “The land charged is held by (or in trust for) (*charity*), a non-exempt charity, and this charge (or mortgage) is not one falling within section 124(9) of the Charities Act 2011, but there is power under the trusts of the charity to grant the charge (or mortgage) and the requirements of section 124(2) of that Act have been complied with.”]
- [F199](3) The statement required by section 126(2)(b) of the Charities Act 2011 must be in the following form—
“The restrictions on disposition imposed by sections 117 to 121 of the Charities Act 2011 also apply to the land (subject to section 117(3) of that Act).”]

Textual Amendments

- F188** Words in rule 180(1) substituted (7.3.2024) by The Charities Act 2022 (Commencement No. 3, Consequential, Saving and Transitional Provisions) Regulations 2024 (S.I. 2024/265), **Sch. 3 para. 6(a)** (with reg. 10, Sch. 3 paras. 2-4)
- F189** Words in rule 180(1) substituted (7.3.2024) by The Charities Act 2022 (Commencement No. 3, Consequential, Saving and Transitional Provisions) Regulations 2024 (S.I. 2024/265), **Sch. 3 para. 6(b)** (with reg. 10, Sch. 3 paras. 2-4)
- F190** Words in rule 180(1)(b) substituted (1.6.2010 immediately after 2006 c. 50, s. 11(3) comes into force, see S.I. 2010/503, art. 2, Sch. 1) by The Charities Act 2006 (Changes in Exempt Charities) Order 2010 (S.I. 2010/500), art. 1, **Sch. 1 para. 9(2)** (with Sch. 2)
- F191** Words in rule 180(1)(b) substituted (7.3.2024) by The Charities Act 2022 (Commencement No. 3, Consequential, Saving and Transitional Provisions) Regulations 2024 (S.I. 2024/265), **Sch. 3 para. 6(c)** (with reg. 10, Sch. 3 paras. 2-4)
- F192** Words in rule 180(1)(c) substituted (1.6.2010 immediately after 2006 c. 50, s. 11(3) comes into force, see S.I. 2010/503, art. 2, Sch. 1) by The Charities Act 2006 (Changes in Exempt Charities) Order 2010 (S.I. 2010/500), art. 1, **Sch. 1 para. 9(2)** (with Sch. 2)
- F193** Words in rule 180(1)(c) substituted (7.3.2024) by The Charities Act 2022 (Commencement No. 3, Consequential, Saving and Transitional Provisions) Regulations 2024 (S.I. 2024/265), **Sch. 3 para. 6(d)** (with reg. 10, Sch. 3 paras. 2-4)
- F194** Rule 180(1)(d) inserted (7.3.2024) by The Charities Act 2022 (Commencement No. 3, Consequential, Saving and Transitional Provisions) Regulations 2024 (S.I. 2024/265), **Sch. 3 para. 6(e)** (with reg. 10, Sch. 3 paras. 2-4)
- F195** Words in rule 180(2) substituted (7.3.2024) by The Charities Act 2022 (Commencement No. 3, Consequential, Saving and Transitional Provisions) Regulations 2024 (S.I. 2024/265), **Sch. 3 para. 7(a)** (with reg. 10, Sch. 3 paras. 2-4)
- F196** Words in rule 180(2)(b) substituted (7.3.2024) by The Charities Act 2022 (Commencement No. 3, Consequential, Saving and Transitional Provisions) Regulations 2024 (S.I. 2024/265), **Sch. 3 para. 7(b)** (with reg. 10, Sch. 3 paras. 2-4)
- F197** Words in rule 180(2)(c) substituted (7.3.2024) by The Charities Act 2022 (Commencement No. 3, Consequential, Saving and Transitional Provisions) Regulations 2024 (S.I. 2024/265), **Sch. 3 para. 7(e)** (with reg. 10, Sch. 3 paras. 2-4)
- F198** Rule 180(2)(d) inserted (7.3.2024) by The Charities Act 2022 (Commencement No. 3, Consequential, Saving and Transitional Provisions) Regulations 2024 (S.I. 2024/265), **Sch. 3 para. 7(d)** (with reg. 10, Sch. 3 paras. 2-4)
- F199** Rule 180(3) substituted (7.3.2024) by The Charities Act 2022 (Commencement No. 3, Consequential, Saving and Transitional Provisions) Regulations 2024 (S.I. 2024/265), **Sch. 3 para. 8** (with reg. 10, Sch. 3 paras. 2-4)

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Companies and other corporations

Registration of companies and limited liability partnerships

^{F200}181.

Textual Amendments

F200 Rule 181 revoked (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 54](#) (with rule 5)

Registration of trustees of charitable, ecclesiastical or public trust

182.—(1) Subject to paragraph [^{F201}(2)], where a corporation or body of trustees holding on charitable, ecclesiastical or public trusts applies to be registered as proprietor of a registered estate or registered charge, the application must be accompanied by the document creating the trust.

^{F202}(2)

^{F202}(3)

[^{F203}(2)] Paragraph (1) of this rule does not apply in the case of a registered estate or a registered charge held by or in trust for a non-exempt charity.

Textual Amendments

F201 Word in rule 182(1) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 55\(a\)](#) (with rule 5)

F202 Rule 182(2)(3) omitted (10.11.2008) by virtue of [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 55\(b\)](#) (with rule 5)

F203 Rule 182(2): renumbered (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 55\(c\)](#) (with rule 5)

[^{F204}Registration of certain corporations]

[^{F204}**183.**—(1) Where a corporation to which this rule applies makes an application to be registered as proprietor of a registered estate or registered charge the application must also be accompanied by evidence of the extent of its powers to hold and sell, mortgage, lease and otherwise deal with, or to lend money on a mortgage or charge of, land.

(2) The evidence must include—

(a) the charter, statute, rules, memorandum and articles of association or other documents constituting the corporation, or a certificate given either—

(i) in Form 7 by a qualified lawyer practising in the territory of incorporation of the corporation, where the corporation is incorporated outside the United Kingdom, or

(ii) in Form 8 by the applicant's conveyancer, in respect of any other corporation to which this rule applies, and

(b) such further evidence as the registrar may require.

(3) This rule applies to any corporation aggregate which is not—

(a) a company incorporated in any part of the United Kingdom under the Companies Acts,

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- (b) a limited liability partnership incorporated under the Limited Liability Partnerships Act 2000 or the Limited Liability Partnerships Act (Northern Ireland) 2002, or
- (c) a corporation to which rule 182(1) applies.]

Textual Amendments

F204 Rule 183 substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 56](#) (with rule 5)

[^{F205}Registration of registered social landlords [^{F206}, private registered providers of social housing] and unregistered housing associations

183A.—^{F207}(1)

^{F208}(1A)

(2) If an applicant for registration as proprietor of a registered estate or a registered charge is, or holds on trust for, an unregistered housing association within the meaning of the Housing Associations Act 1985 and the application relates to grant-aided land as defined in Schedule 1 to that Act, the application must include a certificate to that effect.]

Textual Amendments

F205 Rule 183A inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 57](#) (with rule 5)

F206 Words in rule 183A heading inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) \(No. 2\) Order 2010 \(S.I. 2010/671\)](#), art. 1(2), [Sch. 1 para. 32\(a\)](#) (with Sch. 2); S.I. 2010/862, art. 2

F207 Rule 183A(1) omitted (15.8.2018) by virtue of [The Regulation of Registered Social Landlords \(Wales\) Act 2018 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/870\)](#), regs. 1(2), [4\(b\)](#)

F208 Rule 183A(1A) omitted (6.4.2017) by virtue of [The Housing and Planning Act 2016 \(Consequential Provisions\) \(England\) Regulations 2017 \(S.I. 2017/378\)](#), regs. 1(1), [2](#)

Administration orders and liquidation of a company

184.—(1) Paragraph (2) applies where a company which is the registered proprietor of a registered estate or registered charge [^{F209}enters administration] under the Insolvency Act 1986 ^{M26}.

(2) Upon the application of the company's administrator, supported by the order [^{F210}or the notice of appointment], the registrar must make an entry in the individual register of the relevant registered title as to the making of the order [^{F210}or the notice of appointment] and the appointment of the administrator.

(3) Paragraphs (4) and (5) apply where a company which is the registered proprietor of a registered estate or registered charge is in liquidation.

(4) Upon the application of the company's liquidator, the registrar must make an entry in the individual register of the relevant registered title as to the appointment of the liquidator.

(5) The application under paragraph (4) must be supported by the order, appointment by the Secretary of State or resolution under which the liquidator was appointed and such other evidence as the registrar may require.

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Textual Amendments

- F209** Words in rule 184(1) substituted (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 1(1), **Sch. para. 80(a)** (with art. 6)
- F210** Words in rule 184(1) inserted (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 1(1), **Sch. para. 80(b)** (with art. 6)

Modifications etc. (not altering text)

- C14** Rule 184(1) modified (4.1.2024) by [S.I. 2021/716](#), **Sch. 3 para. 6** (as substituted by [The Payment and Electronic Money Institution Insolvency \(Amendment\) Regulations 2023 \(S.I. 2023/1399\)](#), regs. 1(2), **21(8)**)
- C15** Rule 184(1) modified (8.2.2011) by [The Investment Bank Special Administration Regulations 2011 \(S.I. 2011/245\)](#), reg. 1, **Sch. 6 para. 6** (with reg. 27(a))
- C16** Rule 184 modified (31.1.2019) by [The Further Education Bodies \(Insolvency\) Regulations 2019 \(S.I. 2019/138\)](#), regs. 1(1), **37** (with regs. 1(2), 3(b))
- C17** Rule 184(1) modified (8.7.2021) by [The Payment and Electronic Money Institution Insolvency Regulations 2021 \(S.I. 2021/716\)](#), reg. 2, **Sch. 3 para. 6** (with reg. 5) (as amended (4.1.2024) by [S.I. 2023/1399](#), regs. 1(2), **4**)

Marginal Citations

- M26** 1986 c. 45.

[^{F211}Housing administration orders

184A.—(1) Paragraph (2) applies where a housing administration order is made under the Housing and Planning Act 2016 in relation to a registered provider which is the registered proprietor of a registered estate or a registered charge.

(2) Upon the application of the registered provider’s housing administrator, supported by the order, the registrar must make an entry in the individual register of the relevant registered title as to the making of the order and the appointment of the housing administrator.

(3) In this rule “housing administration order”, “housing administrator” and “registered provider” have the meanings set out in Chapter 5 of Part 4 of the Housing and Planning Act 2016.]

Textual Amendments

- F211** Rule 184A inserted (4.7.2018) by [The Insolvency of Registered Providers of Social Housing Regulations 2018 \(S.I. 2018/728\)](#), regs. 1, **4**

Note of dissolution of a corporation

185. Where a corporation shown in an individual register as the proprietor of the registered estate or of a registered charge has been dissolved, the registrar may enter a note of that fact in the proprietorship register or in the charges register, as appropriate.

Settlements

Settlements

186. Schedule 7 (which makes provision for the purposes of the Act in relation to the application to registered land of the enactments relating to settlements under the Settled Land Act 1925 ^{M27}) has effect.

Marginal Citations

M27 1925 c. 18.

Adverse Possession

[^{F212}Interpretation]

[^{F212}**187.**—(1) Where the application is to be registered as proprietor of a registered rentcharge, the references in rules 188, 188A, 189, 190, 192, 193, 194A, 194B, 194C, 194F, and 194G to Schedule 6 to the Act are to Schedule 6 as applied by rule 191.

(2) In rules 194A, 194B and 194F, “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 outside the United Kingdom within such period as is reasonable in all the circumstances.

(3) In rules 194A, 194B, 194C, 194F and 194G, “qualified surveyor” means a fellow or professional associate of the Royal Institution of Chartered Surveyors.]

Textual Amendments

F212 Rule 187 substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 58** (with rule 5)

Applications for registration—procedure

188.—(1) An application under paragraphs 1 or 6 of Schedule 6 to the Act must be in Form ADV1 and be accompanied by—

- (a) a statutory declaration [^{F213}or statement of truth] made by the applicant not more than one month before the application is taken to have been made, together with any supporting statutory declarations [^{F213}or statements of truth], to provide evidence of adverse possession of the registered estate in land or rentcharge against which the application is made for a period which if it were to continue from the date of the applicant's statutory declaration [^{F213}or statement of truth] to the date of the application would be—
 - (i) where the application is under paragraph 1, of not less than ten years (or sixty years, if paragraph 13 of Schedule 6 to the Act applies) ending on the date of the application, or
 - (ii) where the application is under paragraph 6, of not less than two years beginning with the date of rejection of the original application under paragraph 1 and ending on the date of the application,
- (b) any additional evidence which the applicant considers necessary to support the claim.

(2) The statutory declaration [^{F214}or statement of truth] by an applicant in support of an application under paragraph 1 of Schedule 6 to the Act must also—

- [^{F215}(a) if the application relates to part only of the land in a registered title, exhibit a plan which enables that part to be identified on the Ordnance Survey map, unless that part is referred to in the statutory declaration or statement of truth by reference to the title plan and this enables that part to be so identified,]
- (b) if reliance is placed on paragraph 1(2) of Schedule 6 to the Act, contain the facts relied upon with any appropriate exhibits,
- (c) contain confirmation that paragraph 1(3) of Schedule 6 to the Act does not apply,
- (d) where the application is to be registered as proprietor of a registered rentcharge, contain confirmation that the proprietor of the registered rentcharge has not re-entered the land out of which the rentcharge issues,
- (e) contain confirmation that to the best of his knowledge the restriction on applications in paragraph 8 of Schedule 6 to the Act does not apply,
- (f) contain confirmation that to the best of his knowledge the estate or rentcharge is not, and has not been during any of the period of alleged adverse possession, subject to a trust (other than one where the interest of each of the beneficiaries is an interest in possession),
- (g) if, should a person given notice under paragraph 2 of Schedule 6 to the Act require the application to be dealt with under paragraph 5 of that Schedule, it is intended to rely on one or more of the conditions set out in paragraph 5 of Schedule 6 to the Act, contain the facts supporting such reliance.

(3) The statutory declaration [^{F216}or statement of truth] by an applicant in support of an application under paragraph 6 of Schedule 6 to the Act must also—

- [^{F217}(a) if the application relates to part only of the land in a registered title, exhibit a plan which enables that part to be identified clearly on the Ordnance Survey map, unless the previous rejected application related only to that part, or that part is referred to in the statutory declaration or statement of truth by reference to the title plan and this enables that part to be so identified,]
- (b) contain full details of the previous rejected application,
- (c) contain confirmation that to the best of his knowledge the restriction on applications in paragraph 8 of Schedule 6 to the Act does not apply,
- (d) contain confirmation that to the best of his knowledge the estate or rentcharge is not, and has not been during any of the period of alleged adverse possession, subject to a trust (other than one where the interest of each of the beneficiaries is an interest in possession),
- (e) contain confirmation that paragraph 6(2) of Schedule 6 to the Act does not apply, and
- (f) where the application is to be registered as proprietor of a registered rentcharge, contain confirmation that the proprietor of the registered rentcharge has not re-entered the land out of which the rentcharge issues.

[^{F218}(4) A statement of truth by an applicant under paragraphs 1 or 6 of Schedule 6 to the Act, and any supporting statements of truth, may be made in Form ST1 or Form ST2, as appropriate.]

Textual Amendments

F213 Words in rule 188(1) inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 59\(a\)](#) (with rule 5)

F214 Words in rule 188(2) inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 59\(b\)](#) (with rule 5)

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- F215** Rule 188(2)(a) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 59\(b\)](#) (with rule 5)
- F216** Words in rule 188(3) inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 59\(c\)](#) (with rule 5)
- F217** Rule 188(3)(a) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 59\(c\)](#) (with rule 5)
- F218** Rule 188(4) added (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 59\(d\)](#) (with rule 5)

[^{F219}Notification of application where registered proprietor is a dissolved company

188A.—(1) This rule applies where an application under paragraph 1 of Schedule 6 to the Act is made.

(2) Where the registrar considers that the proprietor of the estate to which the application relates is, or may be, a company which is dissolved and that its last registered office was, or may have been, situated in the county palatine of Lancaster, the registrar must give notice of the application to the Solicitor for the affairs of the Duchy of Lancaster.

(3) Where the registrar considers that the proprietor of the estate to which the application relates is, or may be, a company which is dissolved and that its last registered office was, or may have been, situated in the county of Cornwall or in the Isles of Scilly, the registrar must give notice of the application to the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall.

(4) Where the registrar considers that the proprietor of the estate to which the application relates is, or may be, a company which is dissolved and that its last registered office was, or may have been, situated outside the areas referred to in paragraphs (2) and (3), the registrar must give notice of the application to the Treasury Solicitor.

(5) The notice referred to in paragraphs (2) to (4) is notice under paragraph 2 of Schedule 6 to the Act.

(6) In this rule, “company” means a company incorporated in any part of the United Kingdom under the Companies Acts.]

Textual Amendments

- F219** Rule 188A inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 60](#) (with rule 5)

Time limit for reply to a notice of an application

189. The period for the purpose of paragraph 3(2) of Schedule 6 to the Act is the period ending at 12 noon on the sixty-fifth [^{F220}working] day after the date of issue of the notice.

Textual Amendments

- F220** Word in [rule 189](#) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 6](#)

Notice under paragraph 3(2) of Schedule 6 to the Act

190.—(1) A notice to the registrar under paragraph 3(2) of Schedule 6 to the Act from a person given a registrar's notice must be—

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- (a) in Form NAP, and
 - (b) given to the registrar in the manner and at the address stated in the registrar's notice.
- (2) Form NAP must accompany a registrar's notice.
- (3) In this rule a “registrar's notice“ is a notice given by the registrar under paragraph 2 of Schedule 6 to the Act.

Adverse possession of rentcharges

191. Schedule 6 to the Act applies to the registration of an adverse possessor of a registered rentcharge in the modified form set out in Schedule 8.

Adverse possession of a rentcharge; non-payment of rent

- 192.—**(1) This rule applies where—
- (a) a person is entitled to be registered as proprietor of a registered rentcharge under Schedule 6 to the Act, and
 - (b) if that person were so registered he would not be subject to a registered charge or registered lease or other interest protected in the register, and
 - (c) that person's adverse possession is based on non-payment of rent due under the registered rentcharge.
- (2) Where paragraph (1) applies the registrar must—
- (a) close the whole of the registered title of the registered rentcharge, or
 - (b) cancel the registered rentcharge, if the registered title to it also comprises other rentcharges.

Prohibition of recovery of rent after adverse possession of a rentcharge

- 193.—**(1) When—
- (a) a person has been registered as proprietor of a rentcharge, or
 - (b) the registered title to a rentcharge has been closed, or
 - (c) a registered rentcharge has been cancelled, where the registered title also comprises other rentcharges,

following an application made under Schedule 6 to the Act, and, if appropriate, closure or cancellation under rule 192, no previous registered proprietor of the rentcharge may recover any rent due under the rentcharge from a person who has been in adverse possession of the rentcharge.

(2) Paragraph (1) applies whether the adverse possession arose either as a result of non-payment of the rent or by receipt of the rent from the person liable to pay it.

Registration as a person entitled to be notified of an application for adverse possession

194.—(1) Any person who can satisfy the registrar that he has an interest in a registered estate in land or a registered rentcharge which would be prejudiced by the registration of any other person as proprietor of that estate under Schedule 6 to the Act or as proprietor of a registered rentcharge under that Schedule as applied by rule 191 may apply to be registered as a person to be notified under paragraph 2(1)(d) of Schedule 6.

(2) An application under paragraph (1) must be made in Form ADV2.

(3) The registrar must enter the name of the applicant in the proprietorship register as a person entitled to be notified under paragraph 2 of Schedule 6 to the Act.

[^{F221} Arbitration requested by proprietor

194A.—(1) This rule applies where a proprietor with the right under paragraph 10(1) of Schedule 6 to the Act to require apportionment has given the chargor notice in accordance with paragraph (2).

(2) The notice referred to in paragraph (1) must—

- (a) identify the proprietor and give an address for communications to the proprietor from the chargor,
- (b) make proposals as to the values of the registered estate and the other property subject to the charge,
- (c) state the proprietor’s intention, in the absence of agreement on the respective values of the registered estate and the other property subject to the charge, to request the President of the Royal Institution of Chartered Surveyors to appoint a qualified surveyor to determine these values, and
- (d) be served by post to, or by leaving the notice at, any postal address or by electronic transmission to an electronic address (if there is one) entered in the register as an address for service for the chargor.

(3) If the chargor does not provide the proprietor with the chargor’s written agreement to the values referred to in paragraph (2)(b), or to any other valuations acceptable to the proprietor, within one month of when the notice was received, the proprietor may make the request referred to in paragraph (2)(c).

(4) Where a qualified surveyor has been appointed pursuant to a request under paragraph (3)—

- (a) the proprietor shall be liable for the costs of that appointment,
- (b) the qualified surveyor shall act as an arbitrator and the provisions of the Arbitration Act 1996 shall apply,
- (c) the proprietor and the chargor shall be parties to the arbitration,
- (d) the chargee may elect to be joined as a party to the arbitration, and the qualified surveyor must ascertain whether the chargee so elects, and
- (e) the proprietor and the chargor must allow the qualified surveyor access to the land any estate in which is subject to the charge.

(5) In this rule, “an address for communications” means a postal address but if additionally the proprietor provides an e-mail address then that is also an address for communications.

Textual Amendments

F221 Rules 194A-194G inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 61](#) (with rule 5)

Notice of required apportionment

194B.—(1) The right of the proprietor of a registered estate under paragraph 10(1) of Schedule 6 to the Act to require a chargee to apportion the amount secured by a charge is exercisable by notice being given by the proprietor to the chargee.

(2) The notice referred to in paragraph (1) must—

- (a) identify the proprietor and give an address for communications to him from the chargee,
- (b) state that apportionment is required under paragraph 10 of Schedule 6 to the Act,
- (c) identify the chargor and the date of the charge,

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- (d) state whether the valuations accompanying the notice were by a qualified surveyor appointed pursuant to a request under rule 194A and, if they were, state the effect of rule 194C(1), and
 - (e) be served by post to, or by leaving the notice at, any postal address or by electronic transmission to an electronic address (if there is one) entered in the register as an address for service for the chargee.
- (3) Subject to paragraph (4), the notice referred to in paragraph (1) must be accompanied by—
- (a) valuations of the registered estate and of the other property subject to the charge by a qualified surveyor dated no earlier than two months before the notice is sent,
 - (b) the chargor’s written agreement to the valuations,
 - (c) an official copy of the individual register and title plan of the registered estate, and
 - (d) a copy of the individual register and title plan, supplied in response to an application under rule 144, in respect of the registered title which immediately before the registration under Schedule 6 to the Act comprised the registered estate, unless such a copy is unavailable.
- (4) If the valuations of the registered estate and of the other property subject to the charge are by a qualified surveyor appointed pursuant to a request under rule 194A, the requirements in paragraph (3) (b), (c) and (d) do not apply.
- (5) In this rule, “an address for communications” means a postal address but if additionally the proprietor provides an e-mail address then that is also an address for communications.

Textual Amendments

F221 Rules 194A-194G inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 61** (with rule 5)

Apportionment

194C.—(1) If the valuations accompanying the notice referred to in rule 194B(1) are by a qualified surveyor appointed pursuant to a request under rule 194A, the chargee must, within two months of when the notice was received, apportion the amount secured by the charge at the time referred to in paragraph 10(1) of Schedule 6 to the Act on the basis of these valuations.

(2) If the valuations accompanying the notice referred to in rule 194B(1) are not by a qualified surveyor pursuant to a request under rule 194A, the chargee must, within two months of when the notice was received, either—

- (a) apportion the amount secured by the charge at the time referred to in paragraph 10(1) of Schedule 6 to the Act on the basis of the valuations accompanying the notice, or on the basis of other valuations agreed by the proprietor and the chargor, or
 - (b) request the President of the Royal Institution of Chartered Surveyors to appoint a qualified surveyor to value the registered estate and the other property subject to the charge.
- (3) Where a qualified surveyor has been appointed pursuant to a request under paragraph (2)(b)—
- (a) the chargee shall be liable for the costs of that appointment,
 - (b) the qualified surveyor shall act as an arbitrator and the provisions of the Arbitration Act 1996 shall apply,
 - (c) the proprietor and the chargee shall be parties to the arbitration,
 - (d) the chargor may elect to be joined as a party to the arbitration, and the qualified surveyor must ascertain whether the chargor so elects, and

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(e) the proprietor and the chargor must allow the qualified surveyor access to the land any estate in which is subject to the charge.

(4) Where a qualified surveyor has been appointed pursuant to a request under paragraph (2)(b), the chargee must, within two months of when the valuations by the qualified surveyor were received, apportion the amount secured by the charge at the time referred to in paragraph 10(1) of Schedule 6 to the Act on the basis of those valuations.

Textual Amendments

F221 Rules 194A-194G inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 61** (with rule 5)

Basis of valuation

194D.—(1) For the purposes of rules 194A, 194B and 194C, where the other property affected by the charge includes an estate in land, the value of the proprietor's registered estate shall be the diminution in value of that other property as determined in accordance with paragraph (2).

(2) The diminution in value of the other property is the difference between—

- (a) the value of all the property subject to the charge if the chargor were the proprietor and in possession of the proprietor's registered estate, and
- (b) the value of the property subject to the charge without the proprietor's registered estate.

Textual Amendments

F221 Rules 194A-194G inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 61** (with rule 5)

Receipt of notice etc

194E.—(1) Notices and valuations shall be treated as received for the purposes of rules 194A(3) and 194C(1), (2) and (4) on—

- (a) the second working day after posting, where the notice is posted to an address in the United Kingdom,
- (b) the working day after it was left, where the notice is left at a postal address,
- (c) the seventh working day after posting, where the notice is posted to an address outside the United Kingdom, and
- (d) the second working day after transmission, where the notice is sent by electronic transmission (including email).

Textual Amendments

F221 Rules 194A-194G inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 61** (with rule 5)

Notice of apportionment

194F.—(1) Within ten working days of any apportionment under rule 194C, the chargee must issue notice of the apportionment to the proprietor and to the chargor.

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- (2) The notice referred to in paragraph (1) must state—
- (a) the amount secured by the charge at the time referred to in paragraph 10(1) of Schedule 6 to the Act,
 - (b) the amount apportioned to the registered estate, and
 - (c) the costs incurred by the chargee as a result of the apportionment and payable under paragraph 10(2)(b) of Schedule 6 to the Act.
- (3) The notice referred to in paragraph (1) which is issued to the proprietor must be served by post to, or by leaving the notice at, the postal address or by electronic transmission to any e-mail address given in the notice of required apportionment under rule 194B(1) or at another postal or e-mail address agreed in writing by the chargee and the proprietor.

Textual Amendments

F221 Rules 194A-194G inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 61** (with rule 5)

Costs

194G.—(1) Where in the award under rule 194A(4) or rule 194C(3) the qualified surveyor decides that the chargee shall be responsible for payment of the costs incurred by the chargee or any other party to the arbitration, such costs shall be excluded from the costs payable under paragraph 10(2)(b) of Schedule 6 to the Act.

(2) Subject to paragraph (3), the chargor shall be entitled to be paid by the proprietor those costs reasonably incurred by the chargor in the apportionment and, in particular, those in relation to valuations obtained for the purpose of the apportionment.

(3) Where in the award the qualified surveyor decides that the chargor shall be responsible for payment of the costs incurred by the chargor or any other party to the arbitration, such costs shall be excluded from the costs payable under paragraph (2).]

Textual Amendments

F221 Rules 194A-194G inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 61** (with rule 5)

Indemnity; interest on

[^{F222}Payment of interest on an indemnity]

[^{F222}**195.**—(1) Subject to paragraph (3), interest is payable in accordance with paragraph (4) on the amount of any indemnity paid under Schedule 8 to the Act—

- (a) where paragraph 1(1)(a) of Schedule 8 applies other than in respect of any indemnity on account of costs or expenses, from the date of the rectification to the date of payment,
- (b) where any other sub-paragraph of paragraph 1(1) of Schedule 8 applies other than in respect of any indemnity on account of costs or expenses, from the date the loss is suffered by reason of the relevant mistake, loss, destruction or failure to the date of payment,
- (c) in respect of an indemnity on account of costs or expenses within paragraph 3 of Schedule 8, from the date when the claimant pays them to the date of payment.

(2) A reference in this rule to a period from a date to the date of payment excludes the former date but includes the latter date.

(3) No interest is payable under paragraph (1) for any period or periods where the registrar or the court is satisfied that the claimant has not taken reasonable steps to pursue with due diligence the claim for indemnity or, where relevant, the application for rectification.

(4) Simple interest is payable—

(a) where the period specified in paragraph (1) starts on or after 10 November 2008, at one percent above the applicable Bank of England base rate or rates, or

(b) where the period specified in paragraph (1) starts before that date,

(i) for the part of the period before that date, at the applicable rate or rates set for court judgment debts, and

(ii) for the part of the period on or after that date, at one percent above the applicable Bank of England base rate or rates.

(5) In this rule “Bank of England base rate” means—

(a) the rate announced from time to time by the Monetary Policy Committee of the Bank of England as the official dealing rate, being the rate at which the Bank is willing to enter into transactions for providing short term liquidity in the money markets, or

(b) where an order under section 19 of the Bank of England Act 1998 is in force, any equivalent rate determined by the Treasury under that section.]

Textual Amendments

F222 Rule 195 substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 62](#) (with rule 5)

Statements under the Leasehold Reform, Housing and Urban Development Act 1993

Statements in transfers or conveyances and leases under the Leasehold Reform, Housing and Urban Development Act 1993

196.—(1) The statement required by section 34(10) of the Leasehold Reform, Housing and Urban Development Act 1993 ^{M28} to be contained in a conveyance executed for the purposes of Chapter I of Part I of that Act must be in the following form:

“This conveyance (or transfer) is executed for the purposes of Chapter I of Part I of the Leasehold Reform, Housing and Urban Development Act 1993.”.

(2) The statement required by section 57(11) of the Leasehold Reform, Housing and Urban Development Act 1993 to be contained in any new lease granted under section 56 of that Act must be in the following form:

“This lease is granted under section 56 of the Leasehold Reform, Housing and Urban Development Act 1993.”.

Marginal Citations

M28 1993 c. 28.

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^{F223} *Modification of Parts 2 and 3 of the Act in their application to incorporeal hereditaments*

Textual Amendments

F223 Rules 196A, 196B and cross-heading inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 63** (with rule 5)

Possessory titles to rentcharges

196A. In their application to rentcharges, sections 9(5) and 10(6) of the Act have effect as if for the words “in actual possession of the land, or in receipt of the rents and profits of the land,” there were substituted the words “in receipt of the rent”.

Application of sections 11, 12 and 29 of the Act to franchises

196B.—(1) In their application to franchises, sections 11(4) and 12(4) of the Act have effect without prejudice to any right of the Crown to forfeit the franchise.

(2) In its application to franchises, section 29(2)(a) of the Act has effect with the deletion of the word “or” at the end of sub-paragraph (ii) and with the insertion between the words “registration,” and “and” at the end of sub-paragraph (iii) of—

“or

(iv) is a right of the Crown to forfeit the franchise,”]

PART 15

GENERAL PROVISIONS

Notices and Addresses for Service

Content of notice

197.—(1) Every notice given by the registrar must—

- (a) fix the time within which the recipient is to take any action required by the notice,
- (b) state what the consequence will be of a failure to take such action as is required by the notice within the time fixed,
- (c) state the manner in which any reply to the notice must be given and the address to which it must be sent.

(2) Except where otherwise provided by these rules, the time fixed by the notice will be the period ending at 12 noon on the fifteenth [^{F224}working] day after the date of issue of the notice.

Textual Amendments

F224 Word in [rule 197\(2\)](#) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, **Sch. 1 para. 6**

Address for service of notice

198.—(1) A person who is (or will as a result of an application be) a person within paragraph (2) must give the registrar an address for service to which all notices and other communications to him by the registrar may be sent, as provided by paragraph (3).

(2) The persons referred to in paragraph (1) are—

- (a) the registered proprietor of a registered estate or registered charge,
- (b) the registered beneficiary of a unilateral notice,
- (c) a cautioner named in an individual caution register,

[^{F225}(d) a person named in—

- (i) a standard form of restriction set out in Schedule 4, whose address is required by that restriction, or
- (ii) any other restriction, whose consent or certificate is required, or to whom notice is required to be given by the registrar or another person,

except where the registrar is required to enter the restriction without application,]

- (e) a person entitled to be notified of an application for adverse possession under rule 194,
- (f) a person who objects to an application under section 73 of the Act,
- (g) a person who gives notice to the registrar under paragraph 3(2) of Schedule 6 to the Act, and
- (h) any person who while dealing with the registrar in connection with registered land or a caution against first registration is requested by the registrar to give an address for service.

(3) A person within paragraph (1) must give the registrar an address for service which is a postal address, whether or not in the United Kingdom.

(4) A person within paragraph (1) may give the registrar one or two additional addresses for service, provided that he may not have more than three addresses for service, and the address or addresses must be—

- (a) a postal address, whether or not in the United Kingdom, or
- (b) subject to paragraph (7), a box number at a United Kingdom document exchange, or
- (c) an electronic address.

(5) Subject to paragraphs (3) and (4) a person within paragraph (1) may give the registrar a replacement address for service.

(6) A cautioner who is entered in the register of title in respect of a caution against dealings under section 54 of the Land Registration Act 1925 may give the registrar a replacement or additional address for service provided that—

- (a) he may not have more than three addresses for service,
- (b) one of his addresses for service must be a postal address, whether or not in the United Kingdom, and
- (c) all of his addresses for service must be such addresses as are mentioned in paragraph (4).

[^{F226}(6A) Where a cautioner who is shown in the register of title as having been entered in that register in respect of a caution against dealings under section 54 of the Land Registration Act 1925 has died, his personal representative may apply to the registrar for the entry of a replacement or additional address for service provided that—

- (a) there may not be more than three addresses for service,
- (b) one of the addresses for service must be a postal address, whether or not in the United Kingdom,

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- (c) all of the addresses for service must be such addresses as are mentioned in paragraph (4), and
- (d) the application must be accompanied by—
- (i) the original grant of probate of the deceased proprietor and, where section 7 of the Administration of Justice Act 1925 applies, the original grant of probate showing the chain of representation, to prove that the transferor is his personal representative,
 - (ii) the original letters of administration of the deceased proprietor showing the transferor as his personal representative,
 - (iii) a court order appointing the applicant as the deceased's personal representative, or
 - (iv) (where a conveyancer is acting for the applicant) a certificate given by a conveyancer that he holds the original or a certified office copy of such grant of probate, letters of administration or court order.]
- (7) The box number referred to at paragraph (4)(b) must be at a United Kingdom document exchange to which delivery can be made on behalf of the land registry under arrangements already in existence between the land registry and a service provider at the time the box number details are provided to the registrar under this rule.
- (8) In this rule an electronic address means—
- (a) an e-mail address, or
 - (b) any other form of electronic address specified in a direction under paragraph (9).
- (9) If the registrar is satisfied that a form of electronic address, other than an e-mail address, is a suitable form of address for service he may issue a direction to that effect.
- (10) A direction under paragraph (9) may contain such conditions or limitations or both as the registrar considers appropriate.
- (11) A person within paragraph (2)(d) shall be treated as having complied with any duty imposed on him under paragraph (1) where rule 92(2)(b) has been complied with.

Textual Amendments

F225 Rule 198(2)(d) substituted (24.10.2005) by [The Land Registration \(Amendment\) Rules 2005 \(S.I. 2005/1766\)](#), [rules 1, 8](#)

F226 Rule 198(6A) inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), [rule 2\(1\)](#), [Sch. 1 para. 64](#) (with [rule 5](#))

Service of notice

- 199.**—(1) All notices which the registrar is required to give may be served—
- (a) by post, to any postal address in the United Kingdom entered in the register as an address for service,
 - (b) by post, to any postal address outside the United Kingdom entered in the register as an address for service,
 - (c) by leaving the notice at any postal address in the United Kingdom entered in the register as an address for service,
 - (d) by directing the notice to the relevant box number at any document exchange entered in the register as an address for service,
 - (e) by electronic transmission to the electronic address entered in the register as an address for service, [^{F227}or]

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F228(f)

(g) by any of the methods of service given in sub-paragraphs (a), (b), (c) and (d) to any other address where the registrar believes the addressee is likely to receive it.

(2) In paragraph (1) references to an address or box number “entered in the register as an address for service” include an address for service given under rule 198(2)(h), whether or not it is entered in the register.

F229(3)

(4) Service of a notice which is served in accordance with this rule shall be regarded as having taken place at the time shown in the table below—

<i>Method of service</i>	<i>Time of service</i>
Post to an address in the United Kingdom	The second working day after posting
Leaving at a postal address	The working day after it was left
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
F230	F230
...	...
Electronic transmission to an electronic address	The second working day after transmission

(5) 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 outside the United Kingdom within such a period as is reasonable in all the circumstances.

F231(6)

Textual Amendments

F227 Word in rule 199(1)(e) added (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 29\(1\)](#)

F228 Rule 199(1)(f) omitted (6.4.2018) by virtue of [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 29\(2\)](#)

F229 Rule 199(3) omitted (6.4.2018) by virtue of [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 29\(3\)](#)

F230 Words in rule 199(4) omitted (6.4.2018) by virtue of [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 29\(4\)](#)

F231 Rule 199(6) omitted (10.11.2008) by virtue of [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 65](#) (with rule 5)

Specialist assistance

Use of specialist assistance by the registrar

200.—(1) The registrar may refer to an appropriate specialist—

(a) the examination of the whole or part of any title lodged with an application for first registration, or

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- (b) any question or other matter which arises in the course of any proceedings before the registrar and which, in his opinion, requires the advice of an appropriate specialist.
- (2) The registrar may act upon the advice or opinion of an appropriate specialist to whom he has referred a matter under paragraph (1).
- (3) In this rule, “appropriate specialist” means a person who the registrar considers has the appropriate knowledge, experience and expertise to advise on the matter referred to him.

Proceedings before the registrar

Production of documents

201.—(1) The registrar may only exercise the power conferred on him by section 75(1) of the Act if he receives from a person who is a party to proceedings before him a request that he should require a document holder to produce a document for the purpose of those proceedings.

- (2) The request must be made—
 - (a) in paper form in Form PRD1 delivered to such office of the land registry as the registrar may direct, or
 - (b) during the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice, by delivering the request to the registrar, by any means of communication, other than as mentioned in sub-paragraph (a).
- (3) The registrar must give notice of the request to the document holder.
- (4) The address for the document holder provided in Form PRD1 is to be regarded for the purpose of rule 199 as an address for service given under rule 198(2)(h).
- (5) The notice must give the document holder a period ending at 12 noon on the twentieth [F232working] day after the issue of the notice, or such other period as the registrar thinks appropriate, to deliver a written response to the registrar by the method and to the address stated in the notice.
- (6) The response must—
 - (a) state whether or not the document holder opposes the request,
 - (b) if he does, state in full the grounds for that opposition,
 - (c) give an address to which communications may be sent, and
 - (d) be signed by the document holder or his conveyancer.
- (7) The registrar must determine the matter on the basis of the request and any response submitted to him and, subject to paragraph (8), he may make the requirement by sending a notice in Form PRD2 to the document holder if he is satisfied that—
 - (a) the document is in the control of the document holder, and
 - (b) the document may be relevant to the proceedings, and
 - (c) disclosure of the document is necessary in order to dispose fairly of the proceedings or to save costs,

and he is not aware of any valid ground entitling the document holder to withhold the document.

(8) The registrar may, as a condition of making the requirement, provide that the person who has made the request should pay the reasonable costs incurred in complying with the requirement by the document holder.

(9) In this rule, “document holder” means the person who is alleged to have control of a document which is the subject of a request under paragraph (1).

Textual Amendments

F232 Word in [rule 201\(5\)](#) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), [rule 1](#), [Sch. 1 para. 6](#)

Costs

202.—(1) A person who has incurred costs in relation to proceedings before the registrar may request the registrar to make an order requiring a party to those proceedings to pay the whole or part of those costs.

(2) The registrar may only order a party to proceedings before him to pay costs where those costs have been occasioned by the unreasonable conduct of that party in relation to the proceedings.

(3) Subject to paragraph (5), a request for the payment of costs must be made by delivering to the registrar a written statement in paper form by 12 noon on the twentieth [^{F233}working] day after the completion of the proceedings to which the request relates.

(4) The statement must—

- (a) identify the party against whom the order is sought and include an address where notice may be served on that party,
- (b) state in full the grounds for the request,
- (c) give an address to which communications may be sent, and
- (d) be signed by the person making the request or his conveyancer.

(5) During the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice, a request under this rule may also be made by delivering the written statement to the registrar, by any means of communication, other than as mentioned in paragraph (3).

(6) The registrar must give notice of the request to the party against whom the order is sought at the address provided under paragraph (4)(a) and if that party has an address for service in an individual register that relates to the proceedings, at that address.

(7) An address for a party provided under paragraph (4)(a) is to be regarded for the purpose of rule 199 as if it was an address for service given under rule 198(2)(h).

(8) The notice must give the recipient a period ending at 12 noon on the twentieth [^{F234}working] day after the issue of the notice, or such other period as the registrar thinks appropriate, to deliver a written response to the registrar by the method and to the address stated in the notice.

(9) The response must—

- (a) state whether or not the recipient opposes the request,
- (b) if he does, state in full the grounds for that opposition,
- (c) give an address to which communications may be sent, and
- (d) be signed by the recipient or his conveyancer.

(10) The registrar must determine the matter on the basis of: the written request and any response submitted to him, all the circumstances including the conduct of the parties, and the result of any enquiries he considers it necessary to make.

(11) The registrar must send to all parties his written reasons for any order he makes under paragraph (1).

(12) An order under paragraph (1) may—

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- (a) require a party against whom it is made to pay to the requesting party the whole or such part as the registrar thinks fit of the costs incurred in the proceedings by the requesting party,
- (b) specify the sum to be paid or require the costs to be assessed by the court (if not otherwise agreed), and specify the basis of the assessment to be used by the court.

Textual Amendments

F233 Word in rule 202(3) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 6](#)

F234 Word in rule 202(8) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 6](#)

Retention and return of documents

Retention of documents [^{F235}accompanying] an application

^{F236}**203.**—(1) The registrar may retain all or any of the documents that accompanied any application.

(2) The registrar may destroy any document retained under paragraph (1) if he is satisfied that either—

- (a) he has made and retained a sufficient copy of the document, or
- (b) further retention of the document is unnecessary.]

Textual Amendments

F235 Word in rule 203 heading substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 30\(1\)](#)

F236 Rule 203 substituted (6.4.2018) by virtue of [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 30\(2\)](#)

Request for the return of certain documents

^{F237}**204.**

Textual Amendments

F237 Rule 204 omitted (6.4.2018) by virtue of [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 31](#)

Release of documents kept by the registrar

205. The registrar may release any document retained under rule 203(1) ^{F238}... upon such terms, if any, for its return as he considers appropriate.

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Textual Amendments

F238 Words in rule 205 omitted (6.4.2018) by virtue of [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 32](#)

Forms

Use of forms

206.—(1) Subject to paragraph (4) and to rules [^{F239}207A,] 208 and 209, the Schedule 1 forms must be used where required by these rules and must be prepared in accordance with the requirements of rules 210 and 211.

(2) Subject to paragraph (4) and to rules 208 and 209, except where these rules require the use of a Schedule 1 form, the Schedule 3 forms must be used in all matters to which they refer, or are capable of being applied or adapted, with such alterations and additions as are desired and the registrar allows.

(3) Subject to rule 208(2), the forms of execution in Schedule 9 must be used in the execution of dispositions in the scheduled forms in the cases for which they are provided, or are capable of being applied or adapted, with such alterations and additions, if any, as the registrar may allow.

(4) A requirement in these rules to use a scheduled form is subject, where appropriate, to the provisions in these rules relating to the making of applications and issuing results of applications other than in paper form, during the currency of a notice given under Schedule 2 [^{F240}, or given under rule 54C.]

Textual Amendments

F239 Word in rule 206(1) inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 67](#) (with rule 5)

F240 Words in rule 206(4) added (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 33](#)

Adaptation of certain Schedule 1 forms to provide for direct debit

^{F241}**207.**

Textual Amendments

F241 Rule 207 revoked (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 68](#) (with rule 5)

[^{F242}Amendment of certain Schedule 1 forms to provide for explanatory information to be altered

207A.—(1) In order to assist applicants in completing a form or in making an application in relation to a form, the registrar may remove, add to, or alter any explanatory information outside the panels of a Schedule 1 form.

(2) Any amendment under paragraph (1) must not alter the name and description of the form at the top of the first page or instructions as to what must be entered in the form.

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(3) Where a form has been amended under paragraph (1) a person may use the form for the purposes of these rules as amended or as unamended.]

Textual Amendments

F242 Rule 207A inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 69** (with rule 5)

Welsh language forms

208.—(1) Where the registrar, in exercise of his powers under section 100(4) of the Act, publishes an instrument as the Welsh language version of a scheduled form, the instrument shall be regarded as being in the scheduled form.

(2) In place of the form of execution provided by Schedule 9, an instrument referred to in paragraph (1) may be executed using a form of execution approved by the registrar as the Welsh language version of the Schedule 9 form.

(3) An instrument containing a statement approved by the registrar as the Welsh language version of a statement prescribed by these rules shall be regarded as containing the prescribed statement.

(4) An instrument containing a provision approved by the registrar as the Welsh language version of a provision prescribed by these rules shall be regarded as containing the prescribed provision.

Modifications etc. (not altering text)

C18 Rule 208 applied (with modifications) (27.9.2004) by [THE COMMONHOLD \(LAND REGISTRATION\) RULES 2004 \(S.I. 2004/1830\)](#), rules 1, 3(3)(d), **Sch. 1**

Use of non-prescribed forms

209.—(1) This rule applies where—

- (a) an application should be accompanied by a scheduled form and a person wishes to make an application relying instead upon an alternative document that is not the relevant scheduled form, and
- (b) it is not possible for that person to obtain and lodge the relevant scheduled form (duly executed, if appropriate) at the land registry or it is only possible to do so at unreasonable expense.

(2) Such a person may make a request to the registrar, either before or at the time of making the application which should be accompanied by the relevant scheduled form, that he be permitted to rely upon the alternative document.

(3) The request must contain evidence to satisfy the registrar as mentioned in paragraph (1)(b) and include the original, or, if the request is made before the application, a copy, of the alternative document.

(4) If, after considering the request, the registrar is satisfied as mentioned at paragraph (1)(b) and that neither the rights of any person nor the keeping of the register are likely to be materially prejudiced by allowing the alternative document to be relied upon instead of the relevant scheduled form, he may permit such reliance.

(5) If the registrar allows the request it may be on condition that the person making the request provides other documents or evidence in support of the application.

(6) This rule is without prejudice to any of the registrar's powers under the Act.

Documents in a Schedule 1 form

210.—(1) Subject to rule 211, any application or document in one of the Schedule 1 forms must—

- (a) be printed on durable A4 size paper,
- (b) [^{F243}subject to rule 215A(4) and (5),] be reproduced as set out in the Schedule as to its wording, layout, ruling, font and point size, and
- (c) contain all the information required in an easily legible form.

(2) Where on a Schedule 1 form (other than Form DL) any panel is insufficient in size to contain the required insertions, and the method of production of the form does not allow the depth of the panel to be increased, the information to be inserted in the panel must be continued on a continuation sheet in Form CS.

(3) When completing a Schedule 1 form containing an additional provisions panel, any statement, certificate or application required or permitted by these rules to be included in the form for which the form does not otherwise provide and any additional provisions desired by the parties must be inserted in that panel or a continuation of it.

(4) Where the form consists of more than one sheet of paper, or refers to an attached plan or a continuation sheet, all the sheets and any plan must be securely fastened together.

Textual Amendments

F243 Words in rule 210(1)(b) inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008](#) (S.I. 2008/1919), rule 2(1), **Sch. 1 para. 70** (with rule 5)

Modifications etc. (not altering text)

C19 Rule 210 applied (with modifications) (27.9.2004) by [The Commonhold \(Land Registration\) Rules 2004](#) (S.I. 2004/1830), rules 1, 3(3)(e), **Sch. 1**

Electronically produced forms

211. ^{F244} ... Where the method of production of a Schedule 1 form permits—

- (a) the depth of a panel may be increased or reduced to fit the material to be comprised in it, and a panel may be divided at a page break,
- [^{F245}(b) the text outside the panels of a Schedule 1 form, other than—
 - (i) the name and description of the form at the top of the first page, and
 - (ii) any text after the final panel,may be omitted,]
- (c) inapplicable certificates and statements may be omitted,
- (d) the plural may be used instead of the singular and the singular instead of the plural,
- (e) panels which would contain only the panel number and the panel heading may be omitted, but such omission must not affect the numbering of subsequent panels,
- (f) “X” boxes may be omitted where all inapplicable statements and certificates have been omitted,
- (g) the sub-headings in an additional provisions panel may be added to, amended, repositioned or omitted,
- (h) “Seller” may be substituted for “Transferor” and “Buyer” for “Transferee” in a transfer on sale,

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- (i) the vertical lines which define the left and right boundaries of the panel may be omitted.

Textual Amendments
F244 Word in rule 211 omitted (10.11.2008) by virtue of [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\), rule 2\(1\), Sch. 1 para. 71](#) (with rule 5)
F245 Rule 211(b) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\), rule 2\(1\), Sch. 1 para. 71](#) (with rule 5)
Modifications etc. (not altering text)
C20 Rule 211 applied (with modifications) (27.9.2004) by [THE COMMONHOLD \(LAND REGISTRATION\) RULES 2004 \(S.I. 2004/1830\), rules 1, 3\(3\)\(e\), Sch. 1](#)

Documents where no form is prescribed

212.—(1) Documents for which no form is prescribed must be in such form as the registrar may direct or allow.

- (2) A document prepared under this rule must not bear the number of a Schedule 1 form.
- (3) A document affecting a registered title must refer to the title number.

Documents accompanying applications

Identification of part of the registered title dealt with

213.—(1) Subject to paragraphs (4) and (5) of this rule, a document lodged at the land registry dealing with part of the land in a registered title must have attached to it a plan identifying clearly the land dealt with.

- (2) Where the document is a disposition, the disponent must sign the plan.
- (3) Where the document is an application, the applicant must sign the plan.
- (4) If the land dealt with is identified clearly on the title plan of the registered title, it may instead be described by reference to that title plan.
- (5) Where a disposition complies with this rule, the application lodged in respect of it need not.

Lodging of copy instead of an original document

214.—(1) Subject to paragraphs (2), (3) and (4), where a rule requires that an application be accompanied by an original document (for instance, a grant of representation) the applicant may, instead of lodging the original, lodge a certified or office copy of that document.

- (2) This rule does not apply to—
 - (a) any document required to be lodged under Part 4,
 - ^{F246}(b)
 - ^{F246}(c)

(3) This rule does not apply ^{F247}... where the registrar considers that the circumstances are such that the original of a document should be lodged and the applicant has possession, or the right to possession, of that original document.

(4) Where this rule permits a certified or office copy of a document to be lodged the registrar may permit an uncertified copy of the document to be lodged instead.

Textual Amendments

F246 Rule 214(2)(b)(c) omitted (6.4.2018) by virtue of [The Land Registration \(Amendment\) Rules 2018](#) (S.I. 2018/70), rule 1, [Sch. 1 para. 34\(1\)](#)

F247 Word in rule 214(3) omitted (6.4.2018) by virtue of [The Land Registration \(Amendment\) Rules 2018](#) (S.I. 2018/70), rule 1, [Sch. 1 para. 34\(2\)](#)

Modifications etc. (not altering text)

C21 Rule 214 excluded (27.9.2004) by [THE COMMONHOLD \(LAND REGISTRATION\) RULES 2004](#) (S.I. 2004/1830), rules 1, [3\(2\)](#)

Documents and other evidence in support of an application

215.—(1) This rule applies where—

- (a) the lodging of a document (not being a scheduled form) or other evidence in support of an application is required by these rules, and
 - (b) the document or other evidence is in the particular case unnecessary or the purpose of the lodging of the document or other evidence can be achieved by another document or other evidence.
- (2) An applicant may request the registrar to be relieved of the requirement.
- (3) The request must contain evidence to satisfy the registrar as mentioned in paragraph (1)(b).
- (4) If, after considering the request, the registrar is satisfied as mentioned at paragraph (1)(b) and that neither the rights of any person nor the keeping of the register are likely to be materially prejudiced by relieving the applicant of the requirement, he may so relieve the applicant.
- (5) If the registrar allows the request it may be on condition that the applicant provides other documents or evidence in support of the application.
- (6) This rule is without prejudice to any of the registrar's powers under the Act.

^{F248}Statements of truth

215A.—(1) In these rules, a statement of truth means a statement which—

- (a) is made by an individual in writing,
 - (b) contains a declaration of truth in the following form—

‘I believe that the facts and matters contained in this statement are true’, and
 - (c) is signed in accordance with paragraphs (2) to (6).
- (2) Subject to paragraph (5), a statement of truth must be signed by the individual making the statement.
- (3) The full name of the individual who signs a statement of truth must be printed clearly beneath his signature.
- (4) Where a statement of truth is to be signed by an individual who is unable to read, it must—
- (a) be signed in the presence of a conveyancer, and
 - (b) contain a certificate made and signed by that conveyancer in the following form—

‘I [*name and address of conveyancer*] certify that I have read over the contents of this statement of truth and explained the nature and effect of any documents referred to in it and the consequences of making a false declaration to the person making this statement who signed it or made [*his*] *or* [*her*] mark in my presence having first (a) appeared to me

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to understand the statement (b) approved its content as accurate and (c) appeared to me to understand the declaration of truth and the consequences of making a false declaration.’.

- (5) Where a statement of truth is to be made by an individual who is unable to sign it, it must—
- (a) state that individual’s full name,
 - (b) be signed by a conveyancer at the direction and on behalf of that individual, and
 - (c) contain a certificate made and signed by that conveyancer in the following form—

‘I [*name and address of conveyancer*] certify that [the person making this statement of truth has read it in my presence, approved its content as accurate and directed me to sign it on [his] or [her] behalf] or [I have read over the contents of this statement of truth and explained the nature and effect of any documents referred to in it and the consequences of making a false declaration to the person making this statement who directed me to sign it on [his] or [her] behalf] having first (a) appeared to me to understand the statement (b) approved its content as accurate and (c) appeared to me to understand the declaration of truth and the consequences of making a false declaration.’.
- (6) Where a statement of truth, or a certificate under paragraph (4) or (5), is signed by a conveyancer—
- (a) the conveyancer must sign in their own name and not that of their firm or employer, and
 - (b) the conveyancer must state the capacity in which they sign and where appropriate the name of their firm or employer.]

Textual Amendments

F248 Rule 215A inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 72](#) (with rule 5)

[^{F249}Land Registry – when open for business

Textual Amendments

F249 Rule 216 and cross-heading substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 35](#)

Days on which the Land Registry is open for business

- 216.**—(1) Subject to paragraph (2), the land registry shall be open for business daily except on—
- (a) Saturdays, Sundays, Christmas Day and Good Friday, or
 - (b) any other day—
 - (i) specified or declared by proclamation under section 1 of the Banking and Financial Dealings Act 1971,
 - (ii) appointed by the Secretary of State, or
 - (iii) [^{F250}certified as an interrupted business day under rule 216A(1).]
- (2) If the registrar is satisfied that adequate arrangements have been made or will be in place for opening the land registry for business on any or all of the days referred to in sub-paragraphs (a) and (b) of paragraph (1), he may, in such manner as he considers appropriate, give notice to that effect.

Changes to legislation: *The Land Registration Rules 2003 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) On and after the date specified in any notice given pursuant to paragraph (2), paragraph (1) shall have effect as though the relevant day or days referred to in sub-paragraphs (a) or (b), as specified in the notice, had been omitted.

(4) The date specified in any notice referred to in paragraph (3) must be at least eight weeks after the date of the notice.

^{F251}(5)

^{F251}(6)

^{F251}(7)

^{F251}(8)

(9) The registrar may make such arrangements as he sees fit for personal attendance by members of the public for the purpose of land registry business on any business day or days, and such attendance may be—

- (a) by appointment only,
- (b) limited to specified times,
- (c) at a specified office or offices of the land registry or any other specified location, and
- (d) limited to specified services,

and the registrar shall in such manner as he considers appropriate give notice to that effect.]

Textual Amendments

F250 Rule 216(1)(b)(iii) substituted (16.4.2020) by [The Land Registration \(Amendment\) Rules 2020 \(S.I. 2020/425\)](#), rules 1, **4(1)**

F251 Rule 216(5)-(8) omitted (16.4.2020) by virtue of [The Land Registration \(Amendment\) Rules 2020 \(S.I. 2020/425\)](#), rules 1, **4(2)**

[^{F252}Interrupted day

216A.—(1) The registrar may certify any day as an interrupted business day or an interrupted working day or both if he is satisfied that on that day there is likely to be—

- (a) a general delay in, or failure of, a communication service in England and Wales, or
- (b) any other event or circumstance,

causing a substantial interruption in the normal operation of the land registry.

(2) The registrar must give notice publicising the certification in such manner as he considers appropriate.

(3) The certification must take place before the start of the day being certified.

(4) Certification of a day as an interrupted working day shall have the effect of extending—

- (a) the date and time given in the result of an official search with priority as the date and time at which priority expires,
- (b) the date and time fixed by a notice given by the registrar or any longer period that the registrar may allow in accordance with these rules, and
- (c) the period specified by the registrar for compliance with a requisition,

to include an additional number of working days equal to the number of interrupted working days falling within the priority period of the official search, the time fixed by the notice or any longer period allowed by the registrar, or the period specified by the registrar.

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(5) Certification of a day as an interrupted working day shall be disregarded for the purposes of rules 107, 187(2), 194E, 194F and 199.

(6) In this rule—

“communication service” means a service by which documents may be sent and delivered and includes a post service, a document exchange service and electronic communications,

“priority period” has the same meaning as in Part 13.]

Textual Amendments

F252 Rule 216A inserted (16.4.2020) by The Land Registration (Amendment) Rules 2020 (S.I. 2020/425), rules 1, 5

Interpretation

General Interpretation

217.—(1) In these rules—

“the Act” means the Land Registration Act 2002 ^{M29},

[^{F253}“adjudicator” means an adjudicator appointed by the Secretary of State under section 398A (appointment etc of adjudicators and assistants) of the Insolvency Act 1986,]

“affecting franchise” means a franchise which relates to a defined area of land and is an adverse right affecting, or capable of affecting, the title to an estate or charge,

[^{F254}“business day” means a day when the land registry is open for business under rule 216,]

“caution plan” has the meaning given by rule 41(4),

“caution title number” has the meaning given by rule 41(1),

“certified copy” means a copy of a document which a conveyancer, or such other person as the registrar may permit, has certified on its face to be a true copy of the original and endorsed with his name and address, and the reference to a conveyancer includes where the document is one referred to in—

(a) rule 168(2)(a) or 168(3), the bankrupt's trustee in bankruptcy or the official receiver,

(b) rule 184(2), the company's administrator,

(c) rule 184(5), the company's liquidator,

“charges register” is the register so named in rule 4 the contents of which are described in rule 9,

“charity” and “charity trustees” have the same meaning as in sections 96 and 97(1) of the Charities Act 1993 ^{M30} respectively,

[^{F255}“Companies Acts” means—

(a) the Companies Act 2006 and any Act amending or replacing that Act,

(b) the provisions of the Companies Act 1985, the Companies Consolidation (Consequential Provisions) Act 1985, Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004 and the Companies (N.I.) Order 1986 that remain in force, and

(c) any former enactment relating to companies,]

“control” in relation to a document of which a person has control means physical possession, or the right to possession, or right to take copies of the document,

[^{F256}“conveyancer” has the meaning given by rule 217A,]

“day list” has the same meaning given by rule 12,

F257
...

“exempt charity” has the same meaning as in section 96 of the Charities Act 1993 and “non-exempt charity” means a charity which is not an exempt charity,

[^{F258}“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, or section 2(8) or section 5(3)(b) of the Matrimonial Homes Act 1983, or section 2(7) or section 5(3)(b) of the Matrimonial Homes Act 1967,]

“index map” has the meaning given by rule 10(1)(a),

“index of proprietors' names” has the meaning given by rule 11(1),

“index of relating franchises and manors” is the index described in rule 10(1)(b),

“individual caution register” is the register so named in rule 41(1) the arrangement of which is described in rule 41(2),

“individual register” is the register so named in rule 2 the contents and arrangement of which are described in rules 3 and 4,

“inheritance tax notice” means a notice in respect of an Inland Revenue charge arising under Part III of the Finance Act 1975 ^{M31} or section 237 of the Inheritance Tax Act 1984 ^{M32},

“matrimonial home rights caution” means a caution registered under the Matrimonial Homes Act 1967 ^{M33} before 14 February 1983,

F259
...

“official custodian” means the official custodian for charities,

“old tenancy” means a tenancy as defined in section 28 of the Landlord and Tenant (Covenants) Act 1995 ^{M34} which is not a new tenancy as defined in section 1 of that Act,

“overseas company” means a company incorporated outside [^{F260}the United Kingdom],

“property register” is the register so named in rule 4 the contents of which are described in rules 5, 6 and 7,

“proprietorship register” is the register so named in rule 4 the contents of which are described in rule 8,

“registered title” means an individual register and any title plan referred to in that register,

“relating franchise” means a franchise which is not an affecting franchise,

“Schedule 1 form” means a form in Schedule 1,

“Schedule 3 form” means a form in Schedule 3,

“scheduled form” means a Schedule 1 form or a Schedule 3 form,

“section 33(5) order” means an order made under section 33(5) of the Family Law Act 1996,

[^{F261}“statement of truth” has the meaning given by rule 215A,]

“statutory declaration” includes affidavit,

“title number” has the meaning given by rule 4,

“title plan” has the meaning given by rule 5,

“trust corporation” has the same meaning as in the Settled Land Act 1925 ^{M35},

“trusts” in relation to a charity has the same meaning as in section 97(1) of the Charities Act 1993,

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“unregistered company” means a body corporate to which section 718(1) of the Companies Act 1985 ^{M36} applies,

[^{F262}“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 or appointed by the [^{F263}Secretary of State][^{F264}or, subject to rule 216A(5), certified as an interrupted working day under rule 216A(1).]]

(2) Subject to paragraph (3), a reference in these rules to a form by letter, or by number, or by a combination of both is to a scheduled form.

(3) A reference in these rules to Forms A to Y and [^{F265}Forms AA to [^{F266}SS]] (in each case inclusive) is to the standard form of restriction bearing that letter in Schedule 4.

Textual Amendments

- F253** Words in rule 217(1) inserted (6.4.2016) by The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/481), reg. 1, **Sch. 2 para. 8(5)**
- F254** Words in rule 217(1) substituted (6.4.2018) by The Land Registration (Amendment) Rules 2018 (S.I. 2018/70), rule 1, **Sch. 1 para. 36(1)(a)**
- F255** Words in rule 217(1) substituted (10.11.2008) by The Land Registration (Amendment) Rules 2008 (S.I. 2008/1919), rule 2(1), **Sch. 1 para. 74(a)** (with rule 5)
- F256** Words in rule 217 substituted (1.10.2011) by The Land Registration (Amendment) Rules 2011 (S.I. 2011/1410), rules 1, 3; S.I. 2011/2196, art. 2(1)(c)
- F257** Words in rule 217(1) omitted (6.4.2018) by virtue of The Land Registration (Amendment) Rules 2018 (S.I. 2018/70), rule 1, **Sch. 1 para. 36(1)(b)**
- F258** Words in rule 217(1) inserted (5.12.2005) by The Land Registration (Amendment) (No 2) Rules 2005 (S.I. 2005/1982), rules 1(3), **16(a)**
- F259** Words in rule 217(1) deleted (5.12.2005) by The Land Registration (Amendment) (No 2) Rules 2005 (S.I. 2005/1982), rules 1(3), **16(b)**
- F260** Words in rule 217(1) substituted (10.11.2008) by The Land Registration (Amendment) Rules 2008 (S.I. 2008/1919), rule 2(1), **Sch. 1 para. 74(c)** (with rule 5)
- F261** Words in rule 217(1) inserted (10.11.2008) by The Land Registration (Amendment) Rules 2008 (S.I. 2008/1919), rule 2(1), **Sch. 1 para. 74(d)** (with rule 5)
- F262** Words in rule 217(1) inserted (10.11.2008) by The Land Registration (Amendment) Rules 2008 (S.I. 2008/1919), rule 2(1), **Sch. 1 para. 74(e)** (with rule 5)
- F263** Words in rule 217(1) substituted (9.11.2011) by The Transfer of Functions (Her Majesty's Land Registry, the Meteorological Office and Ordnance Survey) Order 2011 (S.I. 2011/2436), art. 1(2), **Sch. 2 para. 8(3)**
- F264** Words in rule 217(1) added (16.4.2020) by The Land Registration (Amendment) Rules 2020 (S.I. 2020/425), rules 1, **6**
- F265** Words in rule 217(3) substituted (24.10.2005) by The Land Registration (Amendment) Rules 2005 (S.I. 2005/1766), rules 1, **9(2)**
- F266** Word in rule 217(3) substituted (6.4.2018) by The Land Registration (Amendment) Rules 2018 (S.I. 2018/70), rule 1, **Sch. 1 para. 36(2)**

Modifications etc. (not altering text)

- C22** Rule 217(1): transfer of functions in part (9.11.2011) by The Transfer of Functions (Her Majesty's Land Registry, the Meteorological Office and Ordnance Survey) Order 2011 (S.I. 2011/2436), art. 1(2), **Sch. 1 para. 5(b)**

Marginal Citations

M29 2002 c. 9.

M30 1993 c. 10.

M31 1975 c. 7.

M32 1984 c. 51.

M33 1967 c. 75.

M34 1995 c. 30.

M35 1925 c. 18.

M36 1985 c. 6.

[^{F267} Definition of “conveyancer”

217A.—(1) Subject to paragraph (2), in these rules “conveyancer” means—

- (a) an authorised person entitled to carry on the relevant reserved instrument activities in accordance with the regulatory arrangements of the relevant approved regulator or licensing authority, as the case may be,
- (b) an individual or body who employs, or being a body has among its managers, at least one authorised person entitled to carry on the relevant reserved instrument activities and who will carry on or direct and supervise the carrying on of the relevant reserved instrument activities as such employee or manager, in accordance with the regulatory arrangements of the relevant approved regulator or licensing authority, as the case may be, or
- (c) a person who carries on the relevant reserved instrument activities in the course of that person’s duty as a public officer.

(2) For the purposes of a certificate given by a conveyancer under rule 62(2), 63(2), 183(2)(a), or Form LL in Schedule 4, “conveyancer” means—

- (a) an authorised person who is an individual and who is entitled to carry on the relevant reserved instrument activities in accordance with the regulatory arrangements of the relevant approved regulator or licensing authority, as the case may be, or
- (b) an individual who carries on the relevant reserved instrument activities in the course of that person’s duty as a public officer,

and in either case, the conveyancer must sign in their own name and not that of their firm or employer.

(3) For the purposes of this rule—

- (a) “authorised person” has the same meaning as in section 18 of the Legal Services Act 2007,
- (b) “licensing authority” has the same meaning as in section 73 of the Legal Services Act 2007,
- (c) “manager” has the same meaning as in section 207 of the Legal Services Act 2007,
- (d) “regulatory arrangements” has the same meaning as in section 21 of the Legal Services Act 2007,
- (e) “relevant approved regulator” has the same meaning as in section 20 of the Legal Services Act 2007,
- (f) “relevant reserved instrument activities” means the reserved instrument activities set out in paragraph 5(1)(a) and (b) of Schedule 2 to the Legal Services Act 2007.]

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Textual Amendments

F267 Rule 217A inserted (1.10.2011) by [The Land Registration \(Amendment\) Rules 2011 \(S.I. 2011/1410\)](#), rules 1, 4; S.I. 2011/2196, art. 2(1)(c)

PART 16

TRANSITIONAL

Cautions against dealings

Definitions

218. In this Part—

“the 1925 Act” means the Land Registration Act 1925 ^{M37},

“caution” means a caution entered in the register of title under section 54 of the 1925 Act,

“cautioner” includes his personal representative,

“the notice period” is the period ending at 12 noon on the fifteenth [^{F268}working] day, or ending at 12 noon on such later [^{F268}working] day as the registrar may allow, after the date of issue of the notice.

Textual Amendments

F268 Word in [rule 218](#) substituted (6.4.2018) by [The Land Registration \(Amendment\) Rules 2018 \(S.I. 2018/70\)](#), rule 1, [Sch. 1 para. 6](#)

Marginal Citations

M37 [1925 c. 21](#).

Consent under a caution

219. Any consent given under section 55 or 56 of the 1925 Act must be in writing signed by the person giving it or his conveyancer.

Notice under section 55(1) of the 1925 Act and under rule 223(3)

220.—(1) Rule 199 applies to the method of service of a notice under section 55(1) of the 1925 Act and under rule 223(3).

(2) The notice period applies to a notice served under section 55(1) of the 1925 Act and to one served under rule 223(3).

Cautioner showing cause

221.—(1) This rule applies where notice is served under section 55(1) of the 1925 Act or rule 223(3).

(2) At any time before expiry of the notice period, the cautioner may show cause why the registrar should not give effect to the application that resulted in the notice being served.

- (3) To show cause, the cautioner must—
- (a) deliver to the registrar, in the manner and to the address stated in the notice, a written statement signed by the cautioner or his conveyancer setting out the grounds relied upon, and
 - (b) show that he has a fairly arguable case for the registrar not to give effect to the application that resulted in the notice being served.
- (4) If, after reading the written statement, and after making any enquiries he thinks necessary, the registrar is satisfied that cause has been shown, he must order that the caution is to continue until withdrawn or otherwise disposed of under these rules or the Act.
- (5) Where the registrar makes an order under paragraph (4)—
- (a) the registrar must give notice to the applicant and the cautioner that he has made the order and of the effect of sub-paragraph (b),
 - (b) the cautioner is to be treated as having objected under section 73 of the Act to the application that resulted in notice being served, and
 - (c) the notice given by the registrar under sub-paragraph (a) to the applicant is to be treated as notice given under section 73(5)(a) of the Act.
- (6) If after service of the notice under section 55(1) of the 1925 Act or rule 223(3) the application that resulted in the notice being served is cancelled, withdrawn or otherwise does not proceed, the registrar must make an order that the caution will continue to have effect, unless he has already done so or the caution has been cancelled.

Withdrawal of a caution by the cautioner

- 222.**—(1) The cautioner may at any time apply to withdraw his caution in Form WCT.
- (2) The form must be signed by the cautioner or his conveyancer.

Cancellation of a caution—application by the proprietor etc

- 223.**—(1) A person may apply to the registrar for the cancellation of a caution if he is—
- (a) the proprietor of the registered estate or a registered charge to which the caution relates, or
 - [^{F269}(b) a person who is, or but for the existence of the caution would be, entitled to be registered as the proprietor of that estate or charge.]
- (2) An application for the cancellation of a caution must be in Form CCD.
- (3) Where application is made under this rule, the registrar must give the cautioner notice of the application.
- (4) Following the expiry of the notice period, unless the registrar makes an order under rule 221(4), the registrar must cancel the entry of the caution.

Textual Amendments

F269 Rule 223(1)(b) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 75](#) (with rule 5)

Modifications etc. (not altering text)

C23 Rule 223 restricted (13.10.2003) by [The Land Registration Act 2002 \(Transitional Provisions\) Order 2003 \(S.I. 2003/1953\)](#), arts. 1(1), [20](#)

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Rentcharges and adverse possession

Registered rentcharges held in trust under section 75(1) of the 1925 Act on commencement

224. Where a rentcharge is held in trust under section 75(1) of the Land Registration Act 1925 immediately before the coming into force of section 97 of the Act, the beneficiary of the trust may apply—

- (a) to be registered as proprietor of the rentcharge, or
- (b) for the registration of the rentcharge to be cancelled.

Signed by authority of the Lord Chancellor

Scotland of Asthal QC
Parliamentary Secretary, Lord Chancellor's
Department

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 1 form ADV1 words substituted by [S.I. 2022/730 Sch. 1 para. 1](#)
- Sch. 1 form AP1 words substituted by [S.I. 2022/730 Sch. 1 para. 2](#)
- Sch. 1 form AS1 words substituted by [S.I. 2022/730 Sch. 1 para. 3](#)
- Sch. 1 form AS3 words substituted by [S.I. 2022/730 Sch. 1 para. 4](#)
- Sch. 1 form FR1 words substituted by [S.I. 2022/730 Sch. 1 para. 6](#)
- Sch. 1 form TP1 words substituted by [S.I. 2022/730 Sch. 1 para. 7](#)
- Sch. 1 form TP2 words substituted by [S.I. 2022/730 Sch. 1 para. 8](#)
- Sch. 1 form TR1 words substituted by [S.I. 2022/730 Sch. 1 para. 9](#)
- Sch. 1 form TR2 words substituted by [S.I. 2022/730 Sch. 1 para. 10](#)
- Sch. 1 form TR5 words substituted by [S.I. 2022/730 Sch. 1 para. 11](#)
- Sch. 1A words substituted by [S.I. 2022/730 Sch. 2 para. 1](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 form CH1 words substituted by [S.I. 2022/730 Sch. 1 para. 5](#)