
STATUTORY INSTRUMENTS

2003 No. 1417

The Land Registration Rules 2003

PART 14

MISCELLANEOUS AND SPECIAL CASES

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 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).”.

(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.

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 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].”.

(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.

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
- (b) the bankruptcy petition has been dismissed or withdrawn with the court's permission, or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,

he must as soon as practicable cancel any bankruptcy notice or bankruptcy restriction which relates to that bankruptcy order, 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.

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(1).

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.