

2004 No. 1830

**COMMONHOLD, ENGLAND AND WALES
THE COMMONHOLD (LAND REGISTRATION) RULES 2004**

Made - - - - - 14th July 2004

Laid before Parliament 16th July 2004

Coming into force in accordance with rule 1

The Lord Chancellor, with the advice and assistance of the Rule Committee appointed in pursuance of section 127 of the Land Registration Act 2002^(a), in exercise of the powers conferred upon him by section 65 of the Commonhold and Leasehold Reform Act 2002^(b) hereby makes the following rules:

General

Citation and commencement

1. These rules may be cited as the Commonhold (Land Registration) Rules 2004 and shall come into force on the day that section 2 of the Act comes into force.

Interpretation

2.—(1) In these rules—

“the Act” means Part 1 of the Commonhold and Leasehold Reform Act 2002,

“commonhold entries” means the entries referred to in paragraphs (a) to (c) of rule 28(1) and

“main rules” means the Land Registration Rules 2003.

(2) In these rules except where otherwise stated, a form referred to by letters or numbers means the form so designated in Schedule 1 to these rules.

Land registration rules

3.—(1) Land registration rules within the meaning of the Land Registration Act 2002 have effect in relation to anything done by virtue of or for the purposes of the Act as they have effect in relation to anything done by virtue of or for the purposes of the Land Registration Act 2002 subject to paragraphs (2) and (3).

(2) Rules 3(3)(a), 3(4)(a), 126, 127 and 214 of the main rules shall not apply to any application made under the Act.

(3) In its application to the Act—

(a) subject to paragraph (2), rule 3 of the main rules (individual registers and more than one registered estate, division and amalgamation) shall apply as if the words “and are vested in the same proprietor” in paragraph (1) and the words “and are vested in the same proprietor” in paragraph (4) were omitted,

(b) rule 54 of the main rules (outline applications) shall apply as if paragraph (6) of that rule referred to the forms in Schedule 1 to these rules,

(c) rules 136 to 138 of the main rules (exempt information documents) shall apply as if a

(a) 2002 c. 9.
(b) 2002 c. 15.

commonhold community statement and a memorandum and articles of association of a commonhold association were excluded from the definition of a “relevant document” in rule 136(7),

- (d) for the purposes of rule 208 of the main rules (Welsh language forms) the forms in Schedule 1 to these rules shall be treated as if they were scheduled forms within the meaning of the main rules,
- (e) rules 210 and 211 of the main rules (documents in a Schedule 1 form and electronically produced forms) shall apply to the forms in Schedule 1 to these rules as they apply to the forms in Schedule 1 to the main rules, and
- (f) Parts 3 and 4 of Schedule 6 to the main rules (information to be included in the results of certain official searches) shall apply as if the words “relevant pending application” included any application made under the Act.

Applications

Lodging a copy document

4.—(1) This rule applies to—

- (a) the commonhold association’s certificate of incorporation,
- (b) any altered certificate of incorporation,
- (c) the memorandum and articles of association of the commonhold association,
- (d) any altered memorandum or articles of association of the commonhold association,
- (e) a commonhold community statement,
- (f) any amended commonhold community statement,
- (g) an order of the court under the Act, and
- (h) a termination statement.

(2) Where the Act or these rules requires an application to be accompanied by a document referred to in paragraph (1), a certified copy of that document may be submitted in place of the original.

(3) Where the original document is lodged a certified copy must accompany it.

Application for registration

5.—(1) An application to register a freehold estate in land as a freehold estate in commonhold land must be made in Form CM1 accompanied, where appropriate, by the statement required by section 9(1)(b) of the Act.

(2) The statement required by section 9(1)(b) of the Act shall be in Form COV.

(3) Unless the Registrar otherwise directs, the application must be accompanied by a statutory declaration made by the applicant that complies with rule 6.

Statutory declaration

6.—(1) The statutory declaration referred to in rule 5(3) must comply with paragraphs (2) to (6).

(2) The declaration must list the consents, or orders of court dispensing with consent, that have been obtained under or by virtue of section 3 of the Act.

(3) Where there is a restriction entered in any individual register affected by the application, the declaration must confirm that either the restriction does not protect an interest in respect of which the consent of the holder is required or, if it does that the appropriate consent has been obtained.

(4) The declaration must confirm that—

- (a) no other consents are required under or by virtue of section 3 of the Act,
- (b) no consent has lapsed or been withdrawn, and
- (c) if a consent is subject to conditions, all conditions have been fully satisfied.

(5) Where the application involves the extinguishment under section 22 of the Act of a charge that is the subject of an entry in the register the declaration must—

- (a) identify the charge to be extinguished

- (b) identify the title of the owner of the charge,
- (c) give the name and address of the owner of the charge, and
- (d) confirm that the consent of the owner of the charge has been obtained.

(6) The Registrar must accept the statutory declaration as conclusive evidence that no additional consents are required under or by virtue of section 3 of the Act and must cancel any entry in the register relating to an interest that has been identified in the statutory declaration to be extinguished.

Form of consent

7. The form of consent required under or by virtue of sections 3 and 41 of the Act is Form CON 1.

Rejection or cancellation of application

8. In addition to the Registrar's powers contained in rule 16 of the main rules, the Registrar may reject an application on delivery or he may cancel it at any time thereafter if plans submitted with it (whether as part of the commonhold community statement or otherwise) are insufficiently clear or accurate.

Title to interests

9.—(1) Where a consent required under or by virtue of section 3 of the Act has been lodged relating to an interest which is unregistered or is the subject of only a notice, caution or restriction in the register, the applicant must also lodge sufficient evidence to satisfy the Registrar that the person whose consent has been lodged is the person who was entitled to that interest at the time the consent was given.

(2) For the purposes of paragraph (1), the Registrar may accept as sufficient evidence of entitlement a conveyancer's certificate that he is satisfied that the person whose consent has been lodged in relation to that interest is the person who was entitled to it at the time the consent was given and that he holds evidence of this.

Service of notice—extinguished leases

10.—(1) Subject to paragraph (3), where, as the result of an application under section 2 of the Act, a lease the title to which is registered is extinguished under section 9(3)(f) of the Act, the Registrar must give notice of the closure of the leasehold title to the following—

- (a) the registered proprietor of the leasehold title,
- (b) the registered proprietor of any charge affecting the leasehold title, and
- (c) the person entitled to the benefit of a notice, a restriction or a caution against dealings entered in the register of the leasehold title.

(2) Subject to paragraph (3), where, as the result of an application under section 2 of the Act, an unregistered lease which is noted in the register of the freehold title is extinguished under section 9(3)(f) of the Act, the Registrar must give notice of the completion of the application to the holder of the leasehold estate that has been extinguished.

(3) The Registrar is not obliged to give notice to a person referred to in paragraph (1) or (2) or in both if—

- (a) that person consented under section 3 of the Act to the application, or
- (b) that person's name and his address for service under rule 198 of the main rules are not set out in the relevant individual register.

Service of notice at end of transitional period—extinguished leases

11.—(1) Subject to paragraph (3), where a lease the title to which is registered is extinguished under section 7(3)(d) of the Act and rule 29 (2) applies, the Registrar must give notice of the closure of the leasehold title to the following—

- (a) the registered proprietor of the leasehold title,
- (b) the registered proprietor of any charge affecting the leasehold title, and
- (c) the person entitled to the benefit of a notice, a restriction or a caution against dealings entered in the register of the leasehold title.

(2) Subject to paragraph (3), where an unregistered lease which is noted in the register of the freehold title is extinguished under section 7(3)(d) and rule 29(2) applies, the Registrar must give notice of the completion of the application to the holder of the leasehold estate that has been extinguished.

- (3) The Registrar is not obliged to give notice to a person referred to in paragraph (1) if—
- (a) that person consented under section 3 of the Act to the application, or
 - (b) that person's name and his address for service under rule 198 of the main rules are not set out in the relevant individual register.

Court order

12. An application to give effect in the register to an order of the court under the Act, other than a succession order, must be made in Form API of the main rules.

Registration of an amended commonhold community statement

13.—(1) An application to register an amended commonhold community statement must be made in Form CM3.

(2) The application must be accompanied by a new version of the commonhold community statement incorporating the amendments.

(3) On completion of the application, the Registrar must enter a note of the amended commonhold community statement in the register of the title to the common parts in a manner that distinguishes it from previous versions of the commonhold community statement.

Cessation of commonhold during the transitional period

14.—(1) An application for the freehold estate in land to cease to be registered as a freehold estate in commonhold land during the transitional period must be made in Form CM2.

(2) When satisfied that the application is in order, the Registrar must cancel to the necessary extent the commonhold entries made in the register under rule 28(1)(a) to (c).

- (3) Unless the Registrar otherwise directs, the application must be accompanied by—
- (a) a statutory declaration made by the applicant that complies with rule 6 to the extent necessary, and
 - (b) all necessary consents in Form CON 2.

Transfer of part of a commonhold unit

15.—(1) An application to register a transfer of the freehold estate in part only of a commonhold unit must be accompanied by an application in Form CM3 to register the commonhold community statement that has been amended in relation to the transfer.

(2) The Registrar may reject on delivery the application to register the transfer, or he may cancel it at any time thereafter, if it is not accompanied by an application to register the amended commonhold community statement.

Transfer of part of the common parts

16.—(1) An application to register a transfer of the freehold estate in part of the common parts must be accompanied by an application in Form CM3 to register the commonhold community statement that has been amended in relation to the transfer.

(2) The Registrar may reject on delivery the application to register the transfer, or he may cancel it at any time thereafter, if it is not accompanied by an application to register the amended commonhold community statement.

Alteration of the extent of a commonhold unit

17.—(1) An application to register an amended commonhold community statement in Form CM3 which would have the effect of altering the extent of a commonhold unit (other than by removing the whole of the unit) must be accompanied by an application to register any relevant transfer.

(2) Where there is a relevant transfer, the Registrar may reject on delivery the application to register the amended commonhold community statement, or he may cancel it at any time thereafter, if paragraph (1) is not complied with.

Alteration of the extent of the common parts

18.—(1) An application to register an amended commonhold community statement in Form CM3 which would have the effect of altering the extent of the common parts (unless section 30(4) of the Act applies) must be accompanied by an application to register any relevant transfer.

(2) Where there is a relevant transfer, the Registrar may reject on delivery the application to register the amended commonhold community statement, or he may cancel it at any time thereafter, if paragraph (1) is not complied with.

Registration of an altered memorandum or articles of association

19.—(1) An application to register an altered memorandum or articles of association must be made in Form CM3.

(2) The application must be accompanied by a new version of the memorandum or articles of association of the commonhold association incorporating the amendments.

(3) On completion of the application, the Registrar must enter a note of the altered memorandum or articles of association in the register of the title to the common parts in a manner that distinguishes them from previous versions of the memorandum or articles of association of the commonhold association.

Application to add land

20.—(1) An application to add land within the meaning of section 41 of the Act must be made in Form CM4.

(2) Such an application must be accompanied by an application to register the amended commonhold community statement in Form CM3.

(3) The Registrar may reject on delivery the application to add land, or he may cancel it at any time thereafter, if it is not accompanied by an application to register the amended commonhold community statement.

(4) Unless the Registrar otherwise directs the application must be accompanied by a statutory declaration by the applicant that complies with rule 6 to the extent necessary.

Termination application following a voluntary winding up

21.—(1) A termination application must be—

- (a) made in Form CM5, and
- (b) accompanied 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.

(2) Where a termination application is made and the liquidator notifies the Registrar that he is content with the termination statement, or sends to the Registrar a copy of the court's determination of the terms of the termination statement, the Registrar must—

- (a) enter the commonhold association as proprietor of the commonhold units, and
- (b) cancel the commonhold entries on every registered title affected.

Application to terminate a commonhold registration following the winding-up of a commonhold association by the court

22.—(1) An application to terminate a commonhold registration where the court has made a winding-up order in respect of a commonhold association and has not made a succession order must be made in Form CM5.

(2) When the Registrar has received notification under section 54(2)(c) to (f) of the Act, and is otherwise satisfied that the application is in order, he may cancel the commonhold entries on the registered titles affected.

Registration of a successor commonhold association

23.—(1) Where a succession order is made, an application must be made to the Registrar to register the successor commonhold association in Form CM6.

- (2) Unless the Registrar otherwise directs, the application must be accompanied by—
- (a) the succession order,
 - (b) the memorandum and articles of association of the successor commonhold association, and
 - (c) the winding up order.
- (3) When satisfied that the application is in order, the Registrar must—
- (a) cancel the note of the memorandum and articles of association of the insolvent commonhold association in the property register of the registered title to the common parts,
 - (b) enter a note of the memorandum and articles of association of the successor commonhold association in the property register of the registered title to the common parts, and
 - (c) give effect to the terms of the succession order in the individual registers of the registered titles affected.

(4) Where a succession order includes provisions falling within section 52(4) of the Act, the successor commonhold association must make an application to give effect in the register to those provisions so far as necessary.

Application to register surrender of a development right

24.—(1) An application to note the surrender of a right conferred by section 58(2) of the Act in the register must be accompanied by a notice in Form SR1.

(2) When satisfied as to the application, the Registrar must complete it by entering the notice surrendering the right in the property register of the registered title to the common parts.

Official copies

25. An application for official copies of the individual register and title plan of the common parts in relation to a commonhold must be made by inserting the following words in panel 9 of Form OC1 in Schedule 1 of the main rules—

“official copy(ies) of the register and title plan of the common parts in a commonhold development.”

Searches of the index map

26. If a person who applies for a search of the index map requires the title numbers of the units in relation to a commonhold, he must insert the common parts title number followed by the words “common parts” in panel 2 of Form SIM in Schedule 1 of the main rules or supply a plan of the commonhold land showing sufficient detail to enable the land to be clearly identified on the Ordnance Survey map.

The Register

Restrictions

- 27.** To give effect to the terms of the Act the Registrar must—
- (a) enter a restriction in Form CA in Schedule 2 in the individual register of the common parts title, and
 - (b) enter a restriction in Form CB in Schedule 2 in the individual register of each unit title.

Completion of application for registration

28.—(1) When satisfied that an application under section 2 of the Act is in order, the Registrar must complete it by entering in the individual register of the affected registered titles—

- (a) a note that the freehold estate is registered as a freehold estate in commonhold land,
- (b) a note of the memorandum and articles of association of the commonhold association and the commonhold community statement,

- (c) where the application is not accompanied by Form COV, a note that the rights and duties conferred and imposed by the commonhold community statement will not come into force until the end of the transitional period, and
- (d) where the application is not accompanied by Form COV, the applicant as proprietor of the registered title to each of the units and as proprietor of the registered title to the common parts.

(2) Where an application to register the freehold estate in land as the freehold estate in commonhold land is accompanied by Form COV, the Registrar must—

- (a) cancel notice of any lease extinguished under section 9(3)(f) of the Act, and
- (b) close the title if the lease is registered.

End of transitional period

29.—(1) This rule applies where an application has been made under section 2 of the Act and was not accompanied by Form COV.

(2) Where the Registrar is aware that the transitional period has come to an end, he must—

- (a) cancel the entries made in the register under rule 28(1)(c),
- (b) cancel notice of any lease extinguished under section 7(3)(d) of the Act, and
- (c) close the title to any such lease where the lease is registered.

Leases of commonhold units

30. When a term of years absolute is created in a commonhold unit and the lease is registered, the Registrar must enter a note in the property register of the leasehold title that it is a lease of a commonhold unit.

Changing size: charged unit

31. On an application to which rule 15 or rule 17 relates and where section 24(1) of the Act applies, on receipt of Form COE, the Registrar must give effect in the register to section 24(4) and (5) of the Act as appropriate.

Charges over common parts

32. Where a charge is extinguished, in whole or in part, under section 28(3) or section 28(4) of the Act, the Registrar must cancel or alter as appropriate any entry of the charge in the register to the extent that it is extinguished.

Signed by authority of the Lord Chancellor

14th July 2004

David Lammy
Parliamentary Under Secretary of State,
Department for Constitutional Affairs

SCHEDULE 1
SCHEDULE 1 FORMS

**Application to
register a freehold estate
in commonhold land**

Land Registry

CM1

If you need more room than is provided for in a panel, use continuation sheet CS and attach to this form.

1. Administrative area and postcode if known			
2. This application affects Place "X" in the appropriate box. <input type="checkbox"/> unregistered land for which Form FR1 accompanies this application <input type="checkbox"/> the whole of the title number(s) _____ <input type="checkbox"/> part of the title number(s) _____			
3. If you have already made this application by outline application, insert reference number: 			
4. If the application is for registration with unit-holders you must complete Form COV and lodge it with this application			
5. Application and fee <i>A fee calculator for all types of applications can be found on Land Registry's website at www.landregistry.gov.uk/fees</i> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Registration of commonhold</td> <td style="width: 50%; text-align: right;">Fee paid £</td> </tr> </table> Fee payment method: Place "X" in the appropriate box. I wish to pay the appropriate fee payable under the current Land Registration Fee Order: <input type="checkbox"/> by cheque or postal order, amount £ _____ made payable to "Land Registry". <input type="checkbox"/> by Direct Debit under an authorised agreement with Land Registry.	Registration of commonhold	Fee paid £	FOR OFFICIAL USE ONLY Record of fee paid Particulars of under/over payment Fees debited £ Reference number
Registration of commonhold	Fee paid £		
6. Documents lodged with this form Place "X" in the appropriate boxes. <i>We shall retain any original document which is not accompanied by a certified copy.</i> <input type="checkbox"/> Certified copy of certificate of incorporation of commonhold association <input type="checkbox"/> Certified copy of any altered certificate of incorporation of commonhold association <input type="checkbox"/> Certified copy of memorandum and articles of association of commonhold association <input type="checkbox"/> Two certified copies of commonhold community statement <input type="checkbox"/> Statutory declaration <input type="checkbox"/> Form(s) CON1/Court order(s) <input type="checkbox"/> Director's certificate <input type="checkbox"/> <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/>			
7. The applicant is: <i>Please provide the full name of the person applying to be registered as the proprietor of the commonhold.</i> The application has been lodged by: Land Registry Key No. (if appropriate) Name (if different from the applicant) Address/DX No. Reference E-mail Telephone No. _____ Fax No. _____	FOR OFFICIAL USE ONLY Codes Dealing Status RED		

8. Where you would like us to deal with someone else *We shall deal only with the applicant, or the person lodging the application if different, unless you place "X" against one or more of the statements below and give the necessary details.*

Send title information document to the person shown below

Raise any requisitions or queries with the person shown below

Return original documents lodged with this form (see italic text in panel 6) to the person shown below

If this applies only to certain documents, please specify.

Name _____
Address/DX No. _____

Reference _____
E-mail _____

Telephone No. _____	Fax No. _____
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9. Full name(s) and address(es) for service of every applicant for entry on the register. The address(es) will be entered on the register and used for correspondence and the service of notices.
You may give up to three addresses for service one of which must be a postal address but does not have to be within the UK. The other addresses can be a combination of either a postal address, a box number at a UK document exchange or an electronic address. For a company include company's registered number, if any. For Scottish companies use an SC prefix and for limited liability partnerships use an OC prefix before the registered number, if any. For foreign companies give territory in which incorporated.

10. Information in respect of any new charge
Do not give this information if a Land Registry MD reference is printed on the charge, unless the charge has been transferred.
Full name and address (including postcode) for service of notices and correspondence of the person to be registered as proprietor of each charge. *You may give up to three addresses for service. See panel 9 as to the details you should include.*

Unless otherwise arranged with Land Registry Head Office, we require a certified copy of the chargee's constitution (in English or Welsh) if it is a body corporate but is not a company registered in England and Wales or Scotland under the Companies Acts.

11. Name, address(es) and company registration number of the commonhold association *If it is not the applicant. See panel 9 as to the details you should include.*

12. Signature of applicant _____ **Date** _____
or their conveyancer _____

The completion of this panel on the form is voluntary. No individual property or person will be identified from the information given. The information will be used by Land Registry to improve its forecasting and may be supplied to the Department for Constitutional Affairs. Place "X" in the appropriate box.

The property the subject of this application is

residential non-residential mixed

**Application for the freehold estate
to cease to be registered as a
freehold estate in commonhold
land during the transitional period**

Land Registry

CM2

If you need more room than is provided for in a panel, use continuation sheet CS and attach to this form.

1. Administrative area and postcode if known	
2. Title number(s)	
3. Do you wish the land to be amalgamated into one title? Place "X" in the appropriate box. <input type="checkbox"/> Yes <input type="checkbox"/> No	
4. If you have already made this application by outline application , insert reference number: 	
5. Application and fee <small>A fee calculator for all types of applications can be found on Land Registry's website at www.landregistry.gov.uk/fees</small> Cessation of commonhold Fee paid £ Fee payment method: <small>Place "X" in the appropriate box.</small> I wish to pay the appropriate fee payable under the current Land Registration Fee Order: <input type="checkbox"/> by cheque or postal order, amount £ _____ made payable to "Land Registry". <input type="checkbox"/> by Direct Debit under an authorised agreement with Land Registry.	FOR OFFICIAL USE ONLY Record of fee paid <hr/> Particulars of under/over payment <hr/> Fees debited £ <hr/> Reference number
6. Documents lodged with this form <small>Place "X" in the appropriate boxes. We shall retain any original document which is not accompanied by a certified copy.</small> <input type="checkbox"/> Form(s) CON2 <input type="checkbox"/> Statutory declaration <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
7. The applicant is: <small>Please provide the full name of the person making the application.</small> The application has been lodged by: Land Registry Key No. (if appropriate) Name (if different from the applicant) Address/DX No. Reference E-mail Telephone No. Fax No.	FOR OFFICIAL USE ONLY Codes Dealing CBT Status RED

8. Where you would like us to deal with someone else *We shall deal only with the applicant, or the person lodging the application if different, unless you place "X" against one or more of the statements below and give the necessary details.*

- Send title information document to the person shown below
- Raise any requisitions or queries with the person shown below
- Return original documents lodged with this form (see italic text in panel 6) to the person shown below
If this applies only to certain documents, please specify.

Name
Address/DX No.

Reference
E-mail

Telephone No.

Fax No.

9. The Transitional period referred to in section 8 of the Commonhold and Leasehold Reform Act 2002 has not come to an end.

**Signature of applicant
or their conveyancer** _____

Date _____

Application for the registration of an amended commonhold community statement and/or altered memorandum and articles of association

Land Registry

CM3

If you need more room than is provided for in a panel, use continuation sheet CS and attach to this form.

1. Administrative area and postcode if known	
2. Title number of common parts	
3. Title number(s) of units <i>if extent of unit is changed.</i>	
4. Document(s) which has been amended/altere <i>Place "X" in the appropriate box(es).</i> <input type="checkbox"/> Commonhold community statement <input type="checkbox"/> Memorandum and articles of association	
5. If you have already made this application by outline application, insert reference number:	
6. Application and fee <i>A fee calculator for all types of applications can be found on Land Registry's website at www.landregistry.gov.uk/fees</i> Amendment of commonhold community statement and/or alteration of memorandum and articles of association Fee paid £ Fee payment method: <i>Place "X" in the appropriate box.</i> I wish to pay the appropriate fee payable under the current Land Registration Fee Order: <input type="checkbox"/> by cheque or postal order, amount £ _____ made payable to "Land Registry". <input type="checkbox"/> by Direct Debit under an authorised agreement with Land Registry.	FOR OFFICIAL USE ONLY Record of fee paid Particulars of under/over payment Fees debited £ Reference number
7. Documents lodged with this form <i>Place "X" in the appropriate boxes. We shall retain any original document which is not accompanied by a certified copy.</i> <input type="checkbox"/> Certified copy of memorandum and articles of association <input type="checkbox"/> Two certified copies of commonhold community statement (see panel 10) <input type="checkbox"/> Consent/Court orders <input type="checkbox"/> Director's certificate <input type="checkbox"/> Form COE <input type="checkbox"/> _____	
8. The applicant is: <i>Please provide the full name of the person making the application.</i> The application has been lodged by: Land Registry Key No. (if appropriate) Name (if different from the applicant) Address/DX No. Reference E-mail Telephone No. Fax No.	FOR OFFICIAL USE ONLY Codes Dealing ACS Status RED

9. Where you would like us to deal with someone else *We shall deal only with the applicant, or the person lodging the application if different, unless you place "X" against one or more of the statements below and give the necessary details.*

- Send title information document to the person shown below
- Raise any requisitions or queries with the person shown below
- Return original documents lodged with this form (see italic text in panel 7) to the person shown below
If this applies only to certain documents, please specify.

Name
Address/DX No.

Reference
E-mail

Telephone No.

Fax No.

10. If the application is to amend the commonhold community statement, please summarise the amendments below

11. Signature of applicant or their conveyancer _____ **Date** _____

**Application to add
land to a commonhold
registration**

Land Registry

CM4

If you need more room than is provided for in a panel, use continuation sheet CS and attach to this form.

1. Administrative area and postcode if known		
2. Existing commonhold title number(s) to which land is to be added <i>Common parts and/or units as appropriate.</i>		
3. Title number(s) of land to be added to commonhold		
4. If you have already made this application by outline application, insert reference number:	<input type="text"/>	
5. Application and fee <i>A fee calculator for all types of applications can be found on Land Registry's website at www.landregistry.gov.uk/fees</i> Addition of land to commonhold Fee paid £ Fee payment method: <i>Place "X" in the appropriate box.</i> I wish to pay the appropriate fee payable under the current Land Registration Fee Order: <input type="checkbox"/> by cheque or postal order, amount £ _____ made payable to "Land Registry". <input type="checkbox"/> by Direct Debit under an authorised agreement with Land Registry.	OFFICIAL USE ONLY Record of fee paid <hr/> Particulars of under/over payment <hr/> Fees debited £ <hr/> Reference number	
	6. Documents lodged with this form <i>Place "X" in the appropriate boxes. We shall retain any original document which is not accompanied by a certified copy.</i> <input type="checkbox"/> Form(s) CON1/Court order <input type="checkbox"/> Director's certificate <input type="checkbox"/> Form COE <input type="checkbox"/> Statutory declaration <input type="checkbox"/>	
	7. The applicant is: <i>Please provide the full name of the person making the application.</i> The application has been lodged by: Land Registry Key No. (if appropriate) Name (if different from the applicant) Address/DX No. Reference E-mail Telephone No. Fax No.	
	FOR OFFICIAL USE ONLY Codes Dealing Status RED	

<p>8. Where you would like us to deal with someone else <i>We shall deal only with the applicant, or the person lodging the application if different, unless you place "X" against one or more of the statements below and give the necessary details.</i></p> <p><input type="checkbox"/> Send title information document to the person shown below</p> <p><input type="checkbox"/> Raise any requisitions or queries with the person shown below</p> <p><input type="checkbox"/> Return original documents lodged with this form (see italic text in panel 6) to the person shown below <i>If this applies only to certain documents, please specify.</i></p> <p>Name _____ Address/DX No. _____</p> <p>Reference _____ E-mail _____</p> <p>Telephone No. _____ Fax No. _____</p>	
<p>9. A separate application in Form CM3 amending the commonhold community statement accompanies this application</p> <p>Signature of applicant or their conveyancer _____ Date _____</p>	

**Application for the
termination of a
commonhold registration**

Land Registry

CM5

If you need more room than is provided for in a panel, use continuation CS and attach to this form.

1. Administrative area and postcode if known					
2. Title number(s)					
3. If you have already made this application by outline application , insert reference number: <input style="width: 100px; height: 20px;" type="text"/>					
<p>4. Application and fee <i>A fee calculator for all types of applications can be found on Land Registry's website at www.landregistry.gov.uk/fees</i></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-bottom: 1px solid black;">Termination of commonhold</td> <td style="width: 50%; border-bottom: 1px solid black;">Fee paid £</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;"> <p>Fee payment method: <i>Place "X" in the appropriate box.</i> I wish to pay the appropriate fee payable under the current Land Registration Fee Order:</p> <p><input type="checkbox"/> by cheque or postal order, amount £ _____ made payable to "Land Registry".</p> <p><input type="checkbox"/> by Direct Debit under an authorised agreement with Land Registry.</p> </td> </tr> </table>	Termination of commonhold	Fee paid £	<p>Fee payment method: <i>Place "X" in the appropriate box.</i> I wish to pay the appropriate fee payable under the current Land Registration Fee Order:</p> <p><input type="checkbox"/> by cheque or postal order, amount £ _____ made payable to "Land Registry".</p> <p><input type="checkbox"/> by Direct Debit under an authorised agreement with Land Registry.</p>		<p>FOR OFFICIAL USE ONLY</p> <p>Record of fee paid</p> <hr/> <p>Particulars of under/over payment</p> <hr/> <p>Fees debited £</p> <hr/> <p>Reference number</p>
Termination of commonhold	Fee paid £				
<p>Fee payment method: <i>Place "X" in the appropriate box.</i> I wish to pay the appropriate fee payable under the current Land Registration Fee Order:</p> <p><input type="checkbox"/> by cheque or postal order, amount £ _____ made payable to "Land Registry".</p> <p><input type="checkbox"/> by Direct Debit under an authorised agreement with Land Registry.</p>					
<p>5. Documents lodged with this form when the termination is by way of voluntary winding up <i>Place "X" in the appropriate boxes. We shall retain any original document which is not accompanied by a certified copy.</i></p> <p><input type="checkbox"/> Termination statement <input type="checkbox"/> Court order <input type="checkbox"/> Evidence of liquidator's appointment</p> <p><input type="checkbox"/> _____ <input type="checkbox"/> _____</p>					
<p>6. Documents lodged with this form when the termination is by way of winding up by the court (no succession order) <i>Place "X" in the appropriate boxes. We shall retain any original document which is not accompanied by a certified copy.</i></p> <p><input type="checkbox"/> Liquidator's notification that section 54 of the Commonhold and Leasehold Reform Act 2002 applies</p> <p><input type="checkbox"/> _____ <input type="checkbox"/> _____</p> <p><input type="checkbox"/> _____ <input type="checkbox"/> _____</p>					
<p>7. The application has been lodged by:</p> <p>Land Registry Key No. (if appropriate)</p> <p>Name</p> <p>Address/DX No.</p> <p>Reference</p> <p>E-mail</p> <p>Telephone No. _____</p>	<p>FOR OFFICIAL USE ONLY</p> <p>Codes</p> <p>Dealing</p> <p>TRM</p> <p>Status</p> <p>RED</p>				
<p>Telephone No. _____</p>	<p>Fax No. _____</p>				

<p>8. Where you would like us to deal with someone else <i>We shall deal only with the applicant, or the person lodging the application if different, unless you place "X" against one or more of the statements below and give the necessary details.</i></p> <p><input type="checkbox"/> Send title information document to the person shown below</p> <p><input type="checkbox"/> Raise any requisitions or queries with the person shown below</p> <p><input type="checkbox"/> Return original documents lodged with this form (see italic text in panels 5 and 6) to the person shown below <i>If this only applies to certain documents, please specify.</i></p> <p>Name _____ Address/DX No. _____</p> <p>Reference _____ E-mail _____</p>	
Telephone No. _____	Fax No. _____
<p>9. Full name(s) and address(es) of every applicant <i>For a company include company's registered number, if any. For Scottish companies use an SC prefix and for limited liability partnerships use an OC prefix. For foreign companies give territory in which incorporated.</i></p> 	
<p>10. Signature of applicant or their conveyancer _____ Date _____</p>	

**Application for the registration
of a successor commonhold
association**

Land Registry

CM6

If you need more room than is provided for in a panel, use continuation sheet CS and attach to this form.

1. Administrative area and postcode if known	
2. Title number(s)	
3. If you have already made this application by outline application , insert reference number: <input type="text"/>	
4. Documents lodged with this form Place "X" in the appropriate boxes. We shall retain any original document which is not accompanied by a certified copy. <input type="checkbox"/> Succession Order <input type="checkbox"/> Certified copy of memorandum and articles of association of commonhold association <input type="checkbox"/> Winding up order	
5. The applicant is: <i>Please provide the full name of the person making the application.</i> The application has been lodged by: Land Registry Key No. (if appropriate) Name (if different from the applicant) Address/DX No. Reference E-mail Telephone No. <input type="text"/> Fax No. <input type="text"/>	FOR OFFICIAL USE ONLY Codes Dealing SCA Status RED
6. Where you would like us to deal with someone else <i>We shall deal only with the applicant, or the person lodging the application if different, unless you place "X" against one or more of the statements below and give the necessary details.</i> <input type="checkbox"/> Send title information document to the person shown below <input type="checkbox"/> Raise any requisitions or queries with the person shown below <input type="checkbox"/> Return original documents lodged with this form (see italic text in panel 4) to the person shown below <i>If this applies only to certain documents, please specify.</i> Name Address/DX No. Reference E-mail Telephone No. <input type="text"/> Fax No. <input type="text"/>	

<p>7. Full name(s) and address(es) for service of notices and correspondence of every applicant for entry in the register <i>You may give up to three addresses for service one of which must be a postal address but does not have to be within the UK. The other addresses can be a combination of either a postal address, a box number at a UK document exchange or an electronic address. For a company include company's registered number, if any. For Scottish companies use an SC prefix and for limited liability partnerships use an OC prefix before the registered number, if any. For foreign companies give territory in which incorporated.</i></p>
<p>8. Signature of applicant or their conveyancer _____ Date _____</p>

**Notification of change of extent
of a commonhold unit over
which there is a registered
charge**

Land Registry

COE

This form must be lodged with Form CM3 and where appropriate Form CM4.

1. Title number <i>A separate form should be used for each title affected.</i>
2. Property
3. Name of chargee
4. Date of charge(s)
5. I/We <i>[insert name of chargee]</i> _____ give notice that the extent of the above property has been redefined. <i>Place "X" in the appropriate box.</i> <input type="checkbox"/> Land has been removed from the property and, pursuant to section 24(4) of the Commonhold and Leasehold Reform Act 2002, the registered charge over the property has been extinguished to the extent that it relates to the land which has been removed. <i>or</i> <input type="checkbox"/> Land has been added to the property and, pursuant to section 24(5) of the Commonhold and Leasehold Reform Act 2002, the registered charge over the property has been extended so as to relate to the land which has been added. The Registrar is requested to alter the register of the above property as necessary to reflect this amendment.
6. Signature of person giving the notification or their conveyancer _____ Date _____

If you need more room than is provided for in a panel, use continuation sheet CS and attach to this form.

VERY IMPORTANT

This consent will bind you and any successors in title. Before signing this form you are strongly advised to seek legal advice.

1. Details of the freehold land the subject of the application to become commonhold ("the land")

Title number(s):

Property:

2. Details of the person giving consent and their interest in the land

Name of the consenter:

Address:

Details of the interest:

3. Declaration *Place "X" in the appropriate box(es).*

- I understand that my charge will be extinguished as to the common parts on the vesting of those common parts in the commonhold association.
- I understand that my charge will be extinguished under section 22(4) of the Commonhold and Leasehold Reform Act 2002.
- I confirm that I have no interest which will be extinguished as a result of the application to register land as commonhold land.
- I understand that my interest will be extinguished under section 7(3)(d) or section 9(3)(f) of the Commonhold and Leasehold Reform Act 2002.

**4. I, _____ as [registered proprietor]
[beneficial owner] [trustee/personal representative of the registered proprietor] *[Delete as appropriate]* of the above interest, consent to the registration of the land as a freehold estate in commonhold land.**

**5. Signature of person giving the
consent or their conveyancer _____ Date _____**

NOTE: This consent is valid for a period of 12 months beginning with the date that the consent was given. It cannot be withdrawn once the commonhold application is lodged for registration.

**Consent to an application for
the freehold estate to cease to
be registered as a freehold
estate in commonhold land
during the transitional period**

Land Registry

CON2

If you need more room than is provided for in a panel, use continuation sheet CS and attach to this form.

VERY IMPORTANT

This consent will bind you and any successors in title. Before signing this form you are strongly advised to seek legal advice.

1. Details of the freehold land the subject of the application to cease to be commonhold ("the land")
Title number(s):

Property:

2. Details of the consenter and their interest in the land
Name of the consenter:

Address:

Details of the interest:

3. I, _____ as [registered proprietor] [beneficial owner] [trustee/personal representative of the registered proprietor] *[Delete as appropriate]* of the above interest, consent to the application for the freehold estate to cease to be registered as a freehold estate in commonhold land.

4. Signature of person giving the consent or their conveyancer _____ Date _____

NOTE: This consent is valid for a period of 12 months beginning with the date that the consent was given. It cannot be withdrawn once the commonhold application is lodged for registration.

Section 9 Statement <i>This form must be lodged with Form CMI</i>	
<p>1. Applicant I/We, <i>[insert full name(s)]</i> _____ request that section 9 of the Commonhold and Leasehold Reform Act 2002 ("the Act") should apply to my/our application.</p>	
<p>2. Signature of applicant or their conveyancer _____ Date _____</p>	
<p>List of commonhold units required by section 9(2)</p> <p><i>NB1: In the case of joint unit holders, if no nomination to be registered as a member of the commonhold association has been made under Schedule 3 Part 2 Paragraph 8(2) of the Act then the person whose name appears first in the proprietorship register, i.e. the first named person set out in the panels below, will be entitled to be entered in the register of members of the association under Schedule 3 Part 2 Paragraph 8(4) of the Act.</i></p> <p><i>NB2: You may give up to three addresses for service one of which must be a postal address but does not have to be within the UK. The other addresses can be any combination of a postal address, a box number at a UK document exchange or an electronic address. For a company include the company's registered number if any. For Scottish companies, use an SC prefix and for limited liability partnerships, use an OC prefix before the registered number if any. For foreign companies give territory in which incorporated.</i></p>	
UNITS	UNIT HOLDER(S)
Unit number: Postal address: Title number(s):	Full name(s) and address(es) for service for entry in the register <i>See NB1 and NB2.</i>
Unit number: Postal address: Title number(s):	Full name(s) and address(es) for service for entry in the register <i>See NB1 and NB2.</i>

Continue overleaf

UNITS	UNIT HOLDER(S)
Unit number: Postal address: Title number(s):	Full name(s) and address(es) for service for entry in the register <i>See NB1 and NB2 overleaf.</i>
Unit number: Postal address: Title number(s):	Full name(s) and address(es) for service for entry in the register <i>See NB1 and NB2 overleaf.</i>
Unit number: Postal address: Title number(s):	Full name(s) and address(es) for service for entry in the register <i>See NB1 and NB2 overleaf.</i>
Unit number: Postal address: Title number(s):	Full name(s) and address(es) for service for entry in the register <i>See NB1 and NB2 overleaf.</i>
Unit number: Postal address: Title number(s):	Full name(s) and address(es) for service for entry in the register <i>See NB1 and NB2 overleaf.</i>

If you need to add further unit details, provide these on a further copy or copies of this page and attach the page(s) to this form.

**Notice of surrender
of development right(s)**

Land Registry

SR1

If you need more room than is provided for in a panel, use continuation sheet CS and attach to this form.

1. Administrative area and postcode if known
2. Title number
3. Property
4. We _____ of _____ <i>[developer or their successor in title] [address]</i> notify the Registrar that: <i>Place "X" in the appropriate box and complete as applicable.</i> <input type="checkbox"/> the following development right(s) contained in _____ <i>[insert appropriate reference from the commonhold community statement]</i> of the commonhold community statement _____ dated _____ <i>[version no.] [enter date]</i> are surrendered: <i>Specify rights.</i> <input type="checkbox"/> all the development rights contained in _____ <i>[insert appropriate reference from the commonhold community statement]</i> of the commonhold community statement _____ dated _____ <i>[version no.] [enter date]</i> are surrendered
5. Signature of person surrendering the right or their conveyancer _____ Date _____

COMMONHOLD RESTRICTIONS**Form CA (Restriction in common parts title)**

No charge by the proprietor of the registered estate is to be registered other than a legal mortgage which is accompanied by a certificate by a conveyancer or a director or secretary of the commonhold association that the creation of the mortgage was approved by a resolution complying with section 29(2) of the Commonhold and Leasehold Reform Act 2002.

Form CB (Restriction in unit title)

No disposition by the proprietor of the registered estate (other than a transfer or charge of the whole of the land in the title) is to be registered without a certificate by a conveyancer or a director or secretary of the commonhold association that the disposition is authorised by and made in accordance with the provisions of the Commonhold and Leasehold Reform Act 2002.

EXPLANATORY NOTE

(This note is not part of the rules)

These rules are made under the Commonhold and Leasehold Reform Act 2002 (2002 c. 15) (“the Act”).

They provide for applications to the Registrar under the Act, the form of the documentation which must accompany any application and the circumstances in which an application may be cancelled by the Registrar.

Schedule 1 to these rules contains the various forms prescribed by them. Schedule 2 prescribes the wording of the restrictions prescribed by the rules.

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Land Registry, 32 Lincoln’s Inn Fields, London, WC2A 3PH.

2004 No. 1830

**COMMONHOLD, ENGLAND AND WALES
THE COMMONHOLD (LAND REGISTRATION) RULES 2004**

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