

SCHEDULE 1

Rule 4(1)

AMENDMENTS TO PARTS 1 TO 10 AND 13 TO 16 OF THE PRINCIPAL RULES

**Amendments to rule 5**

1. In rule 5—
  - (a) at the beginning of the rule, for “The” substitute “Except where otherwise permitted, the”,
  - (b) for paragraph (b)(ii) substitute—
    - “(ii) easements, rights and privileges benefiting the registered estate and other similar matters,”,
  - (c) in paragraph (b)(iii), after “exceptions” insert “or reservations”, and
  - (d) in paragraph (b)(iv), omit “other” where it first appears and after “matter” insert “otherwise”.

**Amendment to rule 6**

2. In rule 6(2), for the words from “all” to “registration” substitute “the lease prohibits or restricts dispositions of the estate”.

**Amendment to rule 7**

3. At the beginning of rule 7, for “The” substitute “Where practicable, the”.

**Amendments to rule 8**

4. In rule 8—
  - (a) omit paragraph (1)(i), and
  - (b) for rule 8(2) substitute—
    - “(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.
    - (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.”.

**Amendments to rule 9**

5. In rule 9—
  - (a) at the beginning of the rule, for “The” substitute “Except where otherwise permitted, the”,
  - (b) in paragraph (g), omit “and”,
  - (c) in paragraph (h), for the full stop substitute “, and”, and
  - (d) after paragraph (h), add—
    - “(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.”.

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**Amendment to rule 11**

6. For rule 11(3) substitute—

- “(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).”.

**Amendment to rule 19**

7. In rule 19(2)(c), for “to which communications may be sent” substitute “for service in accordance with rule 198”.

**Amendments to rule 27**

8.—(1) In the heading to rule 27, after “application” insert “based on adverse possession or” and after “are” insert “otherwise”.

(2) Rule 27 is renumbered as paragraph (1) of that rule.

(3) After paragraph (1) as so renumbered, add—

- “(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.”.

**Amendment to rule 33**

9. In rule 33, after paragraph (2) add—

- “(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.”.

**Amendment to rule 37**

10. For rule 37(1) and (2) substitute—

“(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.

(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.”.

**New rule 49**

11. For rule 49 substitute—

**“Alteration of the cautions register by the registrar**

**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.”.

**Amendment to rule 51**

**12.** In rule 51(1), for “show him as” substitute “substitute him for the” and omit “in place of the cautioner”.

**New rule 52**

**13.** For rule 52 substitute—

**“Definition of “the cautioner”**

**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.”.

**Amendments to rule 54**

**14.** In rule 54—

(a) for paragraph (6) substitute—

“(6) Without prejudice to the power of the registrar to cancel an application under rule 16, the outline application must be cancelled by the registrar unless there are delivered together at the appropriate office before the expiry of the reserved period—

- (a) the application form prescribed by these rules for the application, the particulars of which have been given in the outline application, duly completed, and
- (b) the appropriate documents.”,

(b) in paragraph (7), before “form” where it first appears insert “application” and after “(6)” insert “(a)”, and

(c) for paragraph (8) substitute—

“(8) In this rule the “appropriate office” is—

- (a) 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 outline application is made, but on the assumption that if the order contains exceptions none of the exceptions apply to the application, or
- (b) the office specified in a written arrangement made between the registrar and the applicant or between the registrar and the applicant’s conveyancer for the delivery of applications of the nature particularised in the outline application.”.

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**Amendment to rule 58**

15. In rule 58, omit “TP3,”.

**Amendment to rule 62**

16. In rule 62(2), after “statutory declaration” insert “or statement of truth”.

**Amendment to rule 63**

17. In rule 63(2), after “statutory declaration” insert “or statement of truth”.

**Amendment to rule 67**

18. In rule 67(6), for the words “the covenant implied under section 4” substitute “a covenant implied under section 4(1)(b)”.

**New rule 68**

19. For rule 68 substitute—

**“Additional provision as to implied covenants**

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(1) must do so by express reference to that section.”.

**New rule 70**

20. For rule 70 substitute—

**“Description of land where mines or minerals situated**

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.”.

**New rule 71**

21. For rule 71 substitute—

**“Note as to inclusion of mines or minerals in the registered estate**

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.”.

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(1) 1994 c.36.

## New Rule 72

22. For rule 72 substitute—

### **“Register entries arising from transfers and charges of part**

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.”.

## New rules 72B and 72C

23. After rule 72A, insert—

### **“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.

### **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

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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).”.

#### **New rule 73A to replace rules 73, 74 and 75**

24. For rules 73, 74 and 75 substitute—

##### **“Application for register entries for legal easements and profits a prendre**

**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.”.

#### **New rule 77**

25. For rule 77 substitute—

##### **“No entry in the register of a right of entry in certain leases**

**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.”.

#### **Revocation of rule 78**

26. Rule 78 is revoked.

## **New rule 79A**

27. In Part 6, after rule 79 insert—

### **“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(2).”

## **Amendment to rule 86**

28. In rule 86, after paragraph (7) add—

“(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,

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

## **Amendment to rule 87**

29. In rule 87, after paragraph (3) add—

“(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.”.

## **New rule 87A**

30. After rule 87, insert—

### **“Cancellation of a home rights notice**

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

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## Amendments to rule 91A

### 31. In rule 91A—

- (a) in paragraph (1), for “where” where it first appears substitute “if”,
- (b) in paragraph (2), for “pursuant to” substitute “under”,
- (c) in paragraph (3), omit “only”,
- (d) for paragraph (4) substitute—
  - “(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.”, and
- (e) after paragraph (4), add—
  - “(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.”.

## New rule 91B

### 32. After rule 91A, insert—

#### **“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



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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.”.

### **Amendments to rule 92**

**33.** In rule 92—

(a) for paragraph (3) substitute—

“(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.”, and

(b) for paragraph (7) substitute—

“(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 or in an electronic legal charge,

(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.”.

### **Amendments to rule 93**

**34.** In rule 93—

(a) for paragraph (j) substitute—

“(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,”,

(b) in paragraph (v), omit the final “and”,

(c) in paragraph (w), for the full stop substitute “, and”, and

(d) after paragraph (w), add—

“(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(3) 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.”.

### **Amendments to rule 94**

**35.** In rule 94—

(a) in paragraph (1), for “A proprietor”, substitute “Subject to paragraph (9), a proprietor”,

(b) after paragraph (2), insert—

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(3) 1983 c.41.

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“(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.”,
- (c) in paragraph (3), for “paragraph (6)” substitute “paragraphs (6) and (10)”,
- (d) in paragraph (4), for “paragraphs (6) and (7)” substitute “paragraphs (6), (7) and (9)”, and
- (e) after paragraph (8), add—

“(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).”.

#### **Amendment to rule 96**

**36.** In rule 96(5), after “must” insert “, if appropriate,”.

#### **New rule 98**

**37.** For rule 98 substitute—

##### **“Applications to withdraw a restriction from the register**

**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.”.

#### **Amendment to rule 107**

**38.** In rule 107(6), omit the definition of “working day”.

#### **Amendment to rule 108**

**39.** In rule 108(3), for “7” substitute “8”.

#### **New rule 111**

**40.** For rule 111 substitute—

##### **“Certificate of registration of company charge**

**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<sup>(4)</sup> or the Limited Liability Partnership Act (Northern Ireland) 2002<sup>(5)</sup> the applicant must produce to the registrar the appropriate certificate issued under section 869 or 885 of the Companies Act 2006<sup>(6)</sup> that the charge has been registered under section 860 or 878 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 section 860 or 878 of the Companies Act 2006 (as appropriate) has been lodged.”.

#### **New rule 113**

**41.** For rule 113 substitute—

##### **“Variation of the terms of a registered charge**

**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
- (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—

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(4) 2000 c.12.  
(5) 2002 c.12 (N.I.).  
(6) 2006 c.46.

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- (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.”.

#### **Amendment to rule 116**

42. In rule 116, omit “TR3,”.

#### **New rule 116A**

43. In Part 9, after rule 116 insert—

##### **“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.”.

#### **Amendments to rule 119**

44. In rule 119—
- (a) at the beginning of paragraph (1), for “Where” substitute “Subject to paragraph (2), where” and towards the end of that paragraph omit “to determine the exact line of the boundary”,
  - (b) for paragraph (2) substitute—
    - “(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.”, and
  - (c) at the end of paragraph (8)(b), for “and” substitute “or”.

#### **Amendments to rule 131**

45. In rule 131—
- (a) in the definition of “edited information document”, after “rule 136(2)(b),” add “or the document prepared by the registrar under either rule 136(6) or rule 138(4),” and

- (b) omit the definitions of “transitional period” and “transitional period document”.

### **New rule 133**

#### **46. For rule 133 substitute—**

##### **“Inspection and copying**

**133.**—(1) This rule applies to the right to inspect and make copies of the registers and documents under section 66(1) of the Act.

(2) Excepted documents 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.

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(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.”.

#### **New rule 135**

47. For rule 135 substitute —

##### **“Application for official copies of documents referred to in the register of title and other documents kept by the registrar**

- 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 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.”.

#### **Amendment to rule 136**

48. For rule 136(2) substitute—

- “(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
  - (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 subparagraph (b).”.

#### **Revocation of rule 139**

49. Rule 139 is revoked.

#### **Amendment to rule 140**

50. In rule 140(2)(a) and (b), omit “and, during the transitional period, any transitional period document”.

#### **Amendment to rule 162**

51. For rule 162(1) substitute—

- “(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 Justice Act 1925(7) 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.”.

#### **Amendment to rule 163**

**52.** For rule 163(2) substitute—

“(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 Justice 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 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.”.

#### **Amendment to rule 175**

**53.** For rule 175(2)(b) substitute—

“(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.”.

#### **Revocation of rule 181**

**54.** Rule 181 is revoked.

#### **Amendments to rule 182**

**55.** In rule 182—

- (a) in paragraph (1), for “(4)” substitute “(2)”,
- (b) omit paragraphs (2) and (3), and
- (c) paragraph (4) is renumbered as paragraph (2).

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(7) 1925 c.23.

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## New rule 183

56. For rule 183 substitute—

### “Registration of certain corporations

**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,

(b) a limited liability partnership incorporated under the Limited Liability Partnerships Act 2000<sup>(8)</sup> or the Limited Liability Partnerships Act (Northern Ireland) 2002<sup>(9)</sup>, or

(c) a corporation to which rule 182(1) applies.”.

## New rule 183A

57. After rule 183, insert—

### “Registration of registered social landlords and unregistered housing associations

**183A.**—(1) If an applicant for registration as proprietor of a registered estate or a registered charge is, or holds on trust for, a registered social landlord within the meaning of the Housing Act 1996<sup>(10)</sup>, the application must include a certificate to that effect.

(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<sup>(11)</sup> 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.”.

## New rule 187

58. For rule 187 substitute—

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<sup>(8)</sup> 2000 c.12.  
<sup>(9)</sup> 2002 c.12 (N.I.).  
<sup>(10)</sup> 1996 c.52.  
<sup>(11)</sup> 1985 c.69.



### **“Interpretation**

**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.”.

### **Amendments to rule 188**

**59.** In rule 188—

- (a) in paragraph (1), after “declaration” wherever it appears insert “or statement of truth” and after “declarations” insert “or statements of truth”,
- (b) in paragraph (2), after “declaration” insert “or statement of truth” and for sub-paragraph (a) substitute—

“(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.”,

- (c) in paragraph (3), after “declaration” insert “or statement of truth” and for sub-paragraph (a) substitute—

“(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.”, and

- (d) after paragraph (3), add—

“(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.”.

### **New rule 188A**

**60.** After rule 188, insert—

#### **“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

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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.”.

### **New rules 194A, 194B, 194C, 194D, 194E, 194F and 194G**

**61.** After rule 194, insert—

#### **“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<sup>(12)</sup> 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.

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(12) 1996 c.23.

(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.

### **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,
- (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.

### **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—

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- (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
  - (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.

### **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.

### **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).

### **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.

- (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.

### **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).”.

### **New rule 195**

**62.** For rule 195 substitute—

#### **“Payment of interest on an indemnity**

**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

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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<sup>(13)</sup> is in force, any equivalent rate determined by the Treasury under that section.”.

### **New rules 196A and 196B**

**63.** In Part 14, after rule 196 insert—

*“Modification of Parts 2 and 3 of the Act in their application to incorporeal hereditaments*

#### **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,”.”.

### **Amendment to rule 198**

**64.** In rule 198, after paragraph (6) insert—

“(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,

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<sup>(13)</sup> 1998 c.11.

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- (b) one of the addresses for service must be a postal address, whether or not in the United Kingdom,
- (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(14) 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.”.

#### **Amendment to rule 199**

65. In rule 199, omit paragraph (6).

#### **Amendments to rule 203**

66. In rule 203(4), after “declaration,” insert “statement of truth,” and after “charge” insert “, a certificate relating to stamp duty land tax as required by section 79 of the Finance Act 2003(15).”.

#### **Amendment to rule 206**

67. In rule 206(1), after “rules” where it first appears insert “207A.”.

#### **Revocation of rule 207**

68. Rule 207 is revoked.

#### **New rule 207A**

69. Before rule 208, insert—

##### **“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.

(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.”.

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(14) 1925 c.23.

(15) 2003 c.14.

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### **Amendment to rule 210**

70. In rule 210, at the beginning of paragraph (1)(b) insert “subject to rule 215A(4) and (5),”.

### **Amendment to rule 211**

71. At the beginning of rule 211, omit “—(1)” and for paragraph (b), as so lettered following that omission, substitute—

- “(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.”.

### **New rule 215A**

72. After rule 215, insert—

#### **“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 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



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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.”

### **Amendments to rule 216**

**73.** In rule 216—

(a) for paragraph (1) substitute—

“(1) Subject to paragraph (2), the land registry shall be open to the public 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<sup>(16)</sup>,
  - (ii) appointed by the Lord Chancellor, or
  - (iii) certified as an interrupted day under paragraph (6).”

(b) after the table below paragraph (5), add—

“(6) The registrar may certify any day as an interrupted day 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.

(7) The registrar must give notice of any certification under paragraph (6) in such manner as he considers appropriate.

(8) Any certification under paragraph (6) must take place before the start of the day being certified.

(9) 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.”

### **Amendments to rule 217**

**74.** In rule 217—

(a) in paragraph (1), for the definition of “Companies Acts” substitute—

““Companies Acts” means—

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<sup>(16)</sup> 1971 c.80.

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- (a) the Companies Act 2006<sup>(17)</sup> and any Act amending or replacing that Act,
  - (b) the provisions of the Companies Act 1985<sup>(18)</sup>, the Companies Consolidation (Consequential Provisions) Act 1985<sup>(19)</sup>, Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004<sup>(20)</sup> and the Companies (N.I.) Order 1986<sup>(21)</sup> that remain in force, and
  - (c) any former enactment relating to companies,”
- (b) in paragraph (1), for the definition of “conveyancer” substitute—
- ““conveyancer” means—
- (a) a solicitor,
  - (b) a licensed conveyancer within the meaning of section 11(2) of the Administration of Justice Act 1985<sup>(22)</sup>,
  - (c) a fellow of the Institute of Legal Executives,
  - (d) a barrister,
  - (e) a duly certificated notary public, or
  - (f) a registered European lawyer within the meaning of the European Communities (Lawyer’s Practice) Regulations 2000<sup>(23)</sup> who by virtue of regulations 6 and 12 of those Regulations is entitled to prepare for remuneration an instrument creating or transferring an interest in land in England and Wales,”
- (c) in paragraph (1), in the definition of “overseas company”, for “Great Britain” substitute “the United Kingdom”,
- (d) in paragraph (1), after the definition of “section 33(5) order” insert ““statement of truth” has the meaning given by rule 215A,”,
- (e) in paragraph (1), after the definition of “unregistered company” and before the full stop, insert—
- ““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 Lord Chancellor”, and
- (f) in paragraph (3), for “LL” substitute “PP”.

### **Amendment to rule 223**

**75.** For rule 223(1)(b) substitute—

- “(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.”.

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<sup>(17)</sup> 2006 c.46.

<sup>(18)</sup> 1985 c.6.

<sup>(19)</sup> 1985 c.9.

<sup>(20)</sup> 2004 c.27.

<sup>(21)</sup> S.I. 1986/1032 (N.I.6).

<sup>(22)</sup> 1985 c.61.

<sup>(23)</sup> S.I. 2000/1119, amended by S.I. 2004/1628; there are other amending instruments but none is relevant.