STATUTORY INSTRUMENTS

1983 No. 40

LAND REGISTRATION, ENGLAND AND WALES

The Land Registration (Matrimonial Homes) Rules 1983

Made --17th January 1983Laid before Parliament24th January 1983Coming into Operation14th February 1983

The Lord Chancellor, with the advice and assistance of the Rule Committee appointed in pursuance of section 144 of the Land Registration Act 1925 (a), in exercise of the powers conferred on him by that section, hereby makes the following rules:—

Citation, Commencement and Interpretation

- 1. These rules may be cited as the Land Registration (Matrimonial Homes) Rules 1983 and shall come into operation on 14th February 1983.
 - 2.—(1) In these rules, unless the context otherwise requires:—
 "The Act of 1967" means the Matrimonial Homes Act 1967(b);
 "proper office" means the district land registry designated as the proper office by the Land Registration (District Registries) Order 1980 (c);
 "operative date" means the date on which these rules come into operation.
- (2) A form referred to by number means the form so numbered in the Schedule to these rules.

Application to register notice

3. An application in pursuance of section 2(7) of the Act of 1967 to register a notice shall be made in Form 99 and, if at the date of the application an order has been made by virtue of section 2(2) of that Act, the application shall be accompanied by an official copy of the order for filing in the Registry.

Application to renew registration of notice or caution

- 4.—(1) Where a notice or, before the operative date, a caution has been registered in pursuance of section 2(7) of the Act of 1967, an application to renew the registration under paragraph (a) of section 5(3) of that Act shall be made in Form 100 and shall be accompanied by an official copy of the order referred to in the said paragraph (a) for filing in the Registry.
- (2) If the Registrar is satisfied that the application is in order he shall renew the registration by entering on the register a further notice or caution, as the case may require.

- 5. Where, before the operative date, a caution has been registered in pursuance of section 2(7) of the Act of 1967, the Registrar shall not be required, on the application of the proprietor of the land to which the caution relates, to serve the notice referred to in rule 218 of the Land Registration Rules 1925 (a) except upon production of:—
 - (a) a release in writing of the rights of occupation protected by the caution, or
 - (b) a statutory declaration that, as to the whole or any part of the land to which the caution relates, no charge under section 2 of the Act of 1967 has ever arisen or, if such a charge has arisen, it is no longer subsisting.

Official search by mortgagee

- 6.—(1) An application pursuant to section 112B of the Land Registration Act 1925 for an official certificate of the result of a search of the register for the purpose of section 7A(3)(b) of the Act of 1967 shall be made in Form 106 and shall be delivered in duplicate at the proper office.
- (2) An official certificate giving the result of the search shall be issued in Form 107.

Revocation

7. The Land Registration (Matrimonial Homes) Rules 1967 (b) are hereby revoked.

Hailsham of St. Marylebone, C.

Dated 17th January 1983.

THE SCHEDULE

Form 99 H.M. Land Registry Land Registration (Matrimonial Homes) Rules 1983

Application for Registration of a Notice

District L	and Registry
County and district or London Borough	
Title number	
Property	
hereby apply pursuant to secregistration under section 490	of, solicitors acting for (hereinafter called "the Applicant") ction 2(7) of the Matrimonial Homes Act 1967 for the (1)(c) of the Land Registration Act 1925 of notice of a ng the land comprised in the above-mentioned title.
and I an 2(1A) of the Matrimonial Hor	at states that she [he] is] the wife [husband] of the Applicant is] entitled by virtue of section 2(1) or mes Act 1967 to a charge on a legal estate in the said land nt's] rights of occupation under the said Act.
Homes Act 1967, add: By and mac Act 1967 it was directed that	been made by virtue of section 2(2) of the Matrimonial an order of the [state name of Court] Court dated de by virtue of section 2(2) of the Matrimonial Homes [give details of any direction that the Applicant's rights of ght to an end by the death of the Applicant's spouse or the therwise than by death].]
4. The Applicant states th respect of a land charge of Cl Charges Act 1972 affecting at	nat there is no subsisting registration in her [his] favour in ass F under the Land Registration Act 1925 or the Land ny other dwelling house. OR
the case of unregistered land L.C] affecting [shor	on of a notice [caution] against Title No [or, in l, of a land charge of Class F under registration No. tt description of dwelling house] and that registration is to ion 3 of the Matrimonial Homes Act 1967.
	[Signature of Applicant or Applicant's solicitors]
Dated	
Telephone Number	Key Number Reference

Form 100 H.M. Land Registry Land Registration (Matrimonial Homes) Rules 1983

Application for Renewal of Registration of a Notice or Caution

District L	and Registry	
County and district or London Borough		
Title number		
Property		
2(2) of the Matrimonial solicitors hereby apply pursuant to se registration of the notice [commentioned title on [date]. An official copy of the said	Homes Act 19 acting for ction 5(3)(a) of taution against decorder accompanie	and made by virtue of section 67, I, [We,
Dated		
Talanhana Number	Key Number	Reference

Form 106 H.M. Land Registry Land Registration (Matrimonial Homes) Rules	1983
Application by Mortgagee for Official Search	

•	•		•	•	•	•	•	•	•	•	٠	•	٠	٠	. District Land Registry	

County and district or London Borough	
Title number	
Property	
Full name of Mortgagee(s)	
Particulars of mortgage	Registered charge dated num- bered in the Charges Register
	OR
	Mortgage dated protected by notice entered on in the Charges Register
	OR
	Mortgage dated protected by caution entered on in the Proprietorship Register

I/We [as solicitors acting for] the above mentioned mortgagee(s) apply pursuant to section 112B of the Land Registration Act 1925 for an official certificate of the result of a search of the register of the above title for the purpose of section 7A(3)(b) of the Matrimonial Homes Act 1967 to ascertain whether any notice or caution is entered in that register to protect rights of occupation under that Act.

Key Number

Signed

Address

Date

Reference

Telephone Number

Form 107 H.M. Land Registry Land Registration (Matrimonial Homes) Rules 1983

Official Certificate of the result of Search

It is hereby certified that the official search applied for has been made with the following result:—

[Notice of] [Caution to protect] rights of occupation under the Matrimonial Homes Act 1967 in favour of was registered on

OR

There is no entry in the register of a notice or caution to protect rights of occupation under the Matrimonial Homes Act 1967.

Dated

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules, which replace the Land Registration (Matrimonial Homes) Rules 1967, will come into operation on 14th February 1983. They give effect to amendments made to the Matrimonial Homes Act 1967 by the Matrimonial Homes and Property Act 1981 (a) in relation to registered land. After 14th February 1983 it will no longer be possible to protect by caution

After 14th February 1983 it will no longer be possible to protect by caution a charge in respect of a spouse's rights of occupation under the Matrimonial Homes Act 1967 where the title to the land is registered. Protection must be by the entry of a notice in every case and the land certificate need no longer be lodged for this purpose. The Rules make provision and prescribe revised forms for applications to register and renew such notices and for the renewal of cautions entered before 14th February 1983. They also re-state the circumstances in which the Chief Land Registrar can be required to serve a notice warning off an existing caution protecting a spouse's rights of occupation.

Forms are prescribed for the requisition of an official search of the register by the proprietor of a registered charge or by a mortgagee to ascertain whether any such caution or notice has been registered and for the official certificate of the result of search.

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