

## STATUTORY INSTRUMENTS

1986 No. 2116

## LAND REGISTRATION

**The Land Registration (Companies and Insolvency) Rules  
1986**

*Made* - - - 3rd December 1986  
*Laid before Parliament* 8th December 1986  
*Coming into Operation* 29th December 1986

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.— (1) These rules may be cited as the Land Registration (Companies and Insolvency) Rules 1986 and shall come into operation on 29th December 1986.

(2) In these rules a rule referred to by a number means a rule so numbered in the Land Registration Rules 1925(b).

2. The following paragraph shall be substituted for paragraph (5) of rule 1:—

“(5) The “Companies Acts” mean the Companies Act 1985(c), any Act amending or replacing that Act and any former enactment relating to companies.”

3. The following rule shall be substituted for rule 145:—

*“Certificate of registration under the Companies Acts*

**145.**— (1) On the registration of a charge created by a company registered under the Companies Acts, there shall be produced to the Registrar a certificate under section 395 of the Companies Act 1985 that such charge has been registered under that section.

(2) If no such certificate is produced a note shall be made in the register that the charge is subject to the provisions of section 395 of the said Act.”

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(a) 1925 c. 21.  
(b) S. R. & O. 1925/1093.  
(c) 1985 c. 6.

4. The following rules shall be substituted for rules 174 to 177:—

*“Registration of Official Receiver*

174.— (1) The Official Receiver may be registered as proprietor in place of the bankrupt on production to the Registrar of

- (a) an office copy of a bankruptcy order relating to the bankrupt and
- (b) a certificate signed by the Official Receiver that the land or charge is comprised in the bankrupt’s estate.

(2) The Official Receiver may be registered as proprietor in place of a deceased proprietor on production of such evidence as the Registrar may require.

(3) Nothing in these rules shall affect the provisions of section 103 of the Settled Land Act 1925(a).

*Registration of trustee in bankruptcy in place of Official Receiver*

175. Where the Official Receiver has been registered as proprietor and some other person is subsequently appointed trustee, such person may be registered as proprietor in place of the Official Receiver on production of the evidence required by rule 176(1)(b).

*Original registration of trustee in bankruptcy*

176.— (1) If the Official Receiver has not been registered as proprietor and some other person has been appointed trustee of the bankrupt’s estate, such person may be registered as proprietor in place of the bankrupt on production to the Registrar of

- (a) an office copy of a bankruptcy order relating to the bankrupt made by a court having jurisdiction in insolvency,
- (b) either a copy of his certificate of appointment as trustee by the meeting of the bankrupt’s creditors duly certified by the trustee or his solicitor as being a true copy of the original or a copy of his certificate of appointment as trustee by the Secretary of State or an office copy of the order of the Court of his appointment as trustee and
- (c) a certificate signed by the trustee that the land or charge is comprised in the bankrupt’s estate.

(2) A trustee in bankruptcy may be registered as proprietor in place of a deceased proprietor on production of such evidence as the Registrar may require.

*Words added in register*

177. Where the Official Receiver or trustee in bankruptcy is registered as

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(a) 1925 c. 18.

proprietor, the words “Official Receiver” or “Trustee in bankruptcy of [name]” shall be added to the register.”

5. Rule 178 (Registration of a Trustee under a scheme of arrangement) is hereby revoked.

6. The following rules shall be substituted for rules 179 to 183:—

*“Creditors’ notice*

**179.**— (1) A creditors’ notice shall be entered in the Proprietorship Register in the following form:—

“Creditors’ Notice in respect of a petition in bankruptcy presented in the [name] Court (Court reference No ...../.....) protecting the rights of all creditors (Land Charges Ref No ...../.....).”

(2) A creditors’ notice shall be entered in the Charges Register in the following form:—

“Creditors’ Notice in respect of a petition in bankruptcy against [name of chargee] presented in the [name] Court (Court reference No ...../.....) protecting the rights of all creditors (Land Charges Ref No ...../.....).”

(3) Notice of any such entry shall be given to the proprietor of the land or charge as appropriate.

*Bankruptcy inhibition*

**180.**— (1) A bankruptcy inhibition shall be entered in the Proprietorship Register in the following form:—

“Bankruptcy Inhibition in pursuance of a bankruptcy order made by the [name] Court (Court reference No ...../.....). No disposition by the proprietor of the land or transmission is to be registered until a trustee in bankruptcy is registered. (Land Charges Ref No ...../.....).”

(2) A bankruptcy inhibition shall be entered in the Charges Register in the following form:—

“Bankruptcy Inhibition in pursuance of a bankruptcy order made by the [name] Court (Court reference No ...../.....). No disposition or transmission of the charge dated ..... is to be registered until a trustee in bankruptcy of the property of [name of chargee] is registered (Land Charges Ref No ...../.....).”

(3) Notice of any such entry shall be given to the proprietor of the land or charge as appropriate.

*Action of the Registrar under section 62 of the Act (bankruptcy)*

**181.** Where:—

(a) any doubt arises as to the identity of the debtor or bankrupt, or

- (b) the registration of a pending action in respect of a bankruptcy petition is vacated, or
- (c) the bankruptcy order is annulled, or
- (d) the bankruptcy proceedings do not affect or have ceased to affect the statutory powers of the bankrupt under the Act,

the Registrar shall as soon as practicable after receiving notice thereof and after making such enquiry and giving such notice (if any) as he shall deem necessary, take such action in the matter as he shall think advisable.

*Mistake in bankruptcy order*

**182.** Where a mistake has occurred in a bankruptcy order or where any amendment in the register appears to be required, it shall be the duty of the Official Receiver or the trustee in bankruptcy (if appointed), as soon as it comes to his knowledge, to notify such mistake or to suggest such amendment to the Registrar, who shall thereupon, after making such inquiries and giving such notices (if any) as he shall deem necessary, make such amendment in the register as may be necessary.

*Trustee in bankruptcy vacating office*

**183.** When a trustee in bankruptcy who has been registered as proprietor vacates his office as trustee because he ceases to be a person who is qualified to act as an insolvency practitioner under the Insolvency Act 1986(a) or any Act amending or replacing that Act or by release, resignation, death, removal from office or any other cause, the Official Receiver may be registered as proprietor; or, if some other person be appointed trustee, such person may be registered as proprietor on production of the evidence required by rule 176(1)."

7. The following rule shall be substituted for rule 185:—

*Administration orders and liquidation of a company*

**185.—** (1) When an administration order has been made by the Court in respect of a company under the provisions of the Insolvency Act 1986 the order and the appointment of the administrator named therein shall on his application and on production of an office copy thereof be noted in the register.

(2) When a company is in liquidation, any order, appointment or resolution appointing a liquidator shall be noted in the register on his application and on production of either an office copy of the order or a copy of the appointment or resolution certified by the liquidator or his solicitor as being a true copy of the original together with such other evidence as the Registrar may require."

*Hailsham of St Marylebone, C.*

Dated 3rd December 1986.

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(a) 1986 c. 45.

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**EXPLANATORY NOTE**

*(This Note is not part of the Rules.)*

These rules amend the Land Registration Rules 1925 to refer to the Companies Act 1985 and to accord with the provisions of the Insolvency Act 1986. They also provide for an administration order made in respect of a company under the Insolvency Act 1986 to be noted in the register.

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