
STATUTORY INSTRUMENTS

1990 No. 1360

The Land Registration (Matrimonial Homes) Rules 1990

Citation, Commencement and Interpretation

1. These rules may be cited as the Land Registration (Matrimonial Homes) Rules 1990 and shall come into force on 3rd December 1990.

2.—(1) In these rules, unless the context otherwise requires:—

“The 1967 Act” means the Matrimonial Homes Act 1967(1);

“The 1983 Act” means the Matrimonial Homes Act 1983;

“proper office” means the district land registry designated as the proper office by Article 2(2) of the Land Registration (District Registries) Order 1989(2);

(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(8) of the 1983 Act to register a notice shall be made in Form 99 to the proper office and, if at the date of the application an order has been made by virtue of section 2(4) 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 has been registered in pursuance of section 2(7) of the 1967 Act or section 2(8) of the 1983 Act or, before 14th February 1983, a caution has been registered in pursuance of section 2(7) of the 1967 Act, an application to renew the registration under paragraph (a) of section 5(3) of the 1983 Act shall be made in Form 100 to the proper office 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.

Warning off of cautions registered under section 2(7) of the 1967 Act

5. Where, before 14th February 1983, a caution has been registered in pursuance of section 2(7) of the 1967 Act, 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(3) except upon production of:

(a) a release in writing of the rights of occupation protected by the caution; or

(1) 1967 c. 75.

(2) S.I. 1989/1902.

(3) S.R. & O. 1925/1093.

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- (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 1983 Act or section 2 of the 1967 act has ever arisen or, if such a charge has arisen, it is no longer subsisting.

Official search by mortgage

6.—(1) Where registered land which consists of or includes a dwelling house is subject to a registered charge, or to a mortgage which is protected by a notice of caution in accordance with section 106(3) of the Land Registration Act 1925⁽⁴⁾, the proprietor of the registered charge, or as the case may be the mortgagee, may apply for an official certificate of the result of a search of the register for the purpose of section 8(4) of the 1983 Act.

(2) An application under paragraph (1) shall be in Form 106 and shall be delivered in duplicate at the proper office.

(3) An official certificate giving the result of the search shall be issued in the form set out under the heading “Official Certificate of Result of Search” in Form 106.

Revocation

7. The Land Registration (Matrimonial Homes) Rules 1983⁽⁵⁾ are hereby revoked.

Dated 4th July 1990

Mackay of Clashfern, C.

(4) This section was substituted by the Administration of Justice Act 1977 (c. 38), section 26(1).

(5) S.I. 1983/40.