
STATUTORY INSTRUMENTS

1995 No. 1354

LAND REGISTRATION, ENGLAND AND WALES

The Land Registration (No. 2) Rules 1995

<i>Made</i>	- - - -	<i>22nd May 1995</i>
<i>Laid before Parliament</i>		<i>23rd May 1995</i>
<i>Coming into force</i>		
<i>For the purposes of rules 5, 6 and 7</i>		<i>19th June 1995</i>
<i>For all other purposes</i>		<i>11 September 1995</i>

The Lord Chancellor, with the advice and assistance of the Rule Committee appointed in pursuance of section 144 of the Land Registration Act 1925(1), in exercise of the powers conferred on him by that section and section 112 of the said Act, hereby makes the following Rules:

PART 1

Citation and commencement

1. These Rules may be cited as the Land Registration (No. 2) Rules 1995 and shall come into force for the purposes of rules 5, 6 and 7 on 19th June 1995 and for all other purposes on 11 September 1995.

Interpretation

2. In these Rules:

- (a) “the Principal Rules” means the Land Registration Rules 1925(2);
- (b) “the Open Register Rules” means the Land Registration (Open Register) Rules 1991(3).

(1) 1925 c. 21; sections 112 and 144 were amended by the Land Registration Act 1988 (c. 3), section 1 and Schedule. Section 144(1) was amended by the Administration of Justice Act 1982 (c. 53), Schedule 5, paragraph (d) and the reference to the Minister of Agriculture Fisheries and Food was substituted by the Transfer of Functions (Ministry of Food) Order 1955 (S.I. 1955/554).

(2) S.R. & O. 1925/1093; relevant amending instruments are S.I. 1978/1601; S.I. 1986/2116.

(3) S.I. 1992/122; relevant amending instrument S.I. 1993/3275.

PART II

AMENDMENTS TO THE PRINCIPAL RULES

New rule 179 of the Principal Rules

3. The following rule shall be substituted for rule 179 of the Principal Rules:

“Creditors' notice

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

CREDITORS' NOTICE entered under section 61(1) of the Land Registration Act 1925 to protect the rights of all creditors, as the title of the proprietor of the land appears to be affected by a petition in bankruptcy against [*name of debtor*], presented in the [*name*] Court (Court Reference Number) (Land Charges Reference Number PA).

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

CREDITORS' NOTICE entered under section 61(1) of the Land Registration Act 1925 to protect the rights of all creditors, as the title of the proprietor of the charge dated referred to above appears to be affected by a petition in bankruptcy against [*name of debtor*], presented in the [*name*] Court (Court Reference Number) (Land Charges Reference Number PA).

(3) Notice of any such entry made in the Proprietorship Register shall be given to the proprietor of the land and notice of any such entry made in the Charges Register shall be given to the proprietor of the charge referred to in the entry.”

New rule 180 of the Principal Rules

4. The following rule shall be substituted for rule 180 of the Principal Rules:

“Bankruptcy inhibition

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

BANKRUPTCY INHIBITION entered under section 61(3) of the Land Registration Act 1925, as the title of the proprietor of the land appears to be affected by a bankruptcy order made by the [*name*] Court (Court Reference Number) against [*name of debtor*] (Land Charges Reference Number WO).

No disposition by the proprietor of the land or transmission is to be registered until the trustee in bankruptcy of the property of the bankrupt is registered.

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

BANKRUPTCY INHIBITION entered under section 61(3) of the Land Registration Act 1925, as the title of the proprietor of the charge dated referred to above appears to be affected by a bankruptcy order made by the [name] Court (Court Reference Number) against [name of debtor] (Land Charges Reference Number WO).
No disposition or transmission of the charge is to be registered until the trustee in bankruptcy of the property of the bankrupt is registered.

(3) Notice of any such entry made in the Proprietorship Register shall be given to the proprietor of the land and notice of any such entry made in the Charges Register shall be given to the proprietor of the charge referred to in the entry.”.

PART III

AMENDMENTS TO THE OPEN REGISTER RULES

Amendment to rule 1(2) of the Open Register Rules

5. After the definition of “credit account” in paragraph (2) of rule 1 of the Open Register Rules there shall be inserted the following definition:

““day list” means the record kept pursuant to rule 7A of the principal rules;”.

Insertion of rule 4B into the Open Register Rules

6. After rule 4A of the Open Register Rules there shall be inserted the following rule:

“Day list information

4B.—(1) During the currency of any relevant notice given pursuant to rule 13 (referred to in this rule as “the relevant notice”), and subject to and in accordance with the limitations contained in the relevant notice, any person may apply to the registrar, by the means of communication specified in the relevant notice, for the day list information (if any) relating to a specified title number.

(2) Where an application is made under paragraph (1), the registrar shall provide the day list information (if any) by such means of communication as shall be specified for that purpose in the relevant notice and subject to and in accordance with the limitations contained in the relevant notice.

(3) Unless otherwise stated by the registrar when providing the day list information or in the relevant notice, the day list information provided shall be based on the entries subsisting in the day list immediately before the information is provided to the person applying under paragraph (1).

(4) In this rule, “day list information” means, subject to paragraph (5), information based on the data recorded in, or by reference to, the day list, in relation to the title number of the registered title specified in the application, in respect of:

- (a) any pending application for making, rectifying or cancelling any entry in the register of that registered title;

- (b) any official search application (the priority period of which has not expired) entered on the day list under rule 4(1) of the Land Registration (Official Searches) Rules 1993(4);
 - (c) any entry in respect of a land certificate or charge certificate deposited at the registry pursuant to section 64(1) of the Act.
- (5) In the relevant notice the registrar may specify the information which will be given in respect of the data referred to in paragraph (4) and may limit the circumstances in which information as to any class of such data will be provided.”.

Amendment to rule 13 of the Open Register Rules

7.—(1) In rule 13(1)(g) of the Open Register Rules there shall be inserted after the words “or 4A” the words “or 4B”.

(2) After sub-paragraph (j) of paragraph (1) of rule 13 of the Open Register Rules there shall be inserted the following sub-paragraph:

“(k) to applications made under rule 4B for day list information relating to a registered title held on computer.”.

(3) After sub-paragraph (f) of paragraph (4) of rule 13 of the Open Register Rules there shall be inserted the following sub-paragraph:

“(g) an application for day list information under rule 4B.”.

Dated 22nd May 1995

Mackay of Clashfern, C.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules:

(1) Amend the Land Registration Rules 1925 by substituting new rules 179 and 180 so as to provide for revised forms of entry for creditors' notices and bankruptcy inhibitions.

(2) Amend the Land Registration (Open Register) Rules 1991 so as to enable any person, during the currency of a relevant notice given pursuant to rule 13 and subject to and in accordance with the limitations contained in that notice, to obtain day list information in respect of pending applications, pending official searches with priority and land and charge certificates deposited at the Land Registry.