
STATUTORY INSTRUMENTS

1995 No. 140

LAND REGISTRATION, ENGLAND AND WALES

The Land Registration Rules 1995

Made - - - - 24th January 1995
Laid before Parliament 24th January 1995
Coming into force - - 3rd April 1995

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, hereby makes the following rules:

PART I
GENERAL

Citation, commencement and interpretation

1.—(1) These rules may be cited as the Land Registration Rules 1995 and shall come into force on 3rd April 1995.

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

PART II
LAND HELD BY CHARITIES

2.—(1) In rule 60 the following paragraph shall be inserted after paragraph (4):

“(4A) Where the provisions of rule 61 do not apply to the conveyance, lease or other instrument by virtue of which the charity became entitled to the land the subject of the application for registration, that application shall be accompanied by a certificate as to the appropriate restriction which applies to the charity.”

(1) 1925 c 21; section 144(1) was amended by the [Administration of Justice Act 1982 \(c 53\)](#), section 67(2) and Schedule 5, paragraph (d). The reference to the Ministry 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. 1956/1024](#), [S.I. 1992/3005](#) and [S.I. 1993/1704](#).

(2) In rule 60(5) the words |doquote unless already provided in accordance with paragraph (4A) above dquote| shall be inserted at the end.

Amendment to rule 124

3. In rule 124 the following paragraph shall be inserted after paragraph (6):

“(7) Where the charity trustees or the charity apply to the registrar to effect a change of trustees on the register they shall apply for the appropriate restriction to be entered unless it is already entered.”.

PART III

NOTICE OF DEPOSIT OF CERTIFICATE

Notices of deposit and notices of intended deposit

4.—(1) The following rule shall be substituted for Rule 239:

“Notices of deposit and notices of intended deposit

239.—(1) Where:

- (a) a notice of deposit; or
- (b) a notice of intended deposit,

of the land certi fi cate or of a charge certi fi cate has been entered on the register prior to 3rd April 1995, such notice shall, whilst it remains uncanceled, operate as a caution under section 54 of the Act.

(2) The provisions of section 66 of the Act, and of these rules, as respects the deposit of a charge certi fi cate, shall apply to the deposit of a certificate of subcharge in like manner.”

(2) In rule 166(1), the words “and may be used to create a lien by deposit” shall be deleted.

(3) In Form 73 in the Schedule to the 1925 Rules the words “No lien shall be created by deposit of the land certificate.” shall be deleted.

(4) Rules 240 to 243 are revoked.

PART IV

BUSINESS DAYS

New rule 323

5. The following rule shall be substituted for rule 323:

“Business days

323. The Registry shall be open to the public daily except on Saturdays, Sundays, Christmas Day, Good Friday or any other day either declared by proclamation under section 1 of the Banking and Financial Dealings Act 1971(3) or appointed by the Lord Chancellor.”.

24th January 1995

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Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note does not form part of the Rules)

These Rules, which come into force on 3rd April 1995, amend the Land Registration Rules 1925 (“the 1925 Rules”).

An amendment to rule 60 of the 1925 Rules makes provision for a certificate to be given to the registrar as to the appropriate restriction to be entered on the register where a charity which already owns the land applies voluntarily to register that land. Under an amendment to rule 124 of the 1925 Rules where a charity which is already registered as a proprietor of land makes an application to register new trustees it must also make an application for the appropriate restriction to be entered on the register if the restriction already on the register is no longer the appropriate restriction applicable to that charity.

Rule 239 of the 1925 Rules is amended, and rules 240 to 243 of the 1925 Rules are revoked, with the effect that as from the coming into force of these Rules, it will no longer be possible to apply for entry on the register of a notice of deposit or a notice of intended deposit. The amendment to rule 239 preserves the effect of any existing entry made on the register of a notice of deposit or a notice of intended deposit.

Rule 323 of the 1925 Rules is replaced by a new rule which revises the provision relating to the days on which the Land Registry is open for business.