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STATUTORY INSTRUMENTS

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**2000 No. 2214**

**LAND REGISTRATION, ENGLAND AND WALES**

**The Land Registration (No. 2) Rules 2000**

*Made* - - - - - *3rd August 2000*  
*Laid before Parliament* *14th August 2000*  
*Coming into force* - - *2nd October 2000*

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:

**Citation, commencement and interpretation**

1.—(1) These rules may be cited as the Land Registration (No. 2) Rules 2000 and shall come into force on 2nd October 2000.

(2) In these rules—

- (a) “the principal rules” means the Land Registration Rules 1925(2), and
- (b) a rule referred to by number means the rule so numbered in the principal rules.

**Amendments to the principal rules**

2. The principal rules have effect subject to the amendments in the Schedule to these rules.

**Revocation**

3. The following are revoked:

- (a) rules 34, 35, 220, 301 and 316;
- (b) the headings “*Hearings before the Registrar*” and “*Statutory Declarations and Evidence on Oath*” in Part V of the principal rules.

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(1) 1925 c. 21; section 144(1) was amended by the Administration of Justice Act 1982 (c. 53), 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 S.I. 1978/1601, 1989/801, 1990/314.

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Signed by the authority of the Lord Chancellor

Dated 3rd August 2000

*Jane Kennedy*  
Parliamentary Secretary,  
Lord Chancellor's Department

## SCHEDULE

Rule 2

### AMENDMENTS TO THE PRINCIPAL RULES

1. In rule 1(5C) omit “Except for the purpose of rule 300”.
2. For rule 219 substitute—

#### **“Cautioner showing cause**

**219.**—(1) At any time before the expiry of the notice period, or any extension granted by the Registrar, the cautioner or his personal representative may show cause why the caution should continue to have effect or why the dealing should not be registered.

(2) Cause may be shown either by the cautioner or his personal representative appearing before the Registrar or by the delivery to the Registrar of a written statement, signed by the cautioner or personal representative or his solicitor, which sets out the grounds on which the cautioner or personal representative relies.

(3) If, after hearing the cautioner or personal representative or reading the written statement, and after making any enquiries he thinks necessary, the Registrar is satisfied that cause has been shown, the matter will constitute a dispute for the purpose of rule 299.

(4) If the Registrar is not so satisfied, the caution must be cancelled on the register.

(5) A cautioner or his personal representative shows cause by showing that he has a fairly arguable case for the caution to continue to have effect or for the dealing not to be registered.”

3. For rules 298–300 substitute—

#### **“Objections**

##### **Objection to application**

**298.**—(1) Any person having grounds to do so may, by delivering to the Registrar a written statement signed by himself or his solicitor, object to an application pending before the Registrar.

(2) The statement must state the grounds for the objection and must give an address to which communications for the objector may be sent.

(3) Subject to paragraph (4), the Registrar must give notice of the objection to the applicant and must not complete the application until the objection has been withdrawn or the dispute has been determined under rule 299.

(4) If, after reading the written statement and making any enquiries he thinks necessary, the Registrar is satisfied that an objection is groundless, he may give effect to the application as if the objection had not been made.

#### **Hearings before the Registrar**

##### **Hearing before the Registrar**

**299.**—(1) Subject to paragraphs (2) and (3), where on any application before the Registrar there is a dispute which cannot be disposed of by agreement, the Registrar must hold a hearing to determine the questions in dispute and may make such order or decision as he thinks just.

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(2) After informing the parties of his intention to do so, and in the absence of any objection, the Registrar may determine the questions in dispute or any of them without an oral hearing.

(3) The Registrar may, instead of deciding the matter himself, at any stage direct one of the parties to issue proceedings in the court within a specified time to determine the questions in dispute or any of them.

(4) If a person fails to comply with a direction given under paragraph (3), the Registrar may further direct as follows:

- (a) in the case of an applicant, that his application be cancelled;
- (b) in the case of a person who has objected to an application, that effect be given to the application as if the objection had not been made;
- (c) in the case of a cautioner or his personal representative, that the caution be cancelled.

(5) In paragraph (1), “dispute” means a dispute between two or more parties other than the Registrar.

### *Appeals*

#### **Appeal to the court**

**300.**—(1) Any person aggrieved by an order or decision of the Registrar made under rule 298(4) or rule 299 may appeal to the court.

(2) The Registrar may grant a stay of an order or decision made by him under rule 299 pending an appeal under paragraph (1).

(3) When granting a stay under paragraph (2) the Registrar may limit the time for which the stay is to operate and may make it subject to conditions.”

- 4. Insert before rule 302 the heading “*Service of orders of the court*”.
- 5. Insert before rule 317 the heading “*Applications not in order*”.

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### **EXPLANATORY NOTE**

*(This note is not part of the rules)*

These rules amend the Land Registration Rules 1925 so as to—

- (a) make new provision for the making and disposal of objections to applications before the Registrar generally in place of the existing provision for the making and disposal of objections to applications for first registration;
- (b) replace the separate provisions concerning the hearing of a cautioner by the Registrar and the hearing of other matters by the Registrar with a single provision for the hearing and resolution of disputes by the Registrar, including a power to determine a question without an oral hearing in specified circumstances;

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- (c) replace the Registrar's power to refer a question for the determination of the court with a power to direct one of the parties to issue proceedings in the court to determine a question;
- (d) make fresh provision for appeals to the court against orders and decisions of the Registrar, including a power to grant a stay of an order or decision pending appeal;
- (e) revoke obsolete provisions concerning the entry of notice of appeal on the register and the making of statutory declarations and the giving of evidence on oath.