

2002 No. 2539 (L. 11)

LAND REGISTRATION, ENGLAND AND WALES

The Land Registration Rules 2002

Made - - - - - *1st October 2002*

Laid before Parliament *9th October 2002*

Coming into force - - *2nd December 2002*

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 sections 54(b), 112(c) and 144 of that Act, section 4 of the Land Registration and Land Charges Act 1971(d), and of all other powers enabling him in that behalf, hereby makes the following rules:

Citation, commencement and interpretation

- 1.—(1) These rules may be cited as the Land Registration Rules 2002.
- (2) These rules shall come into force on 2nd December 2002.
- (3) In these rules—
 - (a) “the principal rules” means the Land Registration Rules 1925(e).
 - (b) “the open register rules” means the Land Registration (Open Register) Rules 1991(f).
 - (c) “the souvenir rules” means the Land Registration (Souvenir Land) Rules 1972(g).
 - (d) a rule referred to by number means the rule so numbered in the principal rules, the open register rules or the souvenir rules as the case may be.

Amendments to the principal rules

- 2.—(1) The principal rules have effect subject to the amendments in Schedule 1 to these rules.
- (2) Schedule 2 to the principal rules has effect subject to the amendments in Schedule 2 to these rules.

Amendments to the open register rules

3. Schedules 1 and 2 to the open register rules have effect subject to the amendments in Schedule 3 to these rules.

(a) 1925 c. 21; section 144(1) was amended by the Administration of Justice Act 1982 (c. 53), section 67(1) 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).

(b) Amended by section 5(5)(a) of the Land Registration Act 1986 (c. 26).

(c) Substituted by the Land Registration Act 1988 (c. 3), section 1(1) for existing section 112 and sections 112A, 112AA, 112B and 112C.

(d) 1971 c. 54; section 4(1) was amended by the Land Registration Act 1997 (c. 2), section 4(1) and Schedule 1, paragraph 2.

(e) S.R. & O. 1925/1093; relevant amending or revoking instruments S.I. 1986/2116, 1996/2975, 1997/3037, 1999/128, 1999/2097 and 2001/619.

(f) S.I. 1992/122.

(g) S.I. 1972/985.

Amendment to the souvenir rules

4. The souvenir rules have effect subject to the amendment in Schedule 4 to these rules.

Signed by authority of the Lord Chancellor

1st October 2002

Patricia Scotland
Parliamentary Secretary,
Lord Chancellor's Department

AMENDMENTS TO THE PRINCIPAL RULES

1. In rule 20(iii) delete the words “or Land Registry General Map”.
2. For rule 82A substitute—

“Evidence of non-revocation of power more than 12 months old

82A.—(1) If any transaction between a donee of a power of attorney and the person dealing with him is not completed within 12 months of the date on which the power came into operation, the Registrar may require the production of evidence to satisfy him that the power had not been revoked at the time of the transaction.

(2) The evidence that the Registrar may require under paragraph (1) above shall consist of a statutory declaration by the person who dealt with the attorney or a certificate given by that person’s solicitor, if he has knowledge of the relevant facts, in Form 114 or such other evidence as the Registrar may direct.”

3. For rule 82B substitute—

“Evidence in support of power delegating trustees’ functions to a beneficiary

82B.—(1) If any instrument executed by an attorney to whom functions have been delegated under section 9 of the Trusts of Land and Appointment of Trustees Act 1996^(a) is delivered to the Registrar, the Registrar may require the production of evidence to satisfy him that the person who dealt with the attorney:

- (a) did so in good faith; and
- (b) had no knowledge at the time of the completion of the transaction that the attorney was not a person to whom the functions of the trustees in relation to the land to which the application relates could be delegated under that section.

(2) The evidence that the Registrar may require pursuant to paragraph (1) above shall consist of a statutory declaration by the person who dealt with the attorney or a certificate given by that person’s solicitor, if he has knowledge of the relevant facts, in Form 115 or, where evidence of non-revocation is also required pursuant to rule 82A above, in Form 114, or such other evidence as the Registrar may direct.”

4. For rule 90 substitute—

“Retention of documents in registry

90. All deeds, applications and other documents on which any entry in the register is founded shall be retained, and shall not be taken away from the Registry, except:

- (a) under a written order of the Registrar; or
- (b) pursuant to an order of the court; or
- (c) where a copy of the deed, application or other document is retained in an electronic or other non-documentary form; or
- (d) where otherwise provided for in the Act or these rules.”

5. For rule 145(1), substitute—

“(1) On the registration of a charge created by a company registered under the Companies Acts or a limited liability partnership incorporated under the Limited Liability Partnerships Act 2000^(b), 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.”

6. Insert rule 185A—

“Proceedings under the EC Regulation on insolvency proceedings

185A.—(1) Any relevant person may apply for a note of a judgment opening insolvency proceedings to be entered in the register.

(2) An application under paragraph (1) must be accompanied by such evidence as the Registrar may reasonably require.

(3) Following an application under paragraph (1) if the Registrar is satisfied that the judgment opening insolvency proceedings has been made he may enter a note of the judgment in the register.

(a) 1996 c. 47.
(b) 2000, c. 12.

- (4) In this rule—
 ‘judgment opening insolvency proceedings’ means a judgment opening proceedings within the meaning of article 3(1) of the Regulation;
 ‘relevant person’ means any person or body authorised under the provisions of article 22 of the Regulation to request or require an entry to be made in the register in respect of the judgment opening insolvency proceedings the subject of the application;
 ‘Regulation’ means Council Regulation (EC) No 1346/2000(a).”

7. In rule 215(2), substitute the words “and shall be accompanied by a statutory declaration which contains a reference to the land to which the caution relates, its title number and which sets out the nature of the cautioner’s interest in the land” for the words “and the declaration in support of the caution shall be in Form 14 or to the like effect, and shall contain a reference to the land to which it relates, and to the title number, and shall also state the nature of the cautioner’s interest in the land”.

8. In rule 215(3), substitute the words ‘or a person authorised by the cautioner’ for the words ‘or his solicitor’.

9. In rule 234, insert the words ‘or on behalf of’ after the words ‘to be given by’.

10. In rule 259—

- (a) in the heading, add after the words “**Registration of companies**” the words “**and limited liability partnerships**”;
 (b) after paragraph (3), add the following paragraph—
 “(4) Where application is made for registration of a limited liability partnership incorporated under the Limited Liability Partnerships Act 2000 as proprietor of land or of a charge, the application shall state the limited liability partnership’s registered number.”

SCHEDULE 2

Rule 2(2)

AMENDMENTS TO SCHEDULE 2 TO THE PRINCIPAL RULES

- Form 14 is revoked.
- In the heading of Form 15, in place of “(Heading as in Form 14)” substitute—

“H.M. LAND REGISTRY

LAND REGISTRATION ACTS 1925 TO 1986”.

3. In Form 69, in place of “(To be signed by the cautioner or his solicitor)” substitute “(To be signed by the cautioner or a person authorised by the cautioner)”.

4. For Form 74 substitute—

“FORM 74.—*Certificate under section 99 of the Act as to a Disposition by the Incumbent of a Benefice. (Rule 234).*

(To be endorsed on the instrument presented for registration)

(Date). This is to certify that the within-written (transfer, charge, &c.) is made under the provisions [*state the statute or other authority under which it is made*] and is authorised thereby, and may be registered.

(To be signed by or on behalf of the Church Commissioners.)”.

5. After Form 113, insert—

“FORM 114.—*Statutory declaration/certificate as to non-revocation for powers more than 12 months old at the date of the disposition for which they are used. (Rule 82A.)*

Date of power of attorney

Donor of power of attorney

I/We.....

of

do solemnly and sincerely declare (or certify) that at the time of completion of the

to me/us/my client/I/we/my client had no knowledge

(a) OJ No. L160, 30.6.00, p. 1.

either

- ◆ of a revocation of the power; or
 - ◆ of the death or bankruptcy of the donor or, if the donor is a corporate body, its winding up or dissolution; or
 - ◆ of any incapacity of the donor where the power is not a valid enduring power; *or*
(*where the power is in the form prescribed for an enduring power*)
 - ◆ of the bankruptcy of the attorney; or
 - ◆ of an order or direction of the Court of Protection which revoked the power; or
 - ◆ that the power was not in fact a valid enduring power); *or*
(*where the power was given under section 9 of the Trusts of Land and Appointment of Trustees Act 1996*)
 - ◆ of an appointment of another trustee of the land in question; or
 - ◆ of any other event which would have the effect of revoking the power; or
 - ◆ of any lack of good faith on the part of the person(s) who dealt with the attorney;
- or
- ◆ that the attorney was not a person to whom the functions of the trustees could be delegated under section 9);
- or**
- (*where the power is expressed to be given by way of security*)
- ◆ that the power was not in fact given by way of security; or
 - ◆ of any revocation of the power with the consent of the attorney; or
 - ◆ of any other event which would have had the effect of revoking the power.)

Where a certificate is given

Signature of Solicitor/Licensed
Conveyancer.....
Date..... ; *or*

Where a Statutory Declaration is made

And I/we make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

Signature of
Declarant(s).....
Date.....
DECLARED at.....
before me, a person entitled to administer oaths.
Name.....
Address.....
Qualification.....
Signature

6. After Form 114, insert—

“FORM 115.—*Statutory declaration/certificate in support of power delegating trustees’ functions to a beneficiary. (Rule 82B.)*

Date of power of attorney
Donor of power of attorney
I/We.....
Of

Do solemnly and sincerely declare (or certify) that at the time of completion of the to me/us/my client/I/we/my client had no knowledge

- ◆ of any lack of good faith on the part of the person(s) who dealt with the attorney; or
- ◆ that the attorney was not a person to whom the functions of the trustees could be delegated under section 9 of the Trusts of Land and Appointment of Trustees Act 1996.

Where a certificate is given

Signature of Solicitor/Licensed
Conveyancer.....
Date..... ; *or*

Where a Statutory Declaration is made

And I/we make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

Signature of
 Declarant(s).....
 Date.....
 DECLARED at.....
 before me, a person entitled to administer oaths.
 Name.....
 Address.....
 Qualification.....
 Signature

SCHEDULE 3

Rule 3

AMENDMENTS TO SCHEDULES 1 AND 2 TO THE OPEN REGISTER RULES

1. For Form 112A in Schedule 1, substitute the form which follows.
2. After paragraph (h), in Column 1 of Part 1 of Schedule 2, insert—
 “(i) A person authorised by the Secretary of State for the Department of Trade and Industry
 and holding a rank not below that of senior investigation officer.”
3. In Column 2 of Part 1 of Schedule 2, opposite paragraph (i), insert—
 “Certificate A
 Certificate B
 Certificate E.”

(Rule 6 Land Registration (Open Register) Rules 1991)

Important. Please read this.

1. You may use this form if you are authorised to apply under rule 6 and Part I of Schedule 2 to the Land Registration (Open Register) Rules 1991 (the Rules).
2. You can only apply under Part III or IV of this form if you are also applying under Part I or Part II or both. If you are not applying under Part I or Part II or both then: if you wish personally to inspect a register, title plan or document referred to in the register you must use Form 111 or, if you wish for office copies of a register or title plan you must use Form 109; or, if you wish for office copies of the documents referred to in the register you must use Form 110.
3. Your application will be rejected unless you:
 - a) Complete Part I and/or Part II of this form; and
 - b) Tick and complete the appropriate certificate(s) and status box(es) on pages 3 or 4; and
 - c) Complete the details at the end of page 4 and sign this form.
4. If you attend at the Registry to inspect documents you must bring this form and you will be asked for proof of identity.
5. Fees are payable for this application : the amounts payable are set out in the current Land Registration Fees Order.

INFORMATION REQUIRED – Enter X in the appropriate box(es)
I apply under rule 6 of the Rules:-

Part I

To inspect the following document(s) ⁽¹⁾ falling within section 112(2) Land Registration Act 1925:-

and/or

For the issue of an office copy of each of the above documents.
(The above documents are referred to in my certificate(s) on pages 3 and 4 of this form as “the required information”.)

(1) Please give details
(attach a list if
necessary).

Part II

For an official search in the Index of Proprietors’ Names in respect of:-

all titles in ⁽²⁾

or

all titles

of which ⁽³⁾

Name

is a registered proprietor.

(The result of this search is referred to in my certificate(s) on pages 3 or 4 of this form as “the required information”.)

(2) If you specify a
geographic area e.g.
Kent, the information
can be provided faster.
Please tick the
appropriate box.

(3) Please give full
name(s).

(4) Please provide as much of the following information as is available. If more than one property please attach a list of the additional property(ies) using the same format.

(5) Please enter the administrative area (county and district, county, county or London borough etc.) in which the property is situated.

(6) Please give details (attach a list if necessary).

Part III

- To inspect the register(s), title plan and documents referred to in the register:-
 - of the title(s) revealed in the result of the official search of the Index of Proprietors' Names referred to in Part II above, and/or
 - of the following property:-

	Title number (if known)	For Official Use Only
Postal number or description	Property description ⁽⁴⁾	
Name of road		
Name of locality		
Town		
Postcode		
Administrative area (including district or borough if any) ⁽⁵⁾		

For non-residential properties please supply a plan

Part IV

- For Office Copies of
 - Register entries
 - Title plan
 - The following documents referred to in the register:- ⁽⁶⁾

of the titles revealed in the result of the above official search of the Index of Proprietors' Names and/or

the title number(s) or property description(s) set out in Part III above and/or

the following titles:-

(7) Please tick the appropriate box(es) and complete any blank spaces in the certificates.

CERTIFICATES⁽⁷⁾:

CERTIFICATE A (general criminal investigations)

I certify that a criminal offence namely
contrary to

has been or is reasonably suspected to have been committed and there is reason to believe that the required information may be relevant to the investigation of the offence or to the institution of proceedings for it.

CERTIFICATE B (recovery or distribution of proceeds of general crime)

I certify that on _____ at _____ Court
the following person(s)

was/were convicted of (a) criminal offence(s)

namely

contrary to

and the

following offences were taken into consideration

and there is reason to believe that the required information may be relevant to the institution of proceedings for making available for distribution or otherwise for recovering the proceeds of the commission of that/those offence(s).

(8) The application must be signed on page 4 by one of the specified persons.

I am ⁽⁸⁾ (Certificates A or B only)

- A Chief Officer of Police or a police officer, not below the rank of superintendent, authorised to apply on his behalf.
- The Director of Public Prosecutions or a member of the Crown Prosecution Service authorised to apply on his behalf.
- A member of the Serious Fraud Office holding a rank not below that of senior executive officer.
- A person authorised by the Secretary of State for Social Security and holding a rank not below that of senior executive officer.
- A person authorised by the Secretary of State for the Department of Trade and Industry holding a rank not below that of senior investigation officer.

(9) Please insert name.

CERTIFICATE C (investigation into drug trafficking offences as defined in the Drug Trafficking Act 1994)

I certify that there are reasonable grounds for suspecting that the required information is likely to be of substantial value (whether by itself or together with other information) to an investigation into drug trafficking as defined in section 1(3) of the Drug Trafficking Act 1994.

CERTIFICATE D (investigation into whether a person has benefited from drug trafficking or to facilitate the recovery of the value of proceeds of drug trafficking)

I certify that ⁽⁹⁾ _____ has committed or there are reasonable grounds for suspecting that that person has committed a drug trafficking offence as defined in section 1(3) of the Drug Trafficking Act 1994 and that I have reasonable grounds for suspecting that the required information is likely to be of substantial value (whether by itself or together with other information) to an investigation into whether that person has benefited from drug trafficking or in facilitating the recovery of the value of his proceeds of drug trafficking.

(8) The application must be signed on page 4 by one of the specified persons.

I am ⁽⁸⁾ (Certificates C or D only)

- A Chief Officer of Police or a police officer, not below the rank of superintendent, authorised to apply on his behalf.
- The Director of Public Prosecutions or a member of the Crown Prosecution Service authorised to apply on his behalf.
- A person commissioned by the Commissioners of Customs and Excise and holding a rank not below that of senior executive officer.
- The Lord Advocate or a person conducting a prosecution in Scotland on his behalf.

CERTIFICATE E (investigation into whether a person has benefited from an offence referred to in the certificate or to facilitate the recovery of the value of property obtained by that person from that offence: Criminal Justice Act 1988)

(9) Please insert name.

I certify that ⁽⁹⁾ _____ has committed or there are reasonable grounds for suspecting that that person has committed or there are reasonable grounds for suspecting that a person has committed an offence to which Part VI of the Criminal Justice Act 1988 applies and that I have reasonable grounds for suspecting that the required information is likely to be of substantial value (whether by itself or together with other information) to an investigation into whether that person has benefited from the said offence or in facilitating the recovery of the value of the property obtained by that person from or in connection with the said offence.

(8) The application must be signed on this page by one of the specified persons.

I am ⁽⁸⁾

- A Chief officer of the Police or a police officer, not below the rank of superintendent, authorised to apply on his behalf.
- The Director of Public Prosecutions or a member of the Crown Prosecution Service authorised to apply on his behalf.
- A person commissioned by the Commissioners of Customs and Excise and holding a rank not below that of senior executive officer.
- A member of the Serious Fraud Office holding a rank not below that of senior executive officer.
- A person authorised to apply by the Commissioners of Inland Revenue holding a rank not below that of senior executive officer.
- A person authorised by the Secretary of State for the Department of Trade and Industry holding a rank not below that of senior investigation officer.

CERTIFICATE F (to assist the Security Service in the performance of its functions)

I certify that there are reasonable grounds for believing that the required information is likely to be of substantial value (whether by itself or together with other information) in assisting the Security Service in performing its functions under section 1 of the Security Service Act 1989.

(8) The application must be signed on this page by one of the specified persons

I am ⁽⁸⁾

- The Director-General of the Security Service or a member of the Security Service authorised to apply on his behalf.

CERTIFICATE G (terrorist investigation)

I certify that there are reasonable grounds for suspecting that the required information is likely to be of substantial value (whether by itself or together with other information) to a terrorist investigation to which section 32 of the Terrorism Act 2000 applies.

(8) The application must be signed on this page by one of the specified persons

I am ⁽⁸⁾

- A Chief Officer of Police or a police officer, not below the rank of superintendent, certifying on his behalf.

Signed

Date

Name in capitals

Office Address

Person to contact

Telephone number

SCHEDULE 4

Rule 4

AMENDMENT TO THE SOUVENIR RULES

1. In rule 5(1), delete the words “Section 123 of the Act of 1925 (which relates to the effect of the Act where registration is compulsory)” and insert instead “Sections 123 and 123A of the Act of 1925 (which relate to compulsory registration)”.

EXPLANATORY NOTE

(This note is not part of the rules)

These Rules:

- (A) amend the Land Registration Rules 1925 so as to—
- (a) remove an obsolete reference to the Land Registry General Map; and
 - (b) remove the obligation to provide evidence of non-revocation of powers of attorney that are more than 12 months old unless so required by the Registrar and to introduce a standard form of statutory declaration or certificate as evidence of such non-revocation; and
 - (c) remove the obligation to provide evidence in support of a power delegating trustees' functions to a beneficiary unless required by the Registrar and to introduce a standard form of statutory declaration or certificate as supporting evidence; and
 - (d) relax the provisions relating to the retention of original documents by the Registry where a copy is retained in an electronic or other non-documentary form; and
 - (e) allow a caution against dealings and a caution against registration of a possessory or qualified title, as qualified or absolute to be signed by any person authorised by the cautioner (form CT2, which is prescribed by rule 215(3), already provides that the requisite declaration may be given by the cautioner or a person authorised by the cautioner); and
 - (f) remove the requirement that the certificate required under section 99(1)(i) of the Land Registration Act 1925 be given under seal of the Church Commissioners; and
 - (g) extend the provisions that require companies to provide details of their registration numbers and a certificate under section 395 of the Companies Act 1985 to limited liability partnerships; and
 - (h) allow the Registrar, on receipt of a request under article 22 of Council Regulation (EC) No 1346/2000 on insolvency proceedings, to enter a note of a judgment opening insolvency proceedings.
- (B) amend the Land Registration (Open Register) Rules 1991 so as to—
- (a) extend the provisions allowing specified persons to inspect (and to obtain copies of and extracts from) documents in the custody of the registrar and to make searches in the index of proprietors' names, to include Department of Trade and Industry senior investigators;
 - (b) remove references to the Drug Trafficking Offences Act 1986(a) and to replace such references with references to the Drug Trafficking Act 1994(b); and
 - (c) remove reference to section 17 of the Prevention of Terrorism (Temporary Provisions) Act 1989(c) and to replace such references with references to the Terrorism Act 2000(d).
- (C) amend the Land Registration (Souvenir Land) Rules 1972 so that the provisions relating to compulsory first registration introduced by the Land Registration Act 1997(e) do not apply to souvenir land.

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- (a) 1986 c. 32. Section 38 was repealed by the Drug Trafficking Act 1994, section 67(1) and Schedule 3.
 - (b) 1994 c. 37.
 - (c) 1989 c. 4. The Act was repealed by the Terrorism Act 2000, section 125 and Schedule 16.
 - (d) 2000 c. 11.
 - (e) 1997 c. 2.

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