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STATUTORY INSTRUMENTS

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**2003 No. 1417**

**The Land Registration Rules 2003**

**PART 7**

**NOTICES**

**Certain interests to be protected by agreed notices**

**80.** A person who applies for the entry of a notice in the register must apply for the entry of an agreed notice where the application is for—

- (a) a matrimonial home rights notice,
- (b) an inheritance tax notice,
- (c) a notice in respect of an order under the Access to Neighbouring Land Act 1992<sup>(1)</sup>,
- (d) a notice of any variation of a lease effected by or under an order under section 38 of the Landlord and Tenant Act 1987<sup>(2)</sup> (including any variation as modified by an order under section 39(4) of that Act),
- (e) a notice in respect of a—
  - (i) public right, or
  - (ii) customary right.

**Application for an agreed notice**

**81.**—(1) Subject to paragraph (2), an application for the entry in the register of an agreed notice (including an agreed notice in respect of any variation of an interest protected by a notice) must be—

- (a) made in Form AN1,
- (b) accompanied by the order or instrument (if any) giving rise to the interest claimed or, if there is no such order or instrument, such other details of the interest claimed as satisfy the registrar as to the nature of the applicant's claim, and
- (c) accompanied, where appropriate, by—
  - (i) the consent referred to in section 34(3)(b) of the Act, and, where appropriate, evidence to satisfy the registrar that the person applying for, or consenting to the entry of, the notice is entitled to be registered as the proprietor of the registered estate or charge affected by the interest to which the application relates, or
  - (ii) evidence to satisfy the registrar as to the validity of the applicant's claim.

(2) Paragraph (1) does not apply to an application for the entry of a matrimonial home rights notice made under rule 82.

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(1) 1992 c. 23.

(2) 1987 c. 31.

### **Application for a matrimonial home rights notice or its renewal**

**82.**—(1) An application under section 31(10)(a) or section 32 of, and paragraph 4(3)(b) of Schedule 4 to, the Family Law Act 1996(3) for the entry of an agreed notice in the register must be in Form MH1.

(2) An application to renew the registration of a matrimonial home rights notice or a matrimonial home rights caution under section 32 of, and paragraph 4(3)(a) of Schedule 4 to, the Family Law Act 1996 must be in Form MH2.

(3) An application in Form MH1, where the application is made under section 32 of, and paragraph 4(3)(b) of Schedule 4 to, the Family Law Act 1996, or in Form MH2 must be accompanied by—

- (a) an office copy of the section 33(5) order, or
- (b) a conveyancer's certificate that he holds an office copy of the section 33(5) order.

### **Application for entry of a unilateral notice**

**83.** An application for the entry in the register of a unilateral notice must be in Form UN1.

### **Entry of a notice in the register**

**84.**—(1) A notice under section 32 of the Act must be entered in the charges register of the registered title affected.

(2) The entry must identify the registered estate or registered charge affected and, where the interest protected by the notice only affects part of the registered estate in a registered title, it must contain sufficient details, by reference to a plan or otherwise, to identify clearly that part.

(3) In the case of a notice (other than a unilateral notice), the entry must give details of the interest protected.

(4) In the case of a notice (other than a unilateral notice) of a variation of an interest protected by a notice, the entry must give details of the variation.

(5) In the case of a unilateral notice, the entry must give such details of the interest protected as the registrar considers appropriate.

### **Removal of a unilateral notice**

**85.**—(1) An application for the removal of a unilateral notice from the register under section 35(3) of the Act must be in Form UN2.

(2) The personal representative or trustee in bankruptcy of the person shown in the register as the beneficiary of a unilateral notice may apply under section 35(3) of the Act; and if he does he must provide evidence to satisfy the registrar as to his appointment as personal representative or trustee in bankruptcy.

(3) If the registrar is satisfied that the application is in order he must remove the notice.

### **Cancellation of a unilateral notice**

**86.**—(1) An application to cancel a unilateral notice under section 36 of the Act must be made in Form UN4.

(2) An application made under section 36(1)(b) of the Act must be accompanied by—

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(3) 1996 c. 27.

- (a) evidence to satisfy the registrar of the applicant's entitlement to be registered as the proprietor of the estate or charge to which the unilateral notice the subject of the application relates, or
- (b) a conveyancer's certificate that the conveyancer is satisfied that the applicant is entitled to be registered as the proprietor of the estate or charge to which the unilateral notice the subject of the application relates.

(3) The period referred to in section 36(3) of the Act is the period ending at 12 noon on the fifteenth business day after the date of issue of the notice or such longer period as the registrar may allow following a request under paragraph (4), provided that the longer period never exceeds a period ending at 12 noon on the thirtieth business day after the issue of the notice.

(4) The request referred to in paragraph (3) is one by the beneficiary to the registrar setting out why the longer period referred to in that paragraph should be allowed.

(5) If a request is received under paragraph (4) the registrar may, if he considers it appropriate, seek the views of the person who applied for cancellation and if after considering any such views and all other relevant matters he is satisfied that a longer period should be allowed he may allow such period (not exceeding a period ending at 12 noon on the thirtieth business day after the issue of the notice) as he considers appropriate, whether or not the period is the same as any period requested by the beneficiary.

(6) A request under paragraph (4) must be made before the period ending at 12 noon on the fifteenth business day after the date of issue of the notice under section 36(2) of the Act has expired.

(7) A person entitled to be registered as the beneficiary of a notice under rule 88 may object to an application under section 36(1) of the Act for cancellation of that notice and the reference to the beneficiary in section 36(3) includes such a person.

#### **Cancellation of a notice (other than a unilateral notice or a matrimonial home rights notice)**

**87.**—(1) An application for the cancellation of a notice (other than a unilateral notice or a matrimonial home rights notice) must be in Form CN1 and be accompanied by evidence to satisfy the registrar of the determination of the interest.

(2) Where a person applies for cancellation of a notice in accordance with paragraph (1) and the registrar is satisfied that the interest protected by the notice has come to an end, he must cancel the notice or make an entry in the register that the interest so protected has come to an end.

(3) If the interest protected by the notice has only come to an end in part, the registrar must make an appropriate entry.

#### **Registration of a new or additional beneficiary of a unilateral notice**

**88.**—(1) A person entitled to the benefit of an interest protected by a unilateral notice may apply to be entered in the register in place of, or in addition to, the registered beneficiary.

(2) An application under paragraph (1) must be—

- (a) in Form UN3, and
- (b) accompanied by evidence to satisfy the registrar of the applicant's title to the interest protected by the unilateral notice.

(3) Subject to paragraph (4), if an application is made in accordance with paragraph (2) and the registrar is satisfied that the interest protected by the unilateral notice is vested—

- (a) in the applicant, the registrar must enter the applicant in the register in place of the registered beneficiary, or

- (b) in the applicant and the registered beneficiary, the registrar must enter the applicant in addition to the registered beneficiary.
- (4) Except where one of the circumstances specified in paragraph (5) applies, the registrar must serve notice of the application on the registered beneficiary before entering the applicant in the register.
- (5) The registrar is not obliged to serve notice on the registered beneficiary if—
  - (a) the registered beneficiary signs Form UN3 or otherwise consents to the application, or
  - (b) the applicant is the registered beneficiary’s personal representative and evidence of his title to act accompanies the application.
- (6) In this rule, “registered beneficiary” means the person shown in the register as the beneficiary of the notice at the time an application is made under paragraph (1).

**Notice of unregistered interests**

- 89.**—(1) If the registrar enters a notice of an unregistered interest under section 37(1) of the Act, he must give notice—
- (a) subject to paragraph (2), to the registered proprietor, and
  - (b) subject to paragraph (3), to any person who appears to the registrar to be entitled to the interest protected by the notice or whom the registrar otherwise considers appropriate.
- (2) The registrar is not obliged to give notice to a registered proprietor under paragraph (1)(a) who applies for entry of the notice or otherwise consents to an application to enter the notice.
- (3) The registrar is not obliged to give notice to a person referred to in paragraph (1)(b) if—
- (a) that person applied for the entry of the notice or consented to the entry of the notice, or
  - (b) that person’s name and his address for service under rule 198 are not set out in the individual register in which the notice is entered.

**Application for entry of a notice under paragraph 5(2) or, in certain cases, paragraph 7(2)(a) of Part 1 of Schedule 2 to the Act**

- 90.** An application to meet the registration requirements under—
- (a) paragraph 5(2) of Part 1 of Schedule 2 to the Act, or
  - (b) paragraph 7(2)(a) of that Part, where the interest is created for the benefit of an unregistered estate,
- must be made in Form AP1.