



Land Registration Act 2002

2002 CHAPTER 9

PART 7

SPECIAL CASES

Pending actions etc.

86 Bankruptcy

- (1) In this Act, references to an interest affecting an estate or charge do not include a [^{F1}bankruptcy application,] petition in bankruptcy or bankruptcy order.
- (2) As soon as practicable after registration of a [^{F2}bankruptcy application or] petition in bankruptcy as a pending action under the Land Charges Act 1972 (c. 61), the registrar must enter in the register in relation to any registered estate or charge which appears to him to be affected a notice in respect of the pending action.
- (3) Unless cancelled by the registrar in such manner as rules may provide, a notice entered under subsection (2) continues in force until—
 - (a) a restriction is entered in the register under subsection (4), or
 - (b) the trustee in bankruptcy is registered as proprietor.
- (4) As soon as practicable after registration of a bankruptcy order under the Land Charges Act 1972, the registrar must, in relation to any registered estate or charge which appears to him to be affected by the order, enter in the register a restriction reflecting the effect of the Insolvency Act 1986 (c. 45).
- (5) Where the proprietor of a registered estate or charge is [^{F3}made] bankrupt, the title of his trustee in bankruptcy is void as against a person to whom a registrable disposition of the estate or charge is made if—
 - (a) the disposition is made for valuable consideration,
 - (b) the person to whom the disposition is made acts in good faith, and
 - (c) at the time of the disposition—

Changes to legislation: There are currently no known outstanding effects for the Land Registration Act 2002, Cross Heading: Pending actions etc.. (See end of Document for details)

- (i) no notice or restriction is entered under this section in relation to the registered estate or charge, and
 - (ii) the person to whom the disposition is made has no notice of [^{F4}the bankruptcy application or petition] or the adjudication.
- (6) Subsection (5) only applies if the relevant registration requirements are met in relation to the disposition, but, when they are met, has effect as from the date of the disposition.
- (7) Nothing in this section requires a person to whom a registrable disposition is made to make any search under the Land Charges Act 1972.

Textual Amendments

- F1** Words in s. 86(1) inserted (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\) and the Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/481\), reg. 1, Sch. 1 para. 15\(2\)\(a\)](#)
- F2** Words in s. 86(2) inserted (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\) and the Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/481\), reg. 1, Sch. 1 para. 15\(2\)\(b\)](#)
- F3** Word in s. 86(5) substituted (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\) and the Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/481\), reg. 1, Sch. 1 para. 15\(2\)\(c\)\(i\)](#)
- F4** Words in s. 86(5)(c)(ii) substituted (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\) and the Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/481\), reg. 1, Sch. 1 para. 15\(2\)\(c\)\(ii\)](#)

87 Pending land actions, writs, orders and deeds of arrangement

- (1) Subject to the following provisions, references in this Act to an interest affecting an estate or charge include—
- (a) a pending land action within the meaning of the Land Charges Act 1972,
 - (b) a writ or order of the kind mentioned in section 6(1)(a) of that Act (writ or order affecting land issued or made by any court for the purposes of enforcing a judgment or recognisance), [^{F5}and]
 - (c) an order appointing a receiver or sequestrator, ^{F6}...
 - ^{F6}(d)
- (2) No notice may be entered in the register in respect of—
- (a) an order appointing a receiver or sequestrator, ^{F7}...
 - ^{F7}(b)
- (3) None of the matters mentioned in subsection (1) shall be capable of falling within paragraph 2 of Schedule 1 or 3.
- (4) In its application to any of the matters mentioned in subsection (1), this Act shall have effect subject to such modifications as rules may provide.
- ^{F8}(5)

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Textual Amendments

- F5** Word in s. 87(1)(b) inserted (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 6 para. 2(16)(a)** (with [Sch. 6 para. 3](#)); [S.I. 2015/1732](#), art. 2(e)(i)
- F6** S. 87(1)(d) and word omitted (1.10.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 6 para. 2(16)(b)** (with [Sch. 6 para. 3](#)); [S.I. 2015/1732](#), art. 2(e)(i)
- F7** S. 87(2)(b) and word omitted (1.10.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 6 para. 2(16)(c)** (with [Sch. 6 para. 3](#)); [S.I. 2015/1732](#), art. 2(e)(i)
- F8** S. 87(5) omitted (1.10.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 6 para. 2(16)(d)** (with [Sch. 6 para. 3](#)); [S.I. 2015/1732](#), art. 2(e)(i)

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