

1977 No. 2089

LAND REGISTRATION

The Land Registration Rules 1977*Made* - - - - - 13th December 1977*Laid before Parliament* 22nd December 1977*Coming into Operation* 1st February 1978

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 that section, hereby makes the following Rules:—

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Land Registration Rules 1977 and shall come into operation on 1st February 1978.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(3) In these Rules “the principal Rules” means the Land Registration Rules 1925(c) (as amended)(d).

2. For the purpose of the principal Rules a mortgage caution or a sub-mortgage caution means a caution entered on the register before 29th August 1977 under the provisions of section 106 of the Land Registration Act 1925 in one of the specially prescribed forms contained in the Schedule to those Rules.

3. The following rule shall be substituted for rule 228 of the principal Rules:—

“Sub-mortgage cautions protecting sub-mortgages

228.—(1) The provisions of these Rules and of section 26(2) of the Administration of Justice Act 1977 relating to mortgage cautions shall, subject to any necessary modification, apply also to sub-mortgage cautions.

(2) Notice of the cancellation of a mortgage caution shall be served on the sub-mortgage cautioner.

(3) A sub-mortgage protected by a sub-mortgage caution shall not be registered as a sub-charge unless and until the principal mortgage is registered as a charge.”

(a) 1925 c. 21.

(c) S.R. & O. 1925/1093 (Rev. XII, p. 81: 1925, p. 717).

(d) There are no relevant amendments.

(b) 1889 c. 63.

4. The following rule shall be inserted after rule 228 of the principal Rules:—

“Sub-mortgages of registered charges

228A. The provisions of section 106 of the Land Registration Act 1925 (as substituted by section 26(1) of the Administration of Justice Act 1977) shall, subject to any necessary modification, apply to a sub-mortgage created by the proprietor of a registered charge.”

5. Rule 223 of the principal Rules and Forms 64, 65, 66, 67 and 68 in the Schedule to those Rules are hereby revoked.

Dated 13th December 1977.

Elwyn-Jones, C.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules, which are consequential upon section 26 of the Administration of Justice Act 1977 (alteration of methods of protecting mortgages of registered land), revoke the rules and forms relating to the creation of mortgage cautions and make appropriate provision for sub-mortgage and sub-mortgage cautions.

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