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STATUTORY INSTRUMENTS

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**2003 No. 1417**

**The Land Registration Rules 2003**

**PART 13**

**INFORMATION ETC**

*Official searches with priority*

**Application for official search with priority by purchaser**

**147.**—(1) A purchaser may apply for an official search with priority of the individual register of a registered title to which the protectable disposition relates.

(2) Where there is a pending application for first registration, the purchaser of a protectable disposition which relates to that pending application may apply for an official search with priority in relation to that pending application.

(3) Subject to rule 132(1), an application for an official search with priority must be made in Form OS1 or Form OS2, as appropriate.

(4) Where the application is made in Form OS2 and an accompanying plan is required, unless the registrar allows otherwise, the plan must be delivered in duplicate.

**Entry on day list of application for official search with priority**

**148.**—(1) An application for an official search with priority is to be taken as having been made on the date and at the time of the day notice of it is entered on the day list.

(2) Paragraph (3) has effect where—

- (a) an application for an official search is in order, and
- (b) the applicant has not withdrawn the official search.

(3) Subject to paragraph (4), the entry on the day list of notice of an application for an official search with priority confers a priority period on an application for an entry in the register in respect of the protectable disposition to which the official search relates.

(4) Paragraph (3) does not apply if the application for an official search with priority is cancelled subsequently because it is not in order.

**Issue of official search certificate with priority**

**149.**—(1) If an application for an official search with priority is in order an official search certificate with priority must be issued giving the result of the search as at the date and time that the application was entered on the day list.

(2) An official search certificate with priority relating to a registered estate or to a pending application for first registration may, at the registrar's discretion, be issued in one or both of the following ways—

- (a) in paper form, or
- (b) under rule 132(2).

(3) Subject to paragraph (4), an official search certificate issued under paragraph (2) must include such information as specified in Part 3 or Part 4 of Schedule 6 as the case may require and may be issued by reference to an official copy of the individual register of the relevant registered title.

(4) If an official search certificate is to be, or has been, issued in paper form under paragraph (2) (a), another official search certificate issued under paragraph (2)(b) in respect of the same application need only include the information specified at A, F, G and H of Part 3 and A, H and I of Part 4 of Schedule 6, as the case may require.

#### **Withdrawal of official search with priority**

**150.**—(1) Subject to paragraph (2), a person who has made an application for an official search with priority of a registered title or in relation to a pending first registration application, may withdraw that official search by application to the registrar.

(2) An application under paragraph (1) cannot be made if an application for an entry in the register in respect of the protectable disposition made pursuant to the official search has been made and completed.

(3) Once an official search has been withdrawn under paragraph (1) rule 148(3) shall cease to apply in relation to it.

#### **Protection of an application on which a protected application is dependent**

**151.**—(1) Subject to paragraph (4), paragraph (2) has effect where an application for an entry in the register is one on which an official search certificate confers a priority period and there is a prior registrable disposition affecting the same registered land, on which that application is dependent.

(2) An application for an entry in the register in relation to that prior registrable disposition is for the purpose of section 72(1)(a) of the Act an application to which a priority period relates.

(3) The priority period referred to in paragraph (2) is a period expiring at the same time as the priority period conferred by the official search referred to in paragraph (1).

(4) Paragraph (2) does not have effect unless both the application referred to in paragraph (1) and the application referred to in paragraph (2) are—

- (a) made before the end of that priority period, and
- (b) in due course completed by registration.

#### **Protection of an application relating to a pending application for first registration on which a protected application is dependent**

**152.**—(1) Subject to paragraphs (4) and (5), paragraph (2) has effect where—

- (a) there is a pending application for first registration,
- (b) there is a pending application for an entry in the register on which an official search confers a priority period,
- (c) there is an application for registration of a prior registrable disposition affecting the same registrable estate or charge as the pending application referred to in sub-paragraph (b),
- (d) the pending application referred to in sub-paragraph (b) is dependent on the application referred to in sub-paragraph (c), and
- (e) the application referred to in sub-paragraph (c) is subject to the pending application for first registration referred to in sub-paragraph (a).

(2) An application for an entry in the register in relation to the prior registrable disposition referred to in paragraph (1)(c) is for the purpose of section 72(1)(a) of the Act an application to which a priority period relates.

(3) The priority period referred to in paragraph (2) is a period expiring at the same time as the priority period conferred by the official search referred to in paragraph (1)(b).

(4) Paragraph (2) does not have effect unless the pending application for first registration referred to in paragraph (1)(a) is in due course completed by registration of all or any part of the registrable estate.

(5) Paragraph (2) does not have effect unless both the pending application on which an official search confers priority referred to in paragraph (1)(b) and the application relating to the prior registrable disposition referred to in paragraph (1)(c) are—

- (a) made before the end of that priority period, and
- (b) in due course completed by registration.

#### **Priority of concurrent applications for official searches with priority and concurrent official search certificates with priority**

**153.**—(1) Where two or more official search certificates with priority relating to the same registrable estate or charge or to the same registered land have been issued and are in operation, the certificates take effect, as far as relates to the priority conferred, in the order of the times at which the applications for official search with priority were entered on the day list, unless the applicants agree otherwise.

(2) Where one transaction is dependent upon another the registrar must assume (unless the contrary appears) that the applicants for official search with priority have agreed that their applications have priority so as to give effect to the sequence of the documents effecting the transactions.

#### **Applications lodged at the same time as the priority period expires**

**154.**—(1) Where an official search with priority has been made in respect of a registered title and an application relating to that title is taken as having been made at the same time as the expiry of the priority period relating to that search, the time of the making of that application is to be taken as within that priority period.

(2) Where an official search with priority has been made in respect of a pending application for first registration and a subsequent application relating to a registrable estate which is subject to that pending application for first registration, or was so subject before completion of the registration of that registrable estate, is taken as having been made at the same time as the expiry of the priority period relating to that search, the time of the making of that subsequent application is to be taken as within that priority period.