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STATUTORY INSTRUMENTS

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**2003 No. 1417**

The Land Registration Rules 2003

PART 16

TRANSITIONAL

*Cautions against dealings*

**Definitions**

**218.** In this Part—

“the 1925 Act” means the Land Registration Act 1925(1),

“caution” means a caution entered in the register of title under section 54 of the 1925 Act,

“cautioner” includes his personal representative,

“the notice period” is the period ending at 12 noon on the fifteenth business day, or ending at 12 noon on such later business day as the registrar may allow, after the date of issue of the notice.

**Consent under a caution**

**219.** Any consent given under section 55 or 56 of the 1925 Act must be in writing signed by the person giving it or his conveyancer.

**Notice under section 55(1) of the 1925 Act and under rule 223(3)**

**220.**—(1) Rule 199 applies to the method of service of a notice under section 55(1) of the 1925 Act and under rule 223(3).

(2) The notice period applies to a notice served under section 55(1) of the 1925 Act and to one served under rule 223(3).

**Cautioner showing cause**

**221.**—(1) This rule applies where notice is served under section 55(1) of the 1925 Act or rule 223(3).

(2) At any time before expiry of the notice period, the cautioner may show cause why the registrar should not give effect to the application that resulted in the notice being served.

(3) To show cause, the cautioner must—

- (a) deliver to the registrar, in the manner and to the address stated in the notice, a written statement signed by the cautioner or his conveyancer setting out the grounds relied upon, and

- (b) show that he has a fairly arguable case for the registrar not to give effect to the application that resulted in the notice being served.
- (4) If, after reading the written statement, and after making any enquiries he thinks necessary, the registrar is satisfied that cause has been shown, he must order that the caution is to continue until withdrawn or otherwise disposed of under these rules or the Act.
- (5) Where the registrar makes an order under paragraph (4)—
  - (a) the registrar must give notice to the applicant and the cautioner that he has made the order and of the effect of sub-paragraph (b),
  - (b) the cautioner is to be treated as having objected under section 73 of the Act to the application that resulted in notice being served, and
  - (c) the notice given by the registrar under sub-paragraph (a) to the applicant is to be treated as notice given under section 73(5)(a) of the Act.
- (6) If after service of the notice under section 55(1) of the 1925 Act or rule 223(3) the application that resulted in the notice being served is cancelled, withdrawn or otherwise does not proceed, the registrar must make an order that the caution will continue to have effect, unless he has already done so or the caution has been cancelled.

**Withdrawal of a caution by the cautioner**

- 222.—(1) The cautioner may at any time apply to withdraw his caution in Form WCT.
- (2) The form must be signed by the cautioner or his conveyancer.

**Cancellation of a caution—application by the proprietor etc**

- 223.—(1) A person may apply to the registrar for the cancellation of a caution if he is—
  - (a) the proprietor of the registered estate or a registered charge to which the caution relates, or
  - (b) a person who, but for the existence of the caution, would be entitled to be registered as the proprietor of that estate or charge.
- (2) An application for the cancellation of a caution must be in Form CCD.
- (3) Where application is made under this rule, the registrar must give the cautioner notice of the application.
- (4) Following the expiry of the notice period, unless the registrar makes an order under rule 221(4), the registrar must cancel the entry of the caution.