
EXPLANATORY NOTE

(This note is not part of the Rules)

These rules amend the Land Registration Rules 2003 (the principal rules).

Rule 1 provides for citation and commencement and rule 2 for interpretation.

Rule 3 makes a consequential amendment to rule 91(1) of the principal rules, arising from rule 4.

Rule 4 adds a new rule, rule 91A to the principal rules. This allows a number of standard forms of restriction to refer to dispositions of a specified part of the registered estate. It also allows standard forms of restriction in Forms L, M, N, O, P, S or T to commence with the word “Until”.

Rules 5 and 8 amend rules 92(2) and 198(2)(d) of the principal rules respectively. The amendments to rule 198(2)(d) provide that a person named in a standard form of restriction set out in Schedule 4 to the principal rules must provide an address for service where an address is required by that restriction; so must a person named in any other restriction that requires his consent, certificate or the giving of notice to him. The amendment to rule 92(2) of the principal rules makes it clear that the requirement for the application for entry of a restriction to be accompanied by a person’s address for service only applies to a person within rule 198(2)(d).

Rule 6 amends rule 93 of the principal rules to provide that the Legal Services Commission shall be regarded as having a sufficient interest in the entry of a restriction in Form JJ (a Form prescribed under these Rules) in the circumstances specified.

Rule 7 adds a paragraph to rule 140 of the principal rules to allow a qualifying applicant who applies for a search in the index of proprietors' names to apply at the same time, in the Form CIT attached to the Form PN1, for official copies of the registers identified in the results of that search.

Rule 9(1) widens the definition of “conveyancer” in rule 217(1) of the principal rules to include a duly certificated notary public.

Rule 9(2) amends rule 217(3) of the principal rules to take account of the amendments made by rule 12 and Schedule 3 to these Rules.

Rule 10 and Schedule 1 substitute a new Form CIT in Schedule 1 to the principal rules to take account of rules 7 and 12.

Rule 11 and Schedule 2 amend the standard forms of restriction contained in Schedule 4 to the principal rules and prescribe a number of additional standard forms of restriction.

Rule 12 and Schedule 3 amend Schedule 5 to the principal rules to include accredited financial investigators, and the Directors General and authorised members of the National Criminal Intelligence Service and the National Crime Squad, as qualifying applicants, for the purpose of rule 140 of the principal rules, where they give the appropriate certificate in the new Form CIT substituted by rule 10. These provisions also amend Schedule 5 to take account of the establishment of Her Majesty’s Revenue and Customs and the Revenue and Customs Prosecutions Office by the Commissioners for Revenue and Customs Act 2005.

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Land Registry, 32 Lincoln’s Inn Fields, London WC2A 3PH.