
EXPLANATORY NOTE

(This note is not part of the Rules)

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

As amended by rules 5 and 8, the principal rules prescribe that part of the contents (and its form) which must be contained in all prescribed clauses leases, subject to an exception in new rule 58A(3) of the principal rules (inserted by rule 5 of these Rules). A prescribed clauses lease is, by virtue of the definition of that term in new rule 58A(4), a lease for a term of years absolute, granted on or after 19 June 2006 out of a registered estate in land, which is required to be completed by registration, subject to the exceptions contained in (c) and (d) of the definition.

Rule 6 inserts new rule 72A into the principal rules. Rule 72A provides for the entries which the registrar must make in respect of interests contained in a lease created on or after 19 June 2006 which is being completed by registration under section 27(2)(b) of the Land Registration Act 2002.

Paragraphs (3) and (4) of new rule 72A provide for circumstances where the registrar need not make an entry and rule 4 of these Rules amends rule 6 of the principal rules so that if the registrar applies rule 72A(3) and does not make an entry in respect of a prohibition or restriction on disposal of the lease that is being completed by registration this will not conflict with his duty to make such an entry under rule 6.

Rule 7 inserts a new rule 92(7)(d) into the principal rules to provide that where an application for a standard form of restriction is set out in clause LR13 of a relevant lease (defined in substituted rule 92(10) to include a prescribed clauses lease), Form RX1 (the usual application form for a restriction) is not required.

Rule 9 substitutes a new application form, Form AP1, for the existing form in Schedule 1 to the principal rules.

Part 4 amends the principal rules to take account of the Civil Partnership Act 2004. It replaces references to “matrimonial home rights notice” with references to “home rights notice”, and replaces the existing Forms MH1, MH2 and MH3 with new Forms HR1, HR2 and HR3. It also substitutes new Forms AN1 and UN1 to make consequential amendments and to follow the layout of the revised Form AP1.

Part 5 provides, subject to an exception, for forms replaced by these rules to be used for a transitional period.

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.