

**2012 No. 2884**

**LAND CHARGES, ENGLAND AND WALES**

**The Land Charges (Amendment) Rules 2012**

*Made* - - - - *12th November 2012*

*Coming into force* - - - *17th December 2012*

The Secretary of State makes the following rules in exercise of the powers conferred by sections 16(1) and 17(1) and (2) of the Land Charges Act 1972(a).

**Citation and commencement**

1. These rules may be cited as the Land Charges (Amendment) Rules 2012 and shall come into force on 17th December 2012.

**Interpretation**

2. In these rules “the principal rules” means the Land Charges Rules 1974(b), and in the Schedules to these rules (other than in respect of the reference note at the head of each Schedule) a reference to a rule by number is a reference to the rule so numbered in the principal rules.

**Amendments to the principal rules**

3. The rules in, and Schedule 1 to, the principal rules are amended as set out in Schedule 1.

4. In Schedule 2 to the principal rules—

- (a) substitute for Form K9 the form set out in Schedule 2,
- (b) omit Form K14, and
- (c) for the word “solicitor” in each place where it occurs in a form, substitute “conveyancer”.

5. For Schedule 3 to the principal rules substitute the schedule set out in Schedule 3.

Signed by the authority of the Secretary of State

12th November 2012

*Michael Fallon*  
Minister of State for Business and Enterprise  
Department for Business, Innovation and Skills

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(a) 1972 c. 61. The functions of the Lord Chancellor under the Land Charges Act 1972 were transferred to the Secretary of State by article 3(1) of, and paragraph 2 of Schedule 1 to, the Transfer of Functions (Her Majesty’s Land Registry, the Meteorological Office and Ordnance Survey) Order 2011 (S.I. 2011/2436). One of the transferred functions was the making of general rules under section 16(1), which was amended by paragraph 3 of Schedule 2 to the Order.

(b) S.I. 1974/1286, amended by S.I. 1990/485, 1991/2684, 1994/287, 1995/1355, 2005/1981.

## PART 1

## AMENDMENTS TO RULES IN THE PRINCIPAL RULES

**Amendments to rule 2****1.** In rule 2(2)—

- (a) at the end of the definition of “county” add “but does not include a unitary authority area”,
- (b) after the definition of “day” insert—
  - ““district” includes—
  - (a) a London borough, and
  - (b) the City of London,
  - but does not include a unitary authority area;”,
- (c) for the definition of “principal office” substitute—
  - ““principal office” means the office of the registry specified in a direction pursuant to section 17(2) of the Act;”, and
- (d) after the definition of “relevant particulars” insert—
  - ““unitary authority area” means—
  - (a) a county for which there are no district councils,
  - (b) a district in an area for which there is no county council,
  - (c) a county or county borough in Wales,
  - (d) the Isles of Scilly.”.

**Amendment to rule 3****2.** For rule 3(2) substitute—

“Subject to rule 20(3), any person may, upon completion of Form K21 and on payment of the prescribed fee, inspect an entry in the register at the principal office.”.

**Amendment to rules 4 and 5****3.** At the beginning of rules 4 and 5 insert “Subject to rule 20(3),”.**Revocation of rule 6****4.** Rule 6 is revoked.**Amendment to rule 8**

**5.** In rule 8(1), after “principal office” insert “or by the registrar under the provisions of any relevant notice given under Schedule 3, in either case”.

**Amendment to rules 10, 11 and 12****6.** At the beginning of rules 10, 11 and 12 insert “Subject to rule 20(3),”.

**Amendment to rule 13**

7. In rule 13 omit paragraph (2).

**Amendment to rule 14**

8. At the beginning of rule 14(3) insert “Subject to rule 20(3),”.

**New rule 16**

9. For rule 16 substitute—

“16. Subject to rule 20(3), an application for an official search in the index pursuant to section 10(1) shall be made in Form K15 or K16 whichever is appropriate.”.

**Amendment to rule 17**

10. At the beginning of rule 17(1) insert “Subject to rule 20(6),”.

**Revocation of rule 18**

11. Rule 18 is revoked.

**New rule 19**

12. For rule 19 substitute—

“19. Subject to rule 20(3), an application for an office copy of an entry in a register shall be made in Form K19.”.

**Amendment to rule 19A**

13. In rule 19A(1), after “Schedule 2” insert “, or provide the particulars referred to in rule 20(3),”.

**New rule 20**

14. For rule 20 substitute—

“20.—(1) Subject to paragraph (3), applications under the Act or these Rules shall be sent by prepaid post or document exchange, or be delivered by hand, to the principal office.

(2) Subject to paragraph (3), every such application shall be accompanied by the prescribed fee, unless that fee is debited by the registrar to a credit account, or there exists an agreement with the registrar allowing payment of the fee by direct debit or other means.

(3) Any application or priority notice under the Act or these Rules may, during the currency of a relevant notice given under Schedule 3, and subject to and in accordance with the limitations contained in that notice, be made or given by any means of communication other than post, document exchange or delivery by hand, and the applicant must provide such of the particulars required for an application of that type or for a priority notice as are appropriate in the circumstances and as are required by the notice.

(4) Notwithstanding the provisions of paragraph (3), the registrar may, at the registrar’s discretion, refuse to accept an application made by means of communication other than post, document exchange or delivery by hand.

(5) Paragraph (4) does not apply to applications to which section 10(1)(b) applies.

(6) Any certificates or other results, or acknowledgements of applications under the Act or these rules may, during the currency of a relevant notice given under Schedule 3, and

subject to and in accordance with the limitations contained in that notice, be issued by any means of communication other than post or document exchange.

(7) Where information is issued under paragraph (6) it must be to like effect to that which would have been provided had the information been issued in paper form.”.

#### **Amendment to rule 21**

15. In rule 21, after “form” insert “or a relevant notice given under Schedule 3”.

#### **Amendment to rule 23**

16. At the beginning of rule 23 insert “Subject to rules 20(6) and (7),”.

#### **Amendment to rule 24**

17. After rule 24(2) insert—

“(3) In the prescribed forms, “conveyancer” means—

- (i) an authorised person entitled to carry on the relevant reserved instrument activities in accordance with the regulatory arrangements of the relevant approved regulator or licensing authority, as the case may be,
- (ii) an individual or body who employs, or being a body has among its managers, at least one authorised person entitled to carry on the relevant reserved instruments activities and who will carry on or direct and supervise the carrying on of the relevant reserved instrument activities as such employee or manager, in accordance with the regulatory arrangements of the relevant approved regulator or licensing authority, as the case may be, or
- (iii) a person who carries on the relevant reserved instrument activities in the course of that person’s duty as a public officer.

(4) For the purposes of the definition in paragraph (3)—

- (i) “authorised person” has the same meaning as in section 18 of the Legal Services Act 2007<sup>(a)</sup>,
- (ii) “licensing authority” has the same meaning as in section 73 of the Legal Service Act 2007,
- (iii) “manager” has the same meaning as in section 207 of the Legal Services Act 2007,
- (iv) “regulatory arrangements” has the same meaning as in section 21 of the Legal Services Act 2007,
- (v) “relevant approved regulator” has the same meaning as in section 20 of the Legal Services Act 2007,
- (vi) “relevant reserved instrumentation activities” means the reserved instrument activities set out in paragraph 5(1)(a) and (b) of Schedule 2 to the Legal Services Act 2007.”.

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(a) 2007 c. 29.

## PART 2

### AMENDMENTS TO SCHEDULE 1 TO THE PRINCIPAL RULES

#### **Amendment to heading**

**18.** At the head of Schedule 1 to the principal rules insert the reference note “Rule 2”.

#### **Amendment to relevant particulars**

**19.** In the “Relevant Particulars” column of paragraphs 1(v), 2(a)(v), 3(a)(v), and 4(iv) of Schedule 1 to the principal rules, after “district” insert “, or unitary authority area,”.

## SCHEDULE 2

Rule 4

### SUBSTITUTED FORM K9 IN SCHEDULE 2 TO THE PRINCIPAL RULES

<p><b>Important:</b> Please read the notes overleaf before completing the form.</p>	<p><b>Form K9</b>                      <b>Land Charges Act 1972</b></p> <p><b>Application for the rectification of an entry in the register</b></p>	<p><b>Fee panel</b> Place "X" in the appropriate box. See Note 1 overleaf.</p> <p><input type="checkbox"/> A cheque or postal order for the correct fee accompanies this application.</p> <p><input type="checkbox"/> Please debit our Credit Account with the appropriate fee payable.</p> <p><input type="checkbox"/> Please debit our Direct Debit under an authorised agreement with Land Registry.</p>												
<p>Enter full name(s) and address(es) of applicant(s). <i>(See Note 2 overleaf)</i></p>	<p><b>Particulars of applicant(s)</b></p>													
<p>Delete words in italics which are not applicable.</p>	<p><b>Certificate</b> I/We as conveyancer(s) acting for the above-mentioned applicant(s) hereby apply for the rectification of an entry in the Register as shown below:-</p> <p>I/We certify that:-</p> <p>(a) <i>the applicant is the person entitled to the benefit of the entry, and is named as the chargee in the original registration.</i></p> <p>(b) <i>the applicant is the successor in title to the original chargee, and evidence of the applicant's title is enclosed.</i></p> <p>(c) <i>The Estate Owner's title is not registered at the Land Registry.</i></p> <p>Signature (or attested seal of company) _____ Date _____ Address _____</p>													
	<p><b>Details of rectification</b> Current entry</p> <p>Entry required</p> <p style="text-align: right;"><i>(Continue on form K10 if necessary)</i></p>													
<p>Delete words not applicable.</p>	<p><b>Particulars of entry</b></p> <p>Land Charge (Class                  Sub Class                  ) Pending Action Writ or order Deed of Arrangement</p>	<p>Insert number and date of original registration</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Official reference no.</td> <td style="width: 50%;">Date of registration <i>(See Note 3 overleaf)</i></td> </tr> <tr> <td></td> <td style="text-align: center;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 25%;">Day</th> <th style="width: 25%;">Month</th> <th style="width: 25%;">Year</th> <th style="width: 25%;"></th> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> <td></td> </tr> </table> </td> </tr> </table>	Official reference no.	Date of registration <i>(See Note 3 overleaf)</i>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 25%;">Day</th> <th style="width: 25%;">Month</th> <th style="width: 25%;">Year</th> <th style="width: 25%;"></th> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> <td></td> </tr> </table>	Day	Month	Year					
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<p>Only one individual or body to be entered. <i>(See Note 4 overleaf)</i> <i>(See Note 5 overleaf)</i></p>	<p><b>Particulars of estate owner</b></p> <p>Forename(s) Surname</p>													
<p>----- <b>Conveyancer's name and address (including postcode)</b> If no conveyancer is acting enter applicant's name and address (including postcode). <i>(See Notes 6 and 7 overleaf)</i></p>	<p><b>Key number</b>                    -----  </p> <p>Conveyancer's reference:</p>	<p><b>For official use only</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">1</td> <td style="width: 33%; text-align: center;">2</td> <td style="width: 33%; text-align: center;">3</td> </tr> <tr> <td style="text-align: center;">*C</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">4</td> <td style="text-align: center;">5</td> <td style="text-align: center;">6</td> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> </tr> </table>	1	2	3	*C			4	5	6			
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### Explanatory Notes

The following notes are supplied for assistance in making the application overleaf. Detailed information for the making of all kinds of applications to the Land Charges Department is contained in Practice Guide 63 – *Land Charges – Applications for registration, official search, office copy and cancellation*, which is obtainable on application at the address shown below.

- Fee payable 1. Fees must be paid by credit account, by Direct Debit under an authorised agreement with Land Registry or by cheque or postal order made payable to “Land Registry” (see the Practice Guide referred to above).
- Form completion 2. Please complete the form in **block letters** in writing or typewriting using black ink not liable to smear. No covering letter is required and no plan or other supporting document should be sent with the application.
- Date of original registration 3. Complete all boxes and refer to month by three letters eg:
- | Day |   | Month |   |   | Year |   |   |   |
|-----|---|-------|---|---|------|---|---|---|
| 0   | 4 | S     | E | P | 1    | 9 | 8 | 1 |
- Particulars of the estate owner 4. Please give the full name of the estate owner or debtor as currently entered on the register. Enter forename(s) and surname on separate lines. The name of the company or other body should commence on the forename line and may continue on the surname line (the words “Forename(s) and “Surname” should be deleted).
- Key number 5. If you have been allocated a key number, please take care to enter this in the space provided overleaf, whether or not you are paying fees through your credit account or by Direct Debit.
- Conveyancers reference 6. Any reference should be limited to 25 characters (including oblique strokes and punctuation).
- Despatch of form 7. When completed, this application form should be despatched to the address shown below which is printed in a position to fit within a standard window envelope.

**The Superintendent  
Land Charges Department  
Registration Section  
Seaton Court, 2 William Prance Road,  
PLYMOUTH PL6 5WS  
DX 8249 PLYMOUTH (3)**

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## SCHEDULE 3

Rule 5

### SUBSTITUTED SCHEDULE 3 TO THE PRINCIPAL RULES

## “SCHEDULE 3

Rule 20(3)

### NOTICES PUBLICISING ARRANGEMENTS FOR ELECTRONIC AND OTHER MODES OF DELIVERY OF APPLICATIONS AND OTHER MATTERS

1. If the registrar is satisfied that adequate arrangements have been made or will be in place for dealing with applications, priority notices, certificates, acknowledgements or other results of applications under the Act or these Rules by means other than post, document exchange or delivery by hand, the registrar may, in such manner as the registrar thinks appropriate, give notice publicising the arrangements.

2. Subject to paragraphs 3, 4 and 5, a notice given under paragraph 1 will be current from the time specified in the notice until the time, if any, specified in the notice or if no expiry date is specified, indefinitely.

3. A notice given under paragraph 1 may from time to time be varied, suspended, withdrawn, renewed or replaced by a further notice.

4. If and so long as, owing to the breakdown or other unavailability of facilities or data involved in giving effect to the arrangements made for dealing with applications or certificates and results covered by a notice given under paragraph 1, such arrangements cease in whole or in part to be effective, the notice shall cease to be treated as current so far as relevant.

5. Paragraph 4 will apply despite the absence of a variation, suspension or withdrawal of the notice under paragraph 3.”



## EXPLANATORY NOTE

*(This note is not part of the rules)*

These rules amend the Land Charges Rules 1974 (S.I. 1974/1286) (the principal rules), which make detailed provision for the keeping of the registers relating to unregistered land in England and Wales, and the procedures and forms for registration and searches in the Land Charges Department. The registers are those required by the Land Charges Act 1972 (c. 61) to be kept by the registrar of HM Land Registry.

Rules 3 to 7 and Schedules 1 to 4 make amendments to the principal rules, in particular they—

- (a) add reference to, and a definition of, “unitary authority area”, with a consequential amendment to the definition of “county” and the addition of a definition of “district”,
- (b) update the definition of “principal office”,
- (c) revoke rule 6 and Form 14 of the principal rules, which required a statutory declaration to accompany most applications that are not made by a practising solicitor,
- (d) omit rule 13(2) of the principal rules under which the registrar could require a separate certificate that the land affected by an application is not registered,
- (e) enable any land charges application or its result to be delivered electronically, or by other means (in addition to post, document exchange or personal delivery), if the registrar is satisfied that adequate arrangements will be in place, and the registrar has issued a notice publicising the arrangements,
- (f) make provisions about such notices,
- (g) add a definition of “conveyancer” for the purpose of land charges prescribed forms, and
- (h) substitute a new Form K9 (application for the rectification of an entry in the Land Charges register).

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Project Team Leader, Level 4 Block B, Land Registry Durham Office, Southfield House, Southfield Way, Durham, DH1 5TR and is annexed to the Explanatory Memorandum which is available alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

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STATUTORY INSTRUMENTS

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