

SCHEDULE 1

Rule 3

AMENDMENTS TO PARTS 2 TO 10 AND 13 TO 16 OF THE PRINCIPAL RULES

Amendment to rule 12

1. In rule 12(4), after “include” add “an application made under rule 11(3),”.

New rule A13

2. Before rule 13 insert—

“Application for a network access agreement

A13. This Part does not apply to applications for a network access agreement under paragraph 1(4) of Schedule 5 to the Act.”

Amendment to rule 13

3. For rule 13(2)(c) substitute “an application to register an electronic disposition of a kind for which a registrar’s notice has been given under rule 54C.”

Amendment to rule 14

4. In rule 14, omit “(other than an outline application under rule 54)”.

Amendment to rule 15

5. In rule 15(3)(a) after “or” add “, if no such order subsists, to the registrar under the provisions of any relevant direction by the registrar under section 100(4) of the Act as to the address to be used for the delivery of applications, or”.

Amendments to rules 16, 31, 53, 55, 86, 92, 119, 189, 197, 201, 202 and 218

6. For “business” substitute “working” wherever it appears in the following rules: 16(1), 31(2), 53(1), (3) and (4), 55(4), 86(3), (5) and (6), 92(9), 119(3), 189, 197(2), 201(5), 202(3) and (8), and 218 (definition of “the notice period”).

Amendments to rule 19

7. In rule 19(3)—

- (1) At the end of paragraph (b) for “, or” substitute a full stop.
- (2) Omit paragraph (c).

8. In rule 19(4) after the first “electronic address” omit “and the fax number”, and after the second “electronic address” omit “or fax number”.

9. At the end of rule 19(6) add “, or, if no such order subsists, the address stated in any relevant direction by the registrar under section 100(4) of the Act as to the address to be used for the delivery of objections.”

Revocation of rule 54

10. Omit rule 54.

New rules 54A to D

11. Before rule 55 insert—

“Electronic dispositions

54A. A disposition of a registered estate or charge which is a registrable disposition is a disposition falling within section 91(2) of the Act (electronic dispositions).

54B. The following are conditions to be met for the purpose of section 91(3)(d) of the Act—

- (a) the document purports to effect a kind of disposition which is specified in a notice given under rule 54C,
- (b) the document, each electronic signature which the document has and the certification of each electronic signature are in accordance with any requirements in such a notice, and,
- (c) such other conditions contained in the notice given under rule 54C as are appropriate to a document of that type.

54C.—(1) If the registrar is satisfied that adequate arrangements have been made or will be in place for dealing with documents in electronic form that purport to effect a disposition of a kind falling within rule 54A, he may, in such manner as he thinks appropriate, give notice publicising the fact.

(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 in the notice, indefinitely.

(3) Subject to paragraph (6), a notice given under paragraph (1) may from time to time be varied, suspended, withdrawn, renewed or replaced by a further notice.

(4) Subject to paragraph (6), if and so long as owing to the breakdown or other unavailability of facilities or data involved in giving effect to the arrangements referred to in paragraph (1), such arrangements cease, in whole or part, to be effective, the notice shall cease, to the necessary extent, to be treated as current.

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

(6) On the occurrence of any of the events mentioned in paragraphs (3) and (4), if a document in electronic form has been prepared and has taken effect, but the disposition effected by it has not been registered, the registrar must make such arrangements as are appropriate for that disposition to be registered.

54D. The notice referred to in rule 54C—

- (a) must specify the kind of dispositions to which it relates, and may specify only one kind of disposition or more than one kind of disposition referred to in rule 54A,
- (b) may make exceptions and limitations to a specified kind of disposition,
- (c) may apply different conditions for each specified kind of disposition.”

Amendment to rule 58

12. At the end of rule 58 add “unless it is effected by an electronic document to which section 91 of the Act applies.”

Amendment to rule 58A

13. In rule 58A, after paragraph (4) add—

“(5) If a prescribed clauses lease is an electronic document to which section 91 of the Act applies, the required wording will be such of the wording in clauses LR1 to LR14 of Schedule 1A, and in such order, as is required by the notice given under rule 54C.

(6) Where the required wording is provided under paragraph (5) it must be to like effect to that which would have been provided had the wording been given in paper form.”

Amendment to rule 81

14. After rule 81(2) add—

“(3) Paragraph (1)(b) does not apply to an application for the entry in the register of an agreed notice in relation to an electronic disposition stored by the registrar, provided that the applicant gives sufficient details of the document effecting the disposition to enable the registrar to identify it.”

Amendment to rule 90

15. At the end of rule 90 add “or Form AN1”.

Amendment to rule 92

16. In rule 92(7)—

(1) In paragraph (b) omit “or in an electronic legal charge”.

(2) At the end of paragraph (e) add “, or”.

(3) After paragraph (e) add—

“(f) in an electronic document to which section 91 of the Act applies where the form of the document (including the application for the restriction) has first been approved by the registrar.”

Amendments to rule 93

17. In rule 93—

(1) In paragraph (y) omit the final “and”.

(2) In paragraph (z) for the full stop substitute a comma.

(3) After paragraph (z) add—

“(aa) a deputy appointed under section 16 of the Mental Capacity Act 2005 with general authority over the property and affairs of a registered proprietor, who is applying for a restriction in Form RR, and

(bb) a trustee of a registered estate or registered charge that requires the consent of the Court of Protection to any disposition, who is applying for a restriction in Form SS.”

Amendment to rule 108

18. In rule 108(3) omit “in an electronic legal charge”.

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Revocation of rule 111A

19. Omit rule 111A.

Amendment to rule 131

20. In rule 131, for the definition of “priority period” substitute—
““priority period” means the period beginning at the time when an application for an official search is entered on the day list and ending at midnight marking the end of the thirtieth working day thereafter.”

Amendments to rule 133

21. In rule 133—
(1) In paragraph (1) after “documents” insert “, or of any part of them,”.
(2) In paragraph (2) after “documents” insert “, and any part of them,”.
(3) After paragraph (10) add—
“(11) A person may apply to inspect and make copies of part of an individual register of title or part of a document only during the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice.”

Amendments to rule 134

- 22.—(1) In the heading to rule 134, after “registered title” insert “or of any part of it”.
(2) After paragraph (7) add—
“(8) A person may apply for an official copy of part of an individual register only during the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice.
(9) The registrar must provide the official copy of part of the individual register in the manner specified in the relevant notice.”

Amendments to rule 135

- 23.—(1) At the end of the heading to rule 135, add “or part of them”.
(2) In paragraph (2) after “documents” insert “, and any part of them,”.
(3) After paragraph (4) add—
“(5) A person may apply for an official copy of part of a document only during the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice.
(6) The registrar must provide the official copy of part of a document in the manner specified in the relevant notice.”

Amendments to rule 140

- 24.—(1) For the italic heading and heading before rule 140 substitute—
“*Inspection, official copies and searches of the index of proprietors’ names in connection with investigation or enforcement proceedings*”

Application in connection with investigation or enforcement proceedings”

(2) For rule 140(1) substitute—

“(1) In this rule—

“qualifying applicant” means a person whom the registrar is satisfied has a statutory power to carry out investigations, or institute enforcement proceedings, or both (for example, but not limited to, a person referred to in Schedule 5),

“appropriate certificate” means the certificate set out in Form CIT relating to the statutory powers of the qualifying applicant,

“Form CIT” means the form published from time to time by the registrar under section 100(4) of the Act containing the appropriate certificates for applications made under this rule.”

(3) After rule 140(1) insert—

“(1A) For any application made under this rule, a qualifying applicant must give the registrar the appropriate certificate, or, where rule 132 applies, an equivalent certificate in accordance with a notice given under Schedule 2.

“(1B) Where the registrar is satisfied that a person is a qualifying applicant, he must ensure that Form CIT contains an appropriate certificate for that person.”

(4) Omit paragraph 140(5).

Amendments to rule 141

25. In rule 141—

(1) For paragraph (1) substitute—

“(1) In this rule—

(a) “day list information” means information kept by the registrar under rule 12,

(b) “historic day list information” means information that was but is no longer on the day list kept by the registrar under rule 12.”

(2) After paragraph (5) add—

“(6) A person may apply for historic day list information only during the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice.

“(7) The registrar must provide the historic day list information in the manner specified in the relevant notice.”

Amendments to rule 144

26.—(1) In the heading before rule 144—

(a) after “Application for” omit “an”,

(b) for “edition of” substitute “information about”.

(2) In rule 144(1)—

(a) at the end of paragraph (a) omit “or”,

(b) at the end of paragraph (b) add “or”,

(c) after paragraph (b) insert—

“(c) subject to paragraphs (5) and (6), information that was but is no longer on the register,”.

(3) After paragraph (4) add—

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“(5) A person may apply for historical information under paragraph (1)(c) only during the currency of a relevant notice given under Schedule 2, and subject to and in accordance with the limitations contained in the notice.

(6) The registrar must provide the historical information referred to in paragraph (5) in the manner specified in the relevant notice.”

Amendment to rule 162

27. In rule 162(1)(a), for “Justice” substitute “Estates”.

Amendment to rule 163

28. In rule 163—

(1) In paragraph (2)(a), for “Justice” substitute “Estates”, and for “transferor” substitute “applicant”.

(2) In paragraph (2)(b), for “transferor” substitute “applicant”.

Amendments to rule 199

29. In rule 199—

(1) In paragraph (1)(e), after the comma add “or”.

(2) Omit paragraph (1)(f).

(3) Omit paragraph (3).

(4) In the table in paragraph (4) omit—

Fax	The working day after transmission
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Amendment to rule 203

30.—(1) In the heading before rule 203 for “on completion of” substitute “accompanying”.

(2) For rule 203 substitute—

“(1) The registrar may retain all or any of the documents that accompanied any application.

(2) The registrar may destroy any document retained under paragraph (1) if he is satisfied that either—

(a) he has made and retained a sufficient copy of the document, or

(b) further retention of the document is unnecessary.”

Revocation of rule 204

31. Omit rule 204.

Amendment to rule 205

32. In rule 205 omit “or to which rule 204 applies”.

Amendment to rule 206

33. In rule 206, at the end of rule (4) add “, or given under rule 54C.”

Amendment to rule 214

34. In rule 214—

- (1) Omit sub-paragraphs (b) and (c) of paragraph (2).
- (2) In paragraph (3) omit “also”.

Amendment to rule 216

35. For rule 216 and the italic heading and heading before it, substitute—

“Land Registry – when open for business

Days on which the Land Registry is open for business

216.—(1) Subject to paragraph (2), the land registry shall be open for business daily except on—

- (a) Saturdays, Sundays, Christmas Day and Good Friday, or
- (b) any other day—
 - (i) specified or declared by proclamation under section 1 of the Banking and Financial Dealings Act 1971,
 - (ii) appointed by the Secretary of State, or
 - (iii) certified as an interrupted day under paragraph (5).

(2) If the registrar is satisfied that adequate arrangements have been made or will be in place for opening the land registry for business on any or all of the days referred to in sub-paragraphs (a) and (b) of paragraph (1), he may, in such manner as he considers appropriate, give notice to that effect.

(3) On and after the date specified in any notice given pursuant to paragraph (2), paragraph (1) shall have effect as though the relevant day or days referred to in sub-paragraphs (a) or (b), as specified in the notice, had been omitted.

(4) The date specified in any notice referred to in paragraph (3) must be at least eight weeks after the date of the notice.

(5) The registrar may certify any day as an interrupted day if he is satisfied that on that day there is likely to be—

- (a) a general delay in, or failure of, a communication service in England and Wales, or
- (b) any other event or circumstance,

causing a substantial interruption in the normal operation of the land registry.

(6) The registrar must give notice of any certification under paragraph (5) in such manner as he considers appropriate.

(7) Any certification under paragraph (5) must take place before the start of the day being certified.

(8) In this rule, “communication service” means a service by which documents may be sent and delivered and includes a post service, a document exchange service and electronic communications.

(9) The registrar may make such arrangements as he sees fit for personal attendance by members of the public for the purpose of land registry business on any business day or days, and such attendance may be—

- (a) by appointment only,
- (b) limited to specified times,

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- (c) at a specified office or offices of the land registry or any other specified location,
and
 - (d) limited to specified services,
- and the registrar shall in such manner as he considers appropriate give notice to that effect.”

Amendments to rule 217

36.—(1) In rule 217(1)—

- (a) for the definition of “business day” substitute “ “business day” means a day when the land registry is open for business under rule 216,”
 - (b) omit “electronic legal charge” and its definition.
- (2) In paragraph (3), for “QQ” substitute “SS”.