

SCHEDULE 2

Rule 4

AMENDMENTS TO THE SCHEDULES TO THE PRINCIPAL RULES

PART 1

AMENDMENTS TO FORMS IN SCHEDULE 1 TO THE PRINCIPAL RULES

1. In Schedule 1 to the principal Rules—
 - (1) Omit Form CIT.
 - (2) In Form CN1, in the seventh option listed in Panel 9 (“notice under the Local Government and Housing Act 1989”) omit “not”.
 - (3) In Form ST3, for Panel 11 and its side notes substitute—

Where the estate is an estate in land, include details of the use and actual occupation of the land and/or the receipt of rents and profits. Where it is a rentcharge, specify the payments made, payer, payee, amounts and dates.

Lodge any available evidence, such as rent books or receipts.

Include details of any rights exercised by the legal owner. Where the current legal owner is the personal representative, include details of any rights exercised by the deceased previous legal owner.

Detail any third party rights or claims which may exist.

11a. Evidence of possession

11b. Rights exercised by the legal owner and third party rights or claims

PART 2

AMENDMENT TO SCHEDULE 2 TO THE PRINCIPAL RULES

2. In paragraph 2 of Schedule 2 to the principal Rules, omit sub-paragraph (b).

PART 3

AMENDMENT TO SCHEDULE 4 TO THE PRINCIPAL RULES

3. In Schedule 4 to the principal Rules—
 - (1) For Forms W and X, substitute—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“Form W (Paragraph 4 of Schedule 9A to the Housing Act 1985)

No disposition (except a transfer) of a qualifying dwelling-house (except to a qualifying person or persons) is to be registered without the consent of—

- (a) in relation to a disposal of land in England, the Secretary of State, or
- (b) in relation to a disposal of land in Wales, the Welsh Ministers,

where consent to that disposition is required by section 171D(2) of the Housing Act 1985 as it applies by virtue of the Housing (Preservation of Right to Buy) Regulations 1993.

Form X (Section 81 or 133 of the Housing Act 1988 or section 173 of the Local Government and Housing Act 1989)

No disposition by the proprietor of the registered estate or in exercise of the power of sale or leasing in any registered charge (except an exempt disposal as defined by section 81(8) of the Housing Act 1988) is to be registered without the consent of—

- (a) in relation to a disposal of land in England, the Secretary of State, and
- (b) in relation to a disposal of land in Wales, the Welsh Ministers,

where consent to that disposition is required by [*as appropriate* [section 81 of that Act] *or* [section 133 of that Act] *or* [section 173 of the Local Government and Housing Act 1989]].”

(2) After the end of Form QQ add—

“Form RR (Deputy appointed under section 16 of the Mental Capacity Act 2005 – solely owned property)

No disposition during the lifetime of [*name of person who lacks capacity*] of the [registered estate] [registered charge dated [*date*]] is to be completed by registration unless made pursuant to an order of the court under the Mental Capacity Act 2005.

Form SS (Trustee appointed in place of a person who lacks capacity – jointly owned property)

No disposition of the [registered estate] [registered charge dated [*date*]] made during the lifetime of [*name of person who lacks capacity*] is to be completed by registration without the written consent of the Court of Protection.”

PART 4

AMENDMENTS TO SCHEDULE 5 TO THE PRINCIPAL RULES

4. For Schedule 5 to the principal Rules and its heading and italic heading substitute—

“APPLICATIONS IN CONNECTION WITH INVESTIGATION OR ENFORCEMENT PROCEEDINGS – QUALIFYING APPLICANTS

Status of applicant

An accredited financial investigator falling within section 378(1)(b) of the Proceeds of Crime Act 2002

An accredited financial investigator falling within section 378(4)(a) of the Proceeds of Crime Act 2002

An Administrator appointed for the purposes of the Insolvency Act 1986

An Administrator appointed under section 13 of the Criminal Justice (Scotland) Act 1987

An authorised person within the meaning of section 108(15) of the Environment Act 1995

A Chief Officer of Police or a police officer authorised to apply on behalf of a Chief Officer

A person authorised to apply by the Commissioners for Her Majesty's Revenue and Customs and having the consent of the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal, to make the application

A constable

The Director of Public Prosecutions or a member of the Crown Prosecution Service authorised to apply on behalf of the Director

The Director of the Serious Fraud Office or a member of the Serious Fraud Office authorised to apply on behalf of the Director

The Director General of the National Crime Agency or a National Crime Agency officer authorised to apply on behalf of the Director General

The Director-General of the Security Service or a member of the Security Service authorised to apply on behalf of the Director-General

A Head of Department in the Enforcement and Financial Crime Division of the Financial Conduct Authority or a member of staff of the Financial Conduct Authority authorised to apply on behalf of a Head of Department

The Head of Regulatory Action in the Prudential Regulation Authority or a member of staff of the Prudential Regulation Authority authorised to apply on behalf of the Head of Regulatory Action

A Liquidator appointed for the purposes of the Insolvency Act 1986

The Lord Advocate or a person conducting a prosecution in Scotland on behalf of the Lord Advocate

An officer of Revenue and Customs

The Official Assignee for bankruptcy for Northern Ireland or the Official Assignee for company liquidations for Northern Ireland

An Official Receiver for the purposes of the Insolvency Act 1986

A Receiver appointed under the Criminal Justice Act 1988, the Drug Trafficking Act 1994 or the Proceeds of Crime Act 2002

The Scottish Ministers or a person named by them

A person authorised by the Secretary of State for Business, Energy and Industrial Strategy

A person authorised by the Secretary of State for Work and Pensions

A person authorised to apply on behalf of the Bank of England (acting otherwise than in its capacity as the Prudential Regulation Authority)

A trustee in bankruptcy, being either a trustee in bankruptcy of a person adjudged bankrupt in England and Wales or Northern Ireland or a permanent or interim trustee in the sequestration of a debtor's estate in Scotland

A person authorised to apply on behalf of a Fire Authority in England and Wales

A person authorised to apply on behalf of the Charity Commission"

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PART 5

AMENDMENT TO SCHEDULE 6 TO THE PRINCIPAL RULES

5. In Part 3 of Schedule 6 to the principal Rules (Information to be included in the result of an official search of an individual register of a registered title), for “end” in paragraph F substitute “beginning”.

PART 6

AMENDMENT TO SCHEDULE 9 TO THE PRINCIPAL RULES

6. In Schedule 9 to the principal Rules for paragraph E substitute—

E. Where the instrument is to be executed on behalf of an overseas company without using a common seal—

Executed as a deed by (name of company), a company incorporated in (territory), acting by (full name(s) of person(s) signing), who, in accordance with the laws of that territory, [is][are] acting under the authority of the company.

Signature in the name of the company

Signature of Authorised
[signatory][signatories]

Note: In the case of an overseas company having a common seal, the form of execution appropriate to a company registered under the Companies Acts may be used, with such adaptations as may be necessary, in place of execution by a person or persons acting under the authority of the company.

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