
STATUTORY INSTRUMENTS

1992 No. 3005

LAND REGISTRATION, ENGLAND AND WALES

The Land Registration (Charities) Rules 1992

Made - - - - - *13th November 1992*
Laid before Parliament *9th December 1992*
Coming into force - - - *1st January 1993*

The Lord Chancellor, with the advice and assistance of the Rule Committee appointed in pursuance of section 144 of the Land Registration Act 1925(1), in exercise of the powers conferred on him by that section and sections 33 and 35 of the Charities Act 1992(2), hereby makes the following rules:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Land Registration (Charities) Rules 1992 and shall come into force on 1st January 1993.

(2) In these Rules:

- (a) “the principal rules” means the Land Registration Rules 1925(3);
- (b) a rule referred to by number means the rule so numbered in the principal rules.

Additions to definitions in the principal rules

2. In rule 1 of the principal rules the following paragraphs shall be inserted after paragraph (5C):

“(5D) “Charity” and “charity trustees” have the same meaning as in sections 45(1) and 46 of the Charities Act 1960(4) respectively.

(5E) “the official custodian” means the official custodian for charities.

(5F) “Exempt charity” has the same meaning as in section 45(1) of the Charities Act 1960.”

(1) 1925 c. 21 which was amended by paragraph (d) of Schedule 5 to the Administration of Justice Act 1982 (c. 53) and the reference to the Ministry of Agriculture Fisheries and Food was substituted by the Transfer of Functions (Ministry of Food) Order 1955 (S.I. 1955/554).
(2) 1992 c. 41.
(3) S.R. & O 1925/1093 to which there have been no relevant amendments.
(4) 1960 c. 58.

New rule 60

3.—(1) The following rule shall be substituted for rule 60:

“Applications for first registration of land held by or in trust for a charity

60.—(1) Any application under sections 4 and 8 of the Act for first registration of land held by or in trust for a charity shall be made by the charity trustees or, where the charity is a company or other body corporate, by that company or other body corporate.

(2) Paragraph (1) above applies to an application for the registration as proprietor of:

- (a) the charity trustees;
- (b) the charity;
- (c) the official custodian;
- (d) any other trustee for the charity.

(3) Where the person to be registered as proprietor is the official custodian, there shall be produced to the registrar:—

- (a) a certified copy of the order of the court made under section 16(1) of the Charities Act 1960; or
- (b) a certified copy of an order of the Charity Commissioners made under sections 18 or 20 of the Charities Act 1960; or
- (c) a statement by the solicitor to the charity as to the statute which vested the land in the official custodian;

and in every case the address of the charity trustees shall be given to the registrar and, if so desired, the address of the official custodian, for the purposes of rule 315 (addresses for service of notices).

(4) Where the charity trustees have been incorporated under the Charitable Trustees Incorporation Act 1872⁽⁵⁾ the trustees shall produce to the registrar with the application a certified copy of the certificate granted by the Charity Commissioners under section 1 of that Act.

(5) Where the charity is subject to the provisions of the Universities and College Estates Acts 1925 and 1964⁽⁶⁾ the application shall be accompanied by a certificate to that effect.

(6) Where the charity trustees, the charity, the official custodian or other trustee for the charity are registered as proprietor the registrar shall enter the appropriate restriction in the register.

(7) In this rule the appropriate restriction means:—

- (a) in the case of a charity which is not an exempt charity, a restriction in form 12;
- (b) in the case of an exempt charity which is not subject to the Universities and College Estates Acts 1925 and 1964, a restriction in form 12A;
- (c) in the case of an exempt charity which is subject to the Universities and College Estates Acts 1925 and 1964, a restriction in form 12B;
- (d) where the title concerned is a rentcharge, a restriction in form 12C;
- (e) in the case of land vested in the official custodian under section 20 of the Charities Act 1960, a restriction in form 12D.”

⁽⁵⁾ 34 & 35 Vict., c.26, which was amended by section 48 of and Schedule 4 to the Charities Act 1992.

⁽⁶⁾ 15 & 16 Geo. 5, c.24 and 1964 c. 51.

(2) Form 12 in the Schedule to these rules shall be substituted for Form 12 in the Schedule to the principal rules, and forms 12A, 12B, 12C, 12D in the Schedule to these rules shall be inserted immediately after form 12 in the Schedule to the principal rules.

New rule 61

4. The following rule shall be substituted for rule 61:

“Statements to be contained in instruments effecting a disposition in favour of a charity

61. The statement required by section 33(5) of the Charities Act 1992 to be inserted into any conveyance, lease or other instrument to which section 123(1) of the Act applies and which will result in land being held by or in trust for a charity shall be in the following form:

“The land conveyed [*or as the case may be*] will, as a result of this conveyance [*or as the case may be*], be held by or in trust for the [*named*] charity and *either* the charity is an exempt charity *or* the charity is not an exempt charity and the restrictions on disposition imposed by section 32 of the Charities Act 1992 will apply to the land (subject to subsection (9) of that section).”

New rule 62

5. The following rule shall be substituted for rule 62:

“Statements to be contained in instruments effecting a disposition by a charity

62. The statement required by section 33(1) of the Charities Act 1992 to be inserted into any conveyance, lease or other instrument to which section 123(1) of the Act applies effecting a disposition of unregistered land held by or in trust for a charity shall be in the following form:

“The land conveyed [*or as the case may be*] is held by or in trust for a charity by the vendor [*or as the case may be*] and
the charity is an exempt charity

or

the charity is not an exempt charity and the conveyance [*or as the case may be*] is one falling within paragraph [*(a), (b) or (c) as the case may be*] of subsection (9) of section 32 of the Charities Act 1992

or

the charity is not an exempt charity and the restrictions on disposition imposed by section 32 of the Charities Act 1992 apply to the land (subject to subsection (9) of that section).”

New rule 122

6. The following rule shall be substituted for rule 122:

“Dispositions in favour of a charity

122.—(1) A disposition or dealing in favour of a charity shall comply with this rule.

(2) The statement required by section 33(5) of the Charities Act 1992 to be inserted into any instrument effecting a disposition which will result in the land being held by or in trust for a charity shall be in the following form:

“The land transferred [*or as the case may be*] will, as a result of this transfer [*or as the case may be*], be held by or in trust for the [*named*] charity and *either* the charity is an exempt charity *or* the charity is not an exempt charity and the restrictions on disposition imposed by section 32 of the Charities Act 1992 will apply to the land (subject to subsection (9) of that section).”

(3) Where the charity trustees have been incorporated under the Charitable Trustees Incorporation Act 1872 they shall be described in the instrument effecting the disposition as:

“a body corporate under the Charitable Trustees Incorporation Act 1872”

(4) Where the charity is subject to the provisions of the Universities and College Estates Acts 1925 and 1964 the instrument effecting the disposition shall contain the following statement:

“The provisions of the Universities and College Estates Acts 1925 and 1964 apply to the charity”.

New rule 123

7. The following rule shall be substituted for rule 123:

“Applications for the registration of dispositions or dealings with titles to be held by or in trust for a charity

123.—(1) Any application to register a disposition of land under sections 19, 22 or 26 of the Act which, when registered, will be held by or in trust for a charity shall be made by the charity trustees or, where the charity is a company or other body corporate, by that company or other body corporate.

(2) Paragraph (1) above applies to an application for the registration of:

- (a) the charity trustees;
- (b) the charity;
- (c) the official custodian;
- (d) any other trustee for the charity.

(3) Where the person to be registered as proprietor is the official custodian, there shall be produced to the registrar:—

- (a) a certified copy of an order of the court made under section 16(1) of the Charities Act 1960; or
- (b) a certified copy of an order of the Charity Commissioners made under sections 18 or 20 of the Charities Act 1960;

and the address of the charity trustees shall be stated in the application and, if so desired, that of the official custodian, for the purposes of rule 315 (addresses for service of notices).

(4) Where the charity trustees have been incorporated under the Charitable Trustees Incorporation Act 1872 the trustees shall produce to the registrar with the application a certified copy of the certificate granted by the Charity Commissioners under section 1 of that Act.

(5) Where the charity trustees, the charity, the official custodian or any other trustee for the charity, are registered as proprietor the registrar shall enter the appropriate restriction in the register.

- (6) In this rule the appropriate restriction means:—
- (a) in the case of a charity which is not an exempt charity, a restriction in form 12;
 - (b) in the case of an exempt charity which is not subject to the Universities and College Estates Acts 1925 and 1964, a restriction in form 12A;
 - (c) in the case of an exempt charity which is subject to the Universities and College Estates Acts 1925 and 1964, a restriction in form 12B;
 - (d) where the title concerned is a rentcharge, a restriction in form 12C;
 - (e) in the case of land vested in the official custodian under section 20 of the Charities Act 1960, a restriction in form 12D.

(7) The registrar may, before completing the registration, require the production of a certified copy of the charitable trust deed, will, statute, memorandum or articles of association, order of the court or of the Charity Commissioners or other instrument or direction defining the trusts under which the title will be held.”

New rule 124

8. The following rule shall be substituted for rule 124:

“Duties of charity trustees and others to make applications where a registered title is held by or in trust for a charity

124.—(1) In this rule the expression “the appropriate restriction” has the same meaning as in rule 123(6).

(2) Where registered land not previously held by or in trust for a charity becomes so held, the charity trustees or the charity shall apply for the appropriate restriction to be entered.

(3) Where a registered proprietor is a company or other body corporate which becomes a charity it shall apply for the appropriate restriction to be entered.

(4) Where registered land is held by or in trust for a charity which becomes an exempt charity, the charity trustees or the charity shall apply for the appropriate restriction to be entered.

(5) Where, under rule 131, the registrar enters as proprietor a person who is or holds on trust for a charity the registrar shall also enter the appropriate restriction.

(6) Where in relation to a charity or charity trustees the Charity Commissioners have taken any action under the provisions of section 20(1), (1A) or (3) of the Charities Act 1960 they may apply for the entry of a restriction in Form 12D on the register of any title held by or in trust for that charity.”

New rule 128

9. The following rule shall be substituted for rule 128:

“Dispositions and other dealings by a charity

128.—(1) A disposition or dealing by a charity shall comply with the requirements of this rule.

(2) The statement required by section 33(1) of the Charities Act 1992 to be inserted into any instrument effecting a disposition of registered land held by or in trust for a charity (other than a charge of registered land) shall be in the following form:

“The land transferred [*or as the case may be*] is held by or in trust for a charity by the proprietor and

the charity is an exempt charity

or

the charity is not an exempt charity and the transfer [*or as the case may be*] is one falling within paragraph [(a), (b) or (c) as the case may be] of subsection (9) of section 32 of the Charities Act 1992

or

the charity is not an exempt charity and the restrictions on disposition imposed by section 32 of the Charities Act 1992 apply to the land (subject to subsection (9) of that section).”

(3) The statement required by section 35(1) of the Charities Act 1992 to be inserted into any charge of registered land held by or in trust for a charity shall be in the following form:

“The land charged is held by or in trust for a charity by the proprietor and

the charity is an exempt charity

or

the charity is not an exempt charity and the charge is one falling within subsection (5) of section 34 of the Charities Act 1992

or

the charity is not an exempt charity and the charge is one to which the restrictions imposed by section 34 of the Charities Act 1992 apply”.

Revocation

10. Rules 129, 130, 132 and 260 of the principal rules and Form 36 in the Schedule to the principal rules are hereby revoked.

Dated 13th November 1992

Mackay of Clashfern, C.

THE SCHEDULE

FORM 12 — Restriction applicable to a charity which is not an exempt charity. (Rules 60(7) and 123(6))

Except under an order of the registrar no disposition or dealing by the proprietor of the land is to be registered unless the instrument giving effect to it contains a certificate complying with section 33(2) or, in the case of a charge, with section 35(2) of the Charities Act 1992.

FORM 12A — Restriction applicable to an exempt charity to which the Universities and College Estates Act 1925 and 1964 do not apply. (Rules 60(7) and 123(6))

Except under an order of the registrar no disposition or dealing by the proprietor of the land is to be registered unless it is authorised by the trusts of the charity or by some Act or other authority.

FORM 12B — Restriction applicable to an exempt charity which is subject to the Universities and College Estates Acts 1925 and 1964. (Rules 60(7) and 123(6)).

Except under an order of the registrar no disposition or dealing with the land by the proprietor may be registered unless it is authorised by the trusts of the charity or by the Universities and College Estates Acts 1925 and 1964 and any necessary consents have been obtained.

FORM 12C — Restriction applicable to a charity where the title concerned is a rentcharge. (Rules 60(7) and 123(6))

Except under an order of the registrar no disposition or dealing by the proprietor of the rentcharge is to be registered unless (a) the instrument giving effect to it contains a certificate complying with section 33(2) or, in the case of a charge, with section 35(2) of the Charities Act 1992; or (b) the instrument is a transfer by way of release of a rentcharge under the provisions of section 37(1) of the Charities Act 1992; or (c) it is a redemption of a rentcharge under sections 8 to 10 of the Rentcharges Act 1977.

FORM 12D — Restriction applicable in the case of land vested in the official custodian under section 20 of the Charities Act 1960. (Rules 60(7) and 123(6))

Except under an order of the registrar no disposition or dealing with the land is to be registered or noted without the consent of the Charity Commissioners as required under the provisions of section 17(2A) of the Charities Act 1960.

EXPLANATORY NOTE

(This note does not form part of the Rules)

These Rules give effect, by substituting new rules 60, 61, 62, 122, 123, 124 and 128 for those rules in the Land Registration Rules 1925, to the provisions of the Charities Act 1992, so far as that Act affects registration of title to land held by or in trust for charities. The new rules also include provisions consequential on those parts of the Charities Act 1960 which affect dealings in land and which are not repealed or replaced by the Charities Act 1992.

The Rules set out the evidence that must be supplied when application is made to register a disposition either by or in favour of a charity. Separate provision is made in each case for applications for first registration and for applications to register dealings with registered land. The Rules also prescribe the statements required by sections 33(1), 33(5) and 35(1) of the Charities Act

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1992 to be included in conveyances, leases, charges, transfers or other instruments together with certain additional statements where the charity is a body corporate under the Charitable Trustees Incorporation Act 1872 or is a charity to which the Universities and College Estates Acts 1925 and 1964 apply. The Rules prescribe the duty of charities to apply for appropriate restrictions to be entered on the register where the land becomes held in trust for a charity and there is no change in ownership, where the land is vested in a charity otherwise than on a disposition or where a change in the status of the charity occurs.

Where charity trustees, a charity which is a body corporate, the official custodian for charities or any other trustees for a charity are registered as proprietors the Chief Land Registrar must enter the appropriate restriction set out in the Schedule to the Rules. The existing form 12 restriction for charities which are not exempt charities within the meaning of the Charities Act 1960 is replaced by a new form 12 and further restrictions are prescribed: Form 12A for exempt charities not subject to the provisions of the Universities and College Estates Acts; Form 12B for those that are so subject; Form 12C for a rentcharge title owned by a charity and Form 12D in cases where the Charity Commissioners have taken action under section 20 of the Charities Act 1960 (power to act for protection of charities) and have made application for the restriction against any title owned by that charity.

Rules 129, 130, 132 and 260 of the Land Registration Rules 1925 are revoked. Form 36 (Transfer of land for Charitable Uses) in the Schedule is also revoked. Transfers and other instruments relating to registered land where one of the parties is a charity may now be in any of the appropriate prescribed forms under the 1925 Rules.