
STATUTORY INSTRUMENTS

1995 No. 1355

LAND CHARGES

The Land Charges (Amendment) Rules 1995

Made - - - - - *22nd May 1995*

Coming into force - - - - - *1st July 1995*

The Lord Chancellor, in exercise of the powers conferred on him by sections 10(1)(b), 16(1) and 17(1) of the Land Charges Act 1972(1), hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Land Charges (Amendment) Rules 1995 and shall come into force on 1st July 1995.

Interpretation

2. In these Rules a rule referred to by number means a rule so numbered in the Land Charges Rules 1974(2).

Amendment to rule 16

3. There shall be substituted for paragraph (5) of rule 16 the following paragraph:

“(5) An application for an official search in the index may be made to the registrar by means of an applicant’s remote terminal communicating with the registrar’s computer in accordance with section 10(1)(b) (a requisition communicated by teleprinter, telephone or other means) and if so made the applicant shall provide, in such order as may be requested, such of the particulars as are appropriate and are required for an application made in Form K15 or K16.”

Amendment to rule 19

4. There shall be substituted for paragraph (5) of rule 19 the following paragraph:

“(5) Where the applicant has a credit account and the prescribed fee is debited by the registrar to that account, an application for an office copy of an entry in a register may also be made to the registrar by means of the applicant’s remote terminal communicating with

(1) 1972 c. 61; sections 3, 5 and 6 were amended by the Law of Property (Miscellaneous Provisions) Act 1994 (c. 36), section 15.
(2) S.I.1974/1286; relevant amending instruments are S.I. 1990/485; S.I. 1994/287.

the registrar's computer and if so made the applicant shall provide, in such order as may be requested, such of the particulars as are appropriate and are required for an application in Form K19.”.

New rule 19A

5. There shall be inserted after rule 19 the following rule:

“Registration of land charges after death

19A.—(1) Where an application for registration is made by virtue of section 3(1A), section 5(4A) or section 6(2A) of the Act to register a matter in the name of a person who has died, the applicant shall complete the relevant form in Schedule 2 as if:

- (i) the reference to particulars of estate owner in the form were to the particulars which the applicant would have given if the person who has died were still living;
- (ii) the reference to the estate owner's title were to the title to the estate affected or intended to be affected by the registration.

(2) The reference to the name and address of the estate owner whose land is affected in paragraph 1(iv), 2(iv) and 3(a)(iv) of Schedule 1 is, where the registration is made pursuant to an application to which paragraph (1) applies, to be treated as a reference to the particulars given in accordance with that paragraph.

(3) A reference in a form in Schedule 2 (other than in a form to which paragraph (1) applies or in Form K6) to particulars of estate owner is, where appropriate, to be treated as a reference to particulars entered in the relevant register in accordance with paragraph (2).”

Dated 22nd May 1995

Mackay of Clashfern, C.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Land Charges Rules 1974:

- (a) by amending rules 16(5) and 19(5) (applications for an official search in the index under section 10(1)(b) of the Land Charges Act 1972 or for an office copy of an entry via the registrar's computer system);
- (b) by adding a new rule 19A to take account of the amendments made to the Land Charges Act 1972 by section 15 of the Law of Property (Miscellaneous Provisions) Act 1994 (registration of land charges after death).