
STATUTORY INSTRUMENTS

2003 No. 1417

The Land Registration Rules 2003

PART 14

MISCELLANEOUS AND SPECIAL CASES

Death of proprietor

Transfer by a personal representative

162.—(1) An application to register a transfer by a personal representative, who is not already registered as proprietor, must be accompanied by the original grant of probate or letters of administration showing him as the personal representative.

(2) The registrar shall not be under a duty to investigate the reasons a transfer of registered land by a personal representative of a deceased sole proprietor or last surviving joint proprietor is made nor to consider the contents of the will and, provided the terms of any restriction on the register are complied with, he must assume, whether he knows of the terms of the will or not, that the personal representative is acting correctly and within his powers.

Registration of a personal representative

163.—(1) An application by a personal representative to become registered as proprietor of a registered estate or registered charge—

- (a) in place of a deceased sole proprietor or the last surviving joint proprietor, or
- (b) jointly with another personal representative who is already so registered, or
- (c) in place of another personal representative who is already registered as proprietor,

must be accompanied by the evidence specified in paragraph (2).

(2) Subject to paragraph (3), the evidence that must accompany an application under paragraph (1) is—

- (a) the original grant of probate or letters of administration of the deceased proprietor showing the applicant as his personal representative, or
- (b) a court order appointing the applicant as the deceased's personal representative, or
- (c) (where a conveyancer is acting for the applicant) a certificate given by the conveyancer that he holds the original or an office copy of such grant of probate, letters of administration or court order.

(3) An application under paragraph (1)(c) must be accompanied by evidence to satisfy the registrar that the appointment of the personal representative whom the applicant is replacing has been terminated.

(4) When registering a personal representative of a deceased proprietor, the registrar must add the following after the personal representative's name—

“executor or executrix (or administrator or administratrix) of [name] deceased”.

(5) Before registering another personal representative as a result of an application made under paragraph (1)(b) the registrar must serve notice upon the personal representative who is registered as proprietor.

Death of joint proprietor

164. An application for alteration of the register by the removal from the register of the name of a deceased joint proprietor of a registered estate or registered charge must be accompanied by evidence of his death.