

SCHEDULE 1

Rule 2(1)

AMENDMENTS TO THE PRINCIPAL RULES

1. For rule 56 substitute—

“Settled land; restriction required

56. An application for registration of settled land shall be accompanied by an application for the proper restriction.”

2. In rule 68, for “Form 16” substitute “Form WCT”.

3. In rule 85A(1), for paragraphs (a), (b) and (c) substitute—

- “(a) a transfer, assent or charge of registered land,
(b) a transfer, assent or sub-charge of a registered charge.”

4. For rule 98 substitute—

“Form of transfer

98. A transfer of the land in one or more registered titles shall be in Form TP1, TP2, TP3, TR1, TR2 or TR5 as the case may require.”

5. For rule 99 substitute—

“Transfer of land into settlement

99.—(1) A transfer of land into settlement shall include the following provisions, with any necessary alterations and additions:

“The Transferor and the Transferee declare that:

- (a) the Property is vested in the Transferee upon the trusts declared in a trust deed dated *(date)* and made between *(parties)*;
(b) the trustees of the settlement are *(names of trustees)*;
(c) the power of appointment of new trustees is vested in *(name)*;
(d) the following powers relating to land are expressly conferred by the trust deed in addition to those conferred by the Settled Land Act 1925: *(set out additional powers)*.

or if the tenant for life is a minor and the transferees are the statutory owners:

- (a) the Property is vested in the Transferee as statutory owners under a trust deed dated *(date)* and made between *(parties)*;
(b) the tenant for life is *(name)*, a minor, who was born on *(date)*;
(c) the trustees of the settlement are *(names)*;
(d) during the minority of the tenant for life the power of appointment of new trustees is vested in the Transferee;
(e) the following powers relating to land are expressly conferred by the trust deed in addition to those conferred by the Settled Land Act 1925: *(insert additional powers)*.”

(2) An application for registration of a transfer of land into settlement shall be accompanied by an application for the proper restriction.

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(3) When the Registrar receives the application he shall register the transferee named in the transfer as the proprietor of the land and shall enter in the register the proper restriction.”

6. For rule 101 substitute—

“Land bought with capital money

101.—(1) Where registered land is acquired with capital money the transfer shall be in one of the forms prescribed by rule 98 and shall include the following provisions, with any necessary alterations and additions:

“The Transferee declares that:

- (a) the consideration has been paid out of capital money;
- (b) the Property is vested in the Transferee upon the trusts declared in a trust deed dated *(date)* and made between *(parties)*;
- (c) the trustees of the settlement are *(names of trustees)*;
- (d) the power of appointment of new trustees is vested in *(name)*;
- (e) the following powers relating to land are expressly conferred by the trust deed in addition to those conferred by the Settled Land Act 1925: *(set out additional powers)*.”

(2) An application for registration of a transfer of land acquired with capital money shall be accompanied by an application for the proper restriction.”

7. For rule 107 substitute—

“Transfer of land in consideration of a rent

107. On a transfer of land in consideration or partly in consideration of a rent, the rent shall be entered in the Charges Register as an incumbrance.”

8. Omit rule 109(2).

9. For rule 111(1) substitute—

“(1) This rule applies to transfers of land

- (a) without the mines and minerals,
- (b) with certain specified mines and minerals, or
- (c) with the mines and minerals, except certain specified mines and minerals.”

10. For rule 112(1) substitute—

“(1) This rule applies to transfers, without the land, of

- (a) the mines and minerals,
- (b) certain specified mines and minerals, or
- (c) the mines and minerals, but excepting certain specified mines and minerals.”

11. For rule 116(1) substitute—

“(1) A transfer of leasehold land in which the rent is legally apportioned or land is legally exonerated from it shall include in the additional provisions panel the following provisions, with any necessary alterations and additions:

“Liability for the payment of [*if applicable* the previously apportioned rent of *(amount)* being part of] the rent reserved by the registered lease is apportioned between the Transferor and the Transferee as follows:

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(amount) shall be payable out of the Property and the balance shall be payable out of the land remaining in title number *(title number of retained land)* or the whole of that rent shall be payable out of the Property and none of it shall be payable out of the land remaining in title number *(title number of retained land)* or the whole of that rent shall be payable out of the land remaining in title number *(title number of retained land)* and none of it shall be payable out of the Property.””

12. In rule 136–

- (a) in paragraph (1), for “in Form TR1, or in Form 20, as the case may require” substitute “in one of the forms prescribed by rule 98”; and
- (b) in paragraph (2) omit “Where the transfer is in Form TR1”.

13. For rule 151 substitute–

“Discharges and releases

151.—(1) A discharge of a registered charge shall be in Form DS1.

(2) A release of part of the land from a registered charge shall be in Form DS3.

(3) Any such discharge or release shall be executed as a deed or authenticated in such other manner as the Registrar may approve.

(4) The Registrar shall be entitled to accept and act upon any other proof of satisfaction of a charge that he may deem sufficient.

(5) An application to register a discharge in Form DS1 shall be made on Form AP1 or Form DS2 and an application to register a release in Form DS3 shall be made on Form AP1.”

14. For rule 153 substitute–

“Transfer of a charge

153. A transfer of a registered charge shall be in Form TR3 or TR4 as the case may require.”

15. In rule 170–

- (a) insert as paragraph (2)–

“(2) An assent, appropriation or vesting assent shall be in Form AS1, AS2 or AS3 as the case may require.”

- (b) for paragraph (3) substitute–

“(3) A vesting assent shall contain the following provisions, with any necessary alterations and additions:

“The Personal Representative and the Recipient declare that:

- (a) the Property is vested in the Recipient upon the trusts declared in the will of *(name of deceased)* proved on *(date)*;
- (b) the trustees of the settlement are *(names of trustees)*;
- (c) the power of appointment of new trustees is vested in *(name)*;
- (d) the following powers relating to land are expressly conferred by the will in addition to those conferred by the Settled Land Act 1925: *(set out additional powers)*.”

(3A) An application for registration of a vesting assent shall be accompanied by an application for the proper restriction.”

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16. In rule 186(3), after “except where the application is made by the proprietor” insert “or where the lease is binding on the proprietor”.

17. For rules 201 and 202 substitute—

“Determination of noted incumbrances

201.—(1) In this rule, “noted incumbrance” means a lease, rentcharge, easement, right or other interest which has not been registered under the Act, but which has been noted on the register as an incumbrance.

(2) The determination of a noted incumbrance may be notified on the register on application.

(3) The application shall be accompanied by the document (if any) creating the noted incumbrance, together with a sufficient release or discharge executed by the person named in that document as having the benefit of the noted incumbrance.

(4) If there has been a dealing with or transmission of the noted incumbrance the application shall also be accompanied by sufficient evidence of the applicant’s title, as in cases of examination of title on first registration.

(5) If the noted incumbrance is a lease or rentcharge, the application shall be made on Form CN1.

(6) In the case of a rentcharge determined by merger or release or a lease determined by merger, surrender or disclaimer the application shall be accompanied by a list in duplicate in Form DL of all documents delivered.”

18. In rule 215—

(a) in paragraph (1), for “shall be in Form 63” substitute “and the declaration in support of that caution, shall be in Form CT2”;

(b) at the end of paragraph (2) add “and the declaration in support of the caution shall be in Form 14 or to the like effect, and shall contain a reference to the land to which it relates, and to the title number, and shall also state the nature of the cautioner’s interest in the land.”

(c) omit paragraph (4).

19. Omit rule 218(3).

20. In rule 222, for “Form 71” substitute “Form WCT”.

21. For rule 266 substitute—

“Production of land certificate and other documents

266.—(1) A new land or charge certificate may be issued, without the production of the original certificate, in any of the cases mentioned in section 64(4) of the Act.

(2) Before a new certificate is issued, the Registrar may give such notices and make such enquiries as he deems necessary in the circumstances.

Deposit of documents

266A. Form DP1 shall accompany a document placed on deposit at the Registry.”

22. At the end of rule 308A, add—

“(f) “X” boxes may be omitted where all inapplicable statements and certificates have been omitted;

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- (g) the sub-headings in an additional provisions panel may be added to, amended, repositioned or omitted;
- (h) “Seller” may be substituted for “Transferor” and “Buyer” for “Transferee” in a transfer on sale.”