

1978 No. 1601

LAND REGISTRATION

The Land Registration Rules 1978

Made - - - - 17th October 1978
 Laid before Parliament 13th November 1978
 Coming into Operation 1st January 1979

The Lord Chancellor, with the advice and assistance of the Rule Committee appointed in pursuance of section 144 of the Land Registration Act 1925(a), in exercise of the powers conferred on him by that section, hereby makes the following rules:—

Citation, commencement and interpretation

1.—(1) These rules may be cited as the Land Registration Rules 1978 and shall come into operation on 1st January 1979.

(2) The Interpretation Act 1978(b) shall apply to the interpretation of these rules as it applies to the interpretation of subordinate legislation made after the commencement of that Act.

(3) In these rules a rule referred to by number means a rule so numbered in the Land Registration Rules 1925(c).

2. In rule 1 (Interpretation) after paragraph (5) there shall be inserted the following paragraphs:—

“(5A) “Proper office” means the district land registry designated as the proper office by the Land Registration (District Registries) Order 1978(d).

(5B) In rules 24, 83 and 85 “day” means a day on which the Land Registry is open to the public and in rules 83, 84 and 85 “application” means an application for making, rectifying or cancelling any entry in the register of a registered title.”

3. After rule 7 there shall be inserted the following rule:—

“Entry in the day list

7A.—(1) There shall be kept, in relation to the relevant title numbers, a record (known as the “day list”) of the date of delivery of every pending application for first registration and every pending application for making, rectifying or cancelling any entry in the register of a registered title.

(2) The day list may be kept by means of a computer.”

(a) 1925 c. 21.
 (c) S.R. & O. 1925/1093.

(b) 1978 c. 30.
 (d) S.I. 1978/1162.

4. The following rule shall be substituted for rule 10:—

“List of pending applications for first registration

10. Until the estate in land comprised in a pending application for first registration is shown on the Index Map, the title number and a short description of the land shall be entered in a list known as the list of pending applications for first registration.”

5. In rule 12(1) (Documents open to inspection), after the word “applications” there shall be inserted the words “for first registration”.

6. In rule 19 (Form of application), the words “at the Registry” shall be omitted.

7. The following rule shall be substituted for rule 24:—

“Delivery of applications for first registration

24.—(1) Every application for first registration shall be delivered at the proper office and, when so delivered, shall be allotted a title number and shall be dated as of the day on which it is deemed by this rule to have been delivered.

(2) Every application for first registration delivered at the proper office after 11.00 hours on one day and before or at 11.00 hours on the next day shall be deemed to have been delivered at the same time, namely, immediately after 11.00 hours on the second day.

(3) For the purpose of this rule an application for first registration includes the lodging of a priority notice under rule 71 of these rules and a caution against first registration under section 53 of the Act.”

8. The following rule shall be substituted for rule 83:—

“Delivery of applications

83.—(1) Every application shall be delivered at the proper office and, when so delivered, shall be allocated an official reference number and shall be dated as of the day on which it is deemed under rule 85 of these rules to have been delivered.

(2) The application shall be completed by registration as of the day on which and, subject to the effect of any provision of the Act or of any rules made thereunder, of the priority in which it is deemed to have been delivered.”

9. The following rule shall be substituted for rule 84:—

“Priority of applications

84.—(1) Where two or more applications relating to a particular title are deemed to have been delivered at the same time, the order in which, as between each other, they shall rank in priority shall, subject to the effect of any provision of the Act or of any rules made thereunder, be determined in the manner prescribed by this rule.

(2) Where the applications are made by the same applicant, they shall rank in such order as he shall specify.

(3) Where the applications are not made by the same applicant, they shall rank in such order as may be agreed between the applicants or, failing agreement, as may be determined under rule 298 of these rules.

(4) Where one transaction is dependent upon another the registrar may assume (unless or until the contrary appears) that the applicant or applicants have specified or agreed that the applications shall have priority so as to give effect to the sequence of the instruments effecting the transactions.”

10. The following rule shall be substituted for rule 85:—

“Date of delivery of applications

85. Every application delivered at the proper office after 11.00 hours on one day and before or at 11.00 hours on the next day shall be deemed to have been delivered at the same time, namely, immediately after 11.00 hours on the second day.”

11. The following rule shall be substituted for rule 317:—

“Applications not in order

317.—(1) If an application is not in order the registrar may raise such requisitions as he may consider necessary and may specify a period (being not less than one month) within which the applicant shall comply therewith and, if the applicant fails to comply with the requisitions within that period, the Registrar may cancel the application or may extend the period when this appears to him to be reasonable in the circumstances.

(2) If an application appears to the Registrar to be substantially defective, he may reject it on delivery or he may cancel it at any time thereafter.”

12. Rule 43 (Registers of Deeds) is hereby revoked.

Elwyn-Jones, C.

Dated 17th October 1978.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules, which amend the Land Registration Rules 1925, make fresh provision relating to the dates on which applications for registration are treated as having been delivered. They also clarify the provisions relating to competing priorities of applications and to the cancellation of defective applications.

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