
STATUTORY INSTRUMENTS

1988 No. 629

The Land Registration (Official Searches) Rules 1988

Citation and commencement

1. These rules may be cited as the Land Registration (Official Searches) Rules 1988 and shall come into force on 16th May 1988.

Interpretation

2.—(1) In these rules, unless the context otherwise requires:

“the Act” means the Land Registration Act 1925;

“the principal rules” means the Land Registration Rules 1925(1);

“day list” means the record kept pursuant to rule 7A of the principal rules;

“purchaser” means any person (including a lessee or chargee) who in good faith and for valuable consideration acquires or intends to acquire a legal estate in land and “purchase” has a corresponding meaning;

“pending first registration application” means an application made under Section 4 or 8 of the Act and entered on the day list but where the registration has not yet been completed;

“delivered”, except in relation to an application made on form 94A, 94A(FR), 94B, 94B(FR), 94C or 101 includes received otherwise than in documentary form by such means as the registrar may from time to time authorise;

“issued”, except in relation to an official certificate of search in form 94D, 94E or 102, includes sent otherwise than in documentary form;

“official search” means any search of the register or any search in relation to a pending first registration application made by or under the control of officers of the Land Registry pursuant to an application made in accordance with rule 3 of these rules;

“official certificate of search” means a result of search issued in accordance with rule 3 of these rules;

“priority period” means the period beginning at the time when an application for an official search is deemed by virtue of paragraph (3) below to have been delivered and ending immediately after 9.30 hours on the thirtieth day thereafter;

“proper office” means the district land registry designated as the proper office by Article 2(2) of the Land Registration (District Registries) (No. 2) Order 1987(2);

“day” means a day when the Land Registry is open to the public;

“licensed conveyancer” has the same meaning as in section 11(2) of the Administration of Justice Act 1985(3) and includes a recognised body within the meaning of section 32(2) of that Act.

(2) A form referred to by number means the form so numbered in Schedule 1 to these rules.

(1) S.R. & O. 1925/1093; relevant amending instruments are S.I. 1978/1601, 1986/1534.

(2) S.I. 1987/2213.

(3) 1985 c. 61.

(3) An application for an official search made by a purchaser in accordance with rule 3 of these rules which is delivered after 9.30 hours on one day and before or at 9.30 hours on the next day shall be deemed to have been delivered immediately before 9.30 hours on the second day.

Official search by a purchaser

3.—(1) A purchaser who has authority to inspect a register may apply for an official search of that register.

(2) Where land is subject to a pending first registration application a purchaser who has authority in that behalf given by a person who has applied to be registered as proprietor of, or of a legal charge affecting, such land may apply for an official search in relation to that pending first registration application.

(3) An application for an official search shall be made, in the case of registered land, on Form 94A or 94B and, in the case of a pending first registration application, on Form 94A(FR) or 94B(FR) or, in such cases as the registrar specifies, may be made to the like effect otherwise than in documentary form by such means of communication as the registrar may from time to time authorise.

(4) The application shall be delivered at the proper office and, if in order, shall be entered on the day list and an official certificate of search shall be issued giving the result of search as at the time and date it is deemed to have been delivered.

(5) Where the application is made on Form 94A, 94A(FR), 94B or 94B(FR) it shall, unless the registrar otherwise directs, be delivered in duplicate.

(6) Where the application is made otherwise than in documentary form it shall, unless the registrar otherwise directs, include the information specified and in the sequence set out in Schedule 2 to these rules.

(7) An official certificate of search of a register shall be issued in Form 94D or may be issued otherwise than in documentary form.

(8) An official certificate of search in relation to a pending first registration application shall be issued in Form 94E or may be issued otherwise than in documentary form.

(9) An official certificate of search shall include the information specified in Part I, Part II or Part III of Schedule 3 to these rules as the case may require and, where it is issued under paragraph (7) above may, in the discretion of the registrar, be issued by reference to an accompanying office copy of the register.

Inspection of official searches

4. During the priority period—

- (a) a copy of the application for official search or a visible and legible reproduction of any application otherwise than in documentary form and
- (b) a copy of the official certificate of search or a visible and legible reproduction of any result issued otherwise than in documentary form

shall be made available for inspection by any person entitled to inspect the register of the title or the pending first registration application concerned.

Priority of applications protected by official searches of registers

5. Where a purchaser has applied for an official search of a register, any entry which is made in the register during the priority period relating to that search shall be postponed to a subsequent application to register the instrument effecting the purchase and, if the purchase is dependent on a

prior dealing, to a subsequent application to register the instrument effecting that dealing provided each such subsequent application—

- (a) is deemed to have been delivered at the proper office within the priority period;
- (b) affects the same land or charge as the postponed entry; and
- (c) is in due course completed by registration.

Priority of applications protected by official searches relating to pending first registration applications

6.—(1) Paragraph (2) has effect where, with respect to a purchase of land which is subject to a pending first registration application—

- (a) the purchaser has applied for an official search in relation to the pending first registration application; and
- (b) the pending first registration application is subsequently completed by registration of all or any part of the land comprised in that purchase.

(2) Any entry made in the register of title to the land pursuant to an application delivered or otherwise made during the priority period of the official search shall be postponed to any entry made pursuant to a subsequent application to register the instrument effecting the purchase and, if the purchase is dependent upon a prior dealing, a subsequent application to register the instrument effecting that dealing provided each such subsequent application—

- (a) is deemed to have been delivered at the proper office within the priority period;
- (b) affects the same land or charge as the postponed entry; and
- (c) is in due course completed by registration.

Priority of concurrent official searches

7.—(1) Where two or more official certificates of search relating to the same land or the same charge have been issued and are in operation pursuant to these rules, such certificates shall, as far as relates to the priority thereby conferred, take effect, unless the applicants otherwise agree, in the order in which the applications for official search were deemed to have been delivered.

(2) Where two or more applications for official search relating to the same land or the same charge are deemed to have been delivered at the same time the official certificates of search shall, as far as relates to the priority thereby conferred, take effect in such order as may be agreed by the applicants or, failing agreement, as may be determined under rule 298 of the principal rules. e the official certificates of search shall, as far as relates to the priority thereby conferred, take effect in such order as may be agreed by the applicants or, failing agreement, as may be determined under rule 298 of the principal rules.

(3) Where one transaction is dependent upon another the registrar may for the purposes of this rule assume (unless or until the contrary appears) that applicants for search have agreed that their applications shall have priority as between each other so as to give effect to the sequence of the instruments effecting their transactions.

(4) Where an official search has been made in respect of a particular registered title and an application relating to that title is deemed, by virtue of rule 85 of the principal rules, to have been delivered at the same time as the expiry of the priority period relating to that search, the time of the delivery of the application shall be deemed to be within that priority period.

(5) Where an official search has been made in respect of a particular pending first registration application and a subsequent application relating to any land which is subject to the pending first registration application, or was so subject before completion of the registration of that land, is deemed, by virtue of rule 85 of the principal rules, to have been delivered at the same time as the

expiry of the priority period relating to that search, the time of delivery of that subsequent application shall be deemed to be within that priority period.

Search by telephone or telex

8.—(1) A person having authority to apply for an official search may apply by his solicitor or licensed conveyancer to the proper office by telephone or telex for a search to ascertain whether—

- (a) in the case of a search of the register, any adverse entry has been made in the register since a given date being either the date of the issue of an office copy of the subsisting entries thereon or the date on which the land or charge certificate was officially examined with the register; and
- (b) in any case, there is any entry subsisting on the day list made pursuant to rule 7A of the principal rules, rule 3 of the Land Registration (Official Searches) Rules 1986(4) or rule 3 of these rules.

(2) Where an application is made by telephone the particulars set out in Part I of Schedule 4 to these rules shall be supplied.

(3) An application by telex shall be made in the form set out in Part I of Schedule 5 to these rules.

Result of search by telephone or telex

9.—(1) Upon receipt of an application by telephone or telex the search shall be made as soon as practicable without regard to any pending applications not yet entered on the day list.

(2) Where the result of a search is given by telephone it shall include the information set out in Part II of Schedule 4 to these rules.

(3) The result of a search sent by telex shall be in the form set out in Part II of Schedule 5 to these rules.

(4) A search made pursuant to this rule shall not be regarded as an official search for the purposes of section 83(3) of the Act or of rule 295 of the principal rules, and shall not confer upon the applicant priority for the registration of any dealing.

Official Search without priority

10.—(1) A person (not being a purchaser requiring an official search under rule 3 of these rules) who has authority to inspect a register may apply for an official search of that register without priority.

(2) The application may be made on form 94C or, in such cases as the registrar specifies, may be made otherwise than in documentary form by such means of communication as the registrar may from time to time authorise.

(3) Where the application is made on form 94C it shall, unless the registrar otherwise directs, be delivered in duplicate.

(4) Where the application is made otherwise than in documentary form it shall, unless the registrar otherwise directs, include the information specified in and in the sequence set out in Schedule 2 to these rules.

(5) The application shall be delivered to the proper office and on completion of the search an official certificate of search shall be issued but such a certificate shall not confer upon the applicant priority for the registration of any dealing and shall so state.

(6) Subject to paragraph (7) below the official certificate of search shall be in form 94D or may be issued otherwise than in documentary form and shall include the information specified in Part I or Part III of Schedule 3 to these rules as the case may require.

(7) The result of search may in any case, in the discretion of the registrar, be issued by reference to an accompanying office copy of the register.

Certificates of official inspection of filed plan

11.—(1) A person who has authority to inspect a filed plan may apply for a certificate of inspection of that filed plan.

(2) The application may be made on form 101 or, in such cases as the registrar specifies, may be made otherwise than in documentary form by such means of communication as the registrar may from time to time authorise.

(3) Where the application is made on form 101 it shall be delivered in duplicate.

(4) Where the application is made otherwise than in documentary form, it shall, unless the registrar otherwise directs, include the information specified in and in the sequence set out in Part I of Schedule 6 to these rules.

(5) The application shall be delivered to the proper office and on completion of the inspection an official certificate of inspection shall be issued but such a certificate shall not confer upon the applicant priority for the registration of any dealing.

(6) The official certificate of inspection shall either be in form 102 or, if issued otherwise than in documentary form, shall include the information specified in Part II of Schedule 6 to these rules.

(7) An official inspection of the filed plan made pursuant to an application under these rules shall be regarded as an official search for the purposes of section 83(3) of the Act and rule 295 of the principal rules.

Conditions of use, suspension and limitation of facilities

12. The registrar may impose such conditions as he thinks fit on the use of any facilities authorised by him pursuant to these rules for searches or inspections to be made otherwise than in form 94A, 94A(FR), 94B, 94B(FR), 94C or 101 and may, in his discretion, suspend or limit any such facilities and may likewise suspend or limit the facilities provided by rules 8 and 9 of these rules for searches to be made by telephone or telex.

Revocation

13. The Land Registration (Official Searches) Rules 1986 are hereby revoked.

Dated 23rd March 1988

Mackay of Clashfern, C.