
STATUTORY INSTRUMENTS

1989 No. 801

LAND REGISTRATION, ENGLAND AND WALES

The Land Registration Rules 1989

<i>Made</i>	- - - -	<i>6th April 1989</i>
<i>Laid before Parliament</i>		<i>9th May 1989</i>
<i>Coming into force</i>	- -	<i>1st June 1989</i>

The Lord Chancellor, with the advice and assistance of the Rule Committee appointed in pursuance of section 144 of the Land Registration Act 1925(1), 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 1989 and shall come into force on 1st June 1989.

(2) In these rules:

- (a) “the principal rules” means the Land Registration Rules 1925(2);
- (b) a rule referred to by number means the rule so numbered in the principal rules.

Licensed conveyancers

2. In rule 1 the following paragraph shall be inserted after paragraph (5B):

“(5C) Except for the purpose of rule 300 any reference in these rules to a solicitor shall be construed as including a reference to a licensed conveyancer within the meaning of section 11(2) of the Administration of Justice Act 1985(3) and any reference to a person’s solicitor shall be construed as including a reference to a licensed conveyancer acting for that person.”.

New rule 29

3. The following rule shall be substituted for rule 29:

(1) 1925 c. 21.
(2) S.R. & O. 1925/1093; relevant amending instruments are S.I. 1978/1601, 1986/1534, 2116, 1987/2214.
(3) 1985 c. 61.

“Certificate by a solicitor as to title on first registration

29. On an application for first registration following a sale of freehold or leasehold land or the grant of a lease where the land comprises only a single house or flat, including any yard, garden or outhouse belonging thereto the Registrar may, if he thinks fit, register a title as absolute or good leasehold on production of a certificate by a solicitor at the expense of the applicant, to the effect that:

- (a) he acted for the applicant on the purchase or the grant of the lease which induced the registration;
- (b) he investigated, or caused to be investigated, the title in the usual way on the applicant’s behalf and made, or caused to be made, all necessary searches;
- (c) he believes that the applicant is, and has been since the date of the acquisition, in undisputed possession of the land or in receipt of the rents and profits thereof;
- (d) he is not aware of any question or doubt affecting the applicant’s title or of any claim to the land adverse to the interest of the applicant;
- (e) the applicant has not entered into any arrangement or created any incumbrance requiring entry on the register except as may be stated in the certificate; and
- (f) he is not aware of any other matters affecting the applicant’s title except as may be referred to in the assurance to the applicant or stated in the certificate.”

Amendment to rule 288

4. In paragraph (1) of rule 288 there shall be substituted for the words “as hereby defined” the words “within the meaning hereof”.

New rule 313

5. The following rule shall be substituted for Rule 313:

“Notice to be deemed to be received within seven days

313.—(1) Every notice sent through the post shall, unless returned by the Post Office, be deemed to have been received by the person addressed seven days after its issue exclusive of the day of posting, and the time fixed by the notice for taking any step thereunder is to be calculated accordingly.

(2) Each such notice shall contain either a copy of paragraph (1) of this rule or an explanation of its effect.”

Amendment to Form 62

6. Form 62 in the Schedule to these rules shall be substituted for Form 62 in the Schedule to the principal rules.

Revocations

7. Rules 30 and 265 are hereby revoked.

Dated 6th April 1989

Mackay of Clashfern, C.

SCHEDULE

FORM 62—Entry restraining a disposition by a sole proprietor (Rule 213)

No disposition by a sole proprietor of the land (not being a trust corporation) under which capital money arises is to be registered except under an order of the Registrar or of the Court.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Land Registration Rules 1925 (“the principal rules”) so as to:

- (i) provide for licensed conveyancers to be treated on the same basis as solicitors for all purposes under the principal rules except the representation of interested persons at a hearing before the Registrar;
- (ii) modify the basis upon which the Registrar may register a title as absolute or good leasehold on production of a certificate by a solicitor or licensed conveyancer as to title;
- (iii) amend rule 288 of the principal rules (inspection otherwise than under authority of proprietor);
- (iv) modify the provisions relating to sending of notices through the post;
- (v) amend the form of entry to be made on the register restraining a disposition by a sole surviving proprietor; and
- (vi) revoke rules 30 and 265 of the principal rules (certificate by a solicitor as to title on conversion; and inspection of land certificate on behalf of the Registry).