
STATUTORY INSTRUMENTS

1992 No. 122

The Land Registration (Open Register) Rules 1991

PART I

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the land Registration (Open Register) Rules 1991 and shall come into force on 30th March 1992.

(2) In these Rules, unless the context requires:

“The Act” means the Land Registration Act 1925;

“caution title” means:

- (a) the document prepared by the registrar which records, under a distinguishing number, details of any caution against first registration lodged under section 53 of the Act and of the statutory declaration in support of that caution; and
- (b) the plan, referred to in that document, prepared by the registrar, showing the extent of the land effected by the caution;

“credit account” means an account authorised by the registrar under article 15(1) of the Land Registration Fees Order 1991(1);

“designated plan” means a plan which is a copy or extract from the Ordnance Map at the largest scale published for the area in which the land to which it relates is situated, such plan to have a length no greater than 297 mm and a width no greater than 210 mm (A4 paper size);

“Index Map section” means the document or documents comprising a single section of the index Maps maintained by the registrar under rule 8 of the principal rules, and the associated Parcels Index (if any) maintained by the registrar under rule 274 of the principal rules;

“the 1990 Rules” means the Land Registration Rules 1990(2);

“the principal rules” means the Land Registration Rules 1925(3);

“proper office” means the district land registry designated as the proper office by article 2(2) of the Land Registration (District Registries) Order 1991(4);

“title plan” means the filed plan or portion of the General Map referred to in the register of a registered title.

(3) Except in rule 15, a form referred to by a number means the form so numbered in Schedule 1.

(4) Expressions used in these rules have, unless the contrary intention appears, the meaning which they bear in the principal rules.

(1) S.I.1991/1948.

(2) S.I. 1990/314; relevant amending instrument is S.I. 1990/1362.

(3) S.R. & O. 1925/1093; relevant amending instruments are S.I. 1976/1332, 1978/1601, 1990/314.

(4) S.I. 1991/2634.

PART II

APPLICATIONS RELATING TO REGISTERED TITLES

Application for office copies of the register or the title plan or for a certificate of inspection of the title plan

- 2.—(1) Any person may apply for:
- (a) an office copy of the entries on the register of a registered title;
 - (b) an office copy of the title plan of a registered title;
 - (c) a certificate of inspection of the title plan of a registered title.
- (2) Save as provided by rule 6(2), an application under paragraph (1) shall be made:
- (a) by delivering in documentary form an application in Form 109; or
 - (b) by delivering the application, during the currency of any relevant notice given pursuant to rule 13, and subject to and in accordance with the limitations contained in that notice, by any means of communication, other than that referred to in sub-paragraph (a), and:
 - (i) where the application is made by facsimile transmission the applicant shall provide Form 109 together with, when the application is for a certificate of the title plan and no estate plan has been approved, a designated plan of the land in respect of which the certificate is to be issued; and
 - (ii) in any other case the applicant shall provide, in such order as may be required by that notice and, in the case of delivery by telephone, in such order as may be requested by the registrar, such particulars as are appropriate and are required for an application in Form 109.

Application for office copies of documents referred to in the register

- 3.—(1) Any person may apply for an office copy of a document referred to in the register of a registered title which is in the custody of the registrar (not being a lease or charge or a copy of a lease or charge).
- (2) Save as provided by rule 6(2), an application under paragraph (1) shall be made:
- (a) by delivering in documentary form an application in Form 110; or
 - (b) by delivering the application, during the currency of any relevant notice given pursuant to rule 13, and subject to and in accordance with the limitations contained in that notice, by any means of communication other than that referred to in sub-paragraph (a), and:
 - (i) where the application is made by facsimile transmission the applicant shall provide Form 110; and
 - (ii) in any other case the applicant shall provide, in such order as may be required by that notice and, in the case of delivery by telephone, in such order as may be requested by the registrar, such particulars as are appropriate and are required for an application in Form 110.

Inspection of the register, title plan and documents referred to in the register

4. Save as provided by rule 6(2), an application for a personal inspection of:
- (a) the entries on the register of a registered title;
 - (b) the title plan of a registered title;

(c) a document referred to in the register of a registered title which is in the custody of the registrar (not being a lease or charge or a copy of a lease or charge); shall be in Form 111.

Official certificate of inspection of title plan

5.—(1) Where a person has applied under these rules for a certificate of inspection of the title plan, upon completion of the inspection an official certificate of inspection shall be issued.

(2) The official certificate of inspection shall be in Form 102 or to like effect.

(3) An official certificate of inspection of the title 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.

Inspection in connection with criminal proceedings, receivership under certain Acts and insolvency

6.—(1) If a person referred to in column 1 of Part 1 or Part 2 of Schedule 2:

- (a) applies in Form 112A or 112B whichever is appropriate to make an inspection under this rule in relation to a person specified in the application or to a property so specified; and
- (b) gives the registrar the appropriate certificate (completed to contain all particulars required) referred to in column 2 of the said Schedule;

the registrar shall permit him to inspect and to obtain copies of and extracts from any document falling within section 112(2) of the Act and shall, if so requested (and notwithstanding rule 9 of the principal rules), provide him with the result of a search of the index of proprietors' names pursuant to the application.

(2) Where a person applies under paragraph (1) he may apply in Form 112A or 112B whichever is appropriate for inspection of or office copies of: the entries on the register of a registered title, the title plan of a registered title, a document referred to in the register of a registered title which is in the custody of the registrar or a caution title.

(3) An application under this rule shall be delivered to such office of the Registry as the registrar may direct.

(4) During the currency of any relevant notice given pursuant to rule 13, and subject to and in accordance with the limitations contained in that notice, any application under this rule may be made by facsimile transmission.

(5) In Schedule 2:

- (a) reference to senior executive officers include references to equivalent departmental grades;
- (b) references to an official receiver are references to an official receiver for the purpose of the Insolvency Act 1986⁽⁵⁾ or the Companies Act 1985⁽⁶⁾ or a person acting as a deputy to such an official receiver;
- (c) references to a trustee in bankruptcy are references to a trustee in bankruptcy of a person adjudged bankrupt in England and Wales or Northern Ireland or to a permanent or interim trustee in the sequestration of a debtor's estate in Scotland;
- (d) references to the official assignee are references to the Official Assignee for bankruptcy for Northern Ireland or the Official Assignee for company liquidations for Northern Ireland; and

(5) 1986 c. 45.

(6) 1985 c. 6.

- (e) references to a liquidator or administrator are respectively references to a liquidator or administrator appointed for the purposes of the Insolvency Act 1986.

Inspection under a court order

7. In any case where a court (having power to do so) has ordered that a person may inspect and make copies of any document falling within section 112(2) of the Act, that person shall give to the registrar a document certified by the proper officer of the court to be a true copy of such order.

PART III

Application for office copies of a caution title

- 8.—(1) Any person may apply for an office copy of a caution title.
- (2) Save as provided by rule 6(2), an application under paragraph (1) shall be made:
- (a) by delivering in documentary form an application in Form 110A; or
 - (b) by delivering the application, during the currency of any relevant notice given pursuant to rule 13, and subject to and in accordance with the limitations contained in that notice, by any means of communication, other than that referred to in sub-paragraph (a), and:
 - (i) where the application is made by facsimile transmission the applicant shall provide Form 110A; and
 - (ii) in any other case the applicant shall provide, in such order as may be required by that notice and, in the case of delivery by telephone, in such order as may be requested by the registrar, such particulars as are appropriate and are required for an application in Form 110A.
- (3) An office copy shall be issued without reference to any application or matter which may affect the subsistence of the caution against first registration records in the relevant caution title.

PART IV

OFFICIAL SEARCHES OF AN COPIES OF THE INDEX MAP

Application for an issue of Official Certificate of Search of Index Map

- 9.—(1) Any person may apply for an official search of the Index Map or General Map and the Parcel Index and the list of pending applications for first registration kept under rule 10 of the principal rules.
- (2) An application under paragraph (1) shall be made:
- (a) by delivering in documentary form an application in Form 96; or
 - (b) by delivering the application, during the currency of any relevant notice given pursuant to rule 13, and subject to and in accordance with the limitations contained in that notice, by any means of communication, other than that referred to in sub-paragraph (a), and:
 - (i) where the application is made by facsimile transmission the applicant shall provide Form 96; and
 - (ii) in any other case the applicant shall provide, in such order as may be required by that notice and, in the case of delivery by telephone, in such order as may be requested by

the registrar, such particulars as are appropriate and are required for an application in Form 96.

(3) If the registrar shall so require, an applicant shall provide to the registrar a copy or extract from the Ordnance Map on the largest scale published of the land to which the application relates.

(4) If the application is in order an official certificate of search shall be issued.

(5) An official certificate of search shall be issued in the form set out under the heading “Certificate of result of Official Search of the Index Map” in Form 96 or to like effect.

Application for copies of Index Map sections

10.—(1) Any person may apply for a copy of an Index Map section.

(2) An application under paragraph (1) shall be made by delivering in documentary form an application in Form 96B.

(3) A copy of an Index Map section provided by the registrar under this rule shall not constitute an office copy or extract for the purpose of section 113 of the Act or an official search for the purpose of section 83(3) of the Act or an official certificate of the result of a search for the purpose of rule 295 of the principal rules.

PART V

Office to which application is to be delivered

11. Subject to rule 6(3), an application made under these rules shall be delivered to the proper office.

Separate applications for each title required in certain cases

12.—(1) A separate application shall be delivered in respect of each registered title if the application is for:

- (a) office copies of the register or the title plan or for a certificate of inspection of the title plan made under rule 2;
- (b) office copies of documents referred to in the register made under rule 3;
- (c) inspection of the register, the title plan and documents referred to in the register made under rule 4;

(2) Where an application is made under rule 2 and the property described in accordance with panel 2 of Form 109 is registered under more than one title number, but the applicant fails to provide a title number or the title number provided does not relate to any part of the property described in accordance with panel 2 of that form, the registrar may:

- (a) deal with the application as though it referred only to such one of the title numbers under which the property or any part is registered as he shall choose, in which case in respect of the remaining title number or numbers there shall be deemed to have been no application; or
- (b) accept such application and if he does so it shall be deemed to be a separate application in respect of each title revealed; or
- (c) cancel the application.

(3) Where an application is made under rule 8, a separate application shall be delivered in respect of each caution title.

Notice for the provision of additional arrangements for applications

13.—(1) If the registrar is satisfied that adequate arrangements have been or will be made for dealing with the applications specified in paragraph (4) in accordance with this rule, he may, in such manner as he considers appropriate for informing persons who may wish to make applications under these rules, give notice to that effect specifying the class or classes of case covered by those arrangements; and such a notice may in particular, but without prejudice to the generality of the foregoing provision, specify the class or classes of case so covered by limiting them:

- (a) to one or more of the types of application mentioned in paragraph (4);
- (b) to applications made by a person maintaining a credit account;
- (c) to applications which relate to land within specified counties, districts, London Boroughs or other administrative areas;
- (d) to applications made between specified hours and on specified days (which need not be those between or on which the Registry is open to the public and may be different for applications of different types);
- (e) to delivery of applications by one or more means of communication;
- (f) when an application is made by facsimile transmission in Form 96 and refers to land shown on an accompanying plan, to any such application which is accompanied by a designated plan;
- (g) when an application is made under rule 2(2)(b) or 3(2)(b) to an application which states the relevant title number;
- (h) when an application is made under rule 8(2)(b), to an application which states the relevant distinguishing number of the caution title;
- (i) when an application is made for a certificate of inspection of the title plan of a registered title under rule 2(2)(b)(ii) to an application which provides the relevant plot number on the estate plan;
- (j) when an application is made under rule 9(2)(b)(ii) to an application which does not require a plan to identify the land to which the application relates.

(2) Subject to paragraph (3), a notice given pursuant to paragraph (1) shall be current from the time specified in that behalf in the notice; and either:

- (a) until the time, if any, specified in that behalf in the notice; or
- (b) if no time of ceasing to be current is specified in the notice, indefinitely.

(3) A notice given pursuant to paragraph (1) may from time to time be varied, suspended, withdrawn, renewed or replaced by a further notice.

(4) The applications referred to in paragraph (1) are:

- (a) an application for office copies of the register or the title plan or for a certificate of inspection of the title plan made under rule 2(2)(b);
- (b) an application for the office copies of documents referred to in the register made under rule 3(2)(b);
- (c) an application for information or office copies made under rule 6(4);
- (d) an application for an office copy of a caution title made under rule 8(2)(b);
- (e) an application for an official certificate of search of the Index Map made under rule 9(2)(b).

(5) Notwithstanding the provisions of rules 2(2)(b), 3(2)(b), 6(4), 8(2)(b) and 9(2)(b), the registrar may in his discretion refuse to accept an application made under any of those provisions in any individual case.

Certain applications not to be made by facsimile transmission

14. No application may be made by facsimile transmission under the principal rules; and no application may be so made under the Land Registration (Matrimonial Homes) Rules 1990(7).

Revocation

15.—(1) Rule 70 of the principal rules, and rules 3, 4 and 5 of, and Form 96 and Form 96A in the Schedule to, the 1990 Rules are revoked.

(2) The Land Registration (Open Register) Rules 1990(8) are revoked.

Dated 18th september 1991

Mackay of Clashfern, C.

(7) S.I. 1990/1360.

(8) S.I. 1990/1362.