

---

STATUTORY INSTRUMENTS

---

**1993 No. 3276**

**The Land Registration (Official Searches) Rules 1993**

**PART II**

**OFFICIAL SEARCHES WITH PRIORITY**

**Application for official search with priority by purchaser**

**3.—(1)** A purchaser may apply for an official search with priority of the register of the title to the land to which the purchase relates.

(2) Where land is subject to a pending first registration application a purchaser of such land may apply for an official search with priority in relation to that pending first registration application.

(3) An application for an official search with priority shall be made:

(a) by delivering in documentary form at the proper office an application on Form 94A or Form 94B, as appropriate; or

(b) during the currency of any relevant notice given pursuant to rule 14, and subject to and in accordance with the limitations contained in that notice, by delivering the application to the registrar, by any means of communication, other than that referred to in sub-paragraph (a) and;

(i) where the application is made by telephone or orally the purchaser shall provide, in such order as may be requested, such of the particulars as are appropriate and are required for an application for an official search with priority in Form 94A or Form 94B;

(ii) where the application is made by facsimile transmission the purchaser shall provide Form 94A or Form 94B, as appropriate, together with, where the application is in Form 94B (and the plot number or numbers of any relevant approved estate plan are not quoted), a designated plan of the land in respect of which the official search is to be made; and

(iii) in any other case the purchaser shall provide, in such order as may be required by that notice, such of the particulars as are appropriate and are required for an application for an official search with priority in Form 94A or Form 94B.

(4) Where the application is made on Form 94B under paragraph (3)(a), unless the registrar otherwise allows:

(a) Form 94B and any plan accompanying the application, shall be delivered in duplicate;

(b) the application shall be accompanied by Form 94B (Result) in duplicate.

(5) Where the application is made under paragraph (3)(b)(ii) in Form 94B, the purchaser shall provide, unless the registrar otherwise allows, Form 94B (Result).

### **Entry of application on day list and issue of official certificate of search with priority**

4.—(1) If an application for an official search with priority is in order, notice of it shall be entered on the day list and upon completion of the official search with priority an official certificate of search shall be issued giving the result of the search as at the time and day it is deemed to have been delivered.

(2) An official certificate of search with priority of a register or in relation to a pending first registration application may, at the registrar's discretion, be issued in one, or more than one, of the following ways:

- (a) in the form set out under the heading "Official Certificate of Result of Search" in Form 94B (Result);
- (b) in documentary form;
- (c) during the currency of any relevant notice given pursuant to rule 14, and subject to and in accordance with the limitations contained in that notice, by any means of communication, other than the means referred to in sub-paragraphs (a) and (b).

(3) Subject to paragraphs (4) and (5), an official certificate of search issued under paragraph (2) shall include such information specified in Part I or Part II of Schedule 2 as the case may require and may be issued by reference to an office copy of the register.

(4) Where the official certificate of search is issued in Form 94B (Result) or in documentary form, under paragraph (2), together with the relevant application form, or a copy of that application form, it need not include any of the information referred to in paragraph (3) which appears on that application form.

(5) Where an official certificate of search is issued under paragraph (2)(c) and another official certificate of search is to be, or has been, issued under paragraph (2)(b) in respect of the same application, it need only include the information specified at A, F, G, and H, of Part I or A, H, and I of Part II of Schedule 2 as the case may require.

### **Inspection of applications for official searches with priority and official certificates of search with priority**

5. During the priority period details in a visible and legible form:

- (a) of the application for official search with priority; and
- (b) of the official certificate of search with priority;

shall be made available for inspection by any person.

### **Priority of applications protected by an official search with priority of a register**

6. Where a purchaser has applied for an official search with priority of a register, any entry which is made in that 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 an official search with priority relating to a pending first registration application**

7.—(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 with priority 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 applications for official searches with priority and concurrent official certificates of searches with priority**

8.—(1) Where two or more official certificates of search with priority 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 with priority were deemed to have been delivered.

(2) Where two or more applications for official search with priority relating to the same land or the same charge are deemed to have been delivered at the same time the official certificates of search with priority 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 with priority 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 with priority 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 with priority 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.