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STATUTORY INSTRUMENTS

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**1996 No. 2975**

**LAND REGISTRATION, ENGLAND AND WALES**

**The Land Registration Rules 1996**

*Made* - - - - 25th November 1996  
*Laid before Parliament* 27th November 1996  
*Coming into force* - - 1st January 1997

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, sections 41, 53(2), 58, 94(4) and 103(1) of the said Act, and sections 37 and 39 of the Charities Act 1993(2) and of all other powers enabling him in that behalf, hereby makes the following rules:

**Citation, commencement and interpretation**

1.—(1) These rules may be cited as the Land Registration Rules 1996 and shall come into force on 1st January 1997.

(2) In these rules—

- (a) “the principal rules” means the Land Registration Rules 1925(3) and “the Schedule” means the Schedule to those rules, and
- (b) a rule referred to by number means the rule so numbered in the principal rules.

**Amendments to the principal rules**

2. The principal rules have effect subject to the amendments specified in the schedule to these rules.

**Revocation**

3. Rules 39 and 121 and Forms 12A, 12B and 35 in the Schedule are revoked.

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(1) 1925 c. 21; section 94(4) was inserted by the Trusts of Land and Appointment of Trustees Act 1996 (c. 47), section 25(1) and Schedule 3 paragraph 5(8)(c), and section 144(1) was amended by the Administration of Justice Act 1982 (c. 53), section 67(2) and Schedule 5, paragraph (d). The reference to the Ministry of Agriculture, Fisheries and Food in section 144(1) was substituted by the Transfer of Functions (Ministry of Food) Order 1955 (S.I. 1955/554).

(2) 1993 c. 10.

(3) S.R. & O. 1925/1093; relevant amending instruments S.I. 1986/1537, 1990/2163, 1992/3005, 1993/1704, 1995/140, 1995/3153.

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Dated 25th November 1996

*Mackay of Clashfern, C.*

## SCHEDULE

Rule 2

### AMENDMENTS TO THE PRINCIPAL RULES

1. Add to rule 1(5F) the words “and “non-exempt charity” means a charity which is not an exempt charity.”

2. For rule 16 substitute—

#### **“Cancellation of determined entries**

16. The Registrar may at any time, after such enquiry and notices, if any, as he may consider proper, and upon the production of such evidence as he may deem necessary, cancel:

- (a) any notice of a charge, incumbrance or other adverse interest, or of a claim to a right, which he is satisfied has determined, or ceased, or been discharged, or does not affect the land or the registered charge to which the notice relates, and
- (b) any restriction, inhibition or note which he is satisfied;
  - (i) no longer applies, or
  - (ii) protects or relates to an interest which has come to an end, or is adequately protected by another entry.”

3. After rule 59 insert—

### “Trusts of Land

#### **Protection of beneficiaries where trustees’ powers of disposition are limited**

59A.—(1) Where the powers of trustees of land are limited by virtue of section 8 of the Trusts of Land and Appointment of Trustees Act 1996, any application for first registration of the land shall be accompanied by an application for a restriction under section 58 of the Act to protect the rights of the persons beneficially interested in the land.

(2) The restriction shall be in Form 11A, with such alterations or additions, if any, as are necessary or desired and the Registrar allows.

(3) The provisions of this rule apply to the personal representative of a sole or last surviving trustee of land as they apply to trustees of land.

(4) This rule does not apply to land held on charitable, ecclesiastical or public trusts.”

4. For rules 60, 61 and 62 substitute the following rules—

#### **“Applications for first registration of land held by or in trust for a non-exempt charity**

60.—(1) The restriction which the registrar is required by section 37(8) of the Charities Act 1993 to enter in the register where an application for first registration to which that subsection applies is made shall be the appropriate restriction.

(2) Where application is made under section 4 or 8 of the Act for first registration of land held by or in trust for a non-exempt charity and the conveyance, lease or other instrument under which the applicant or its nominee derives title does not contain the statement prescribed by rule 61, the application shall be accompanied by a certificate that the charity is a non-exempt charity, and the Registrar shall enter the appropriate restriction.

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- (3) In this rule “the appropriate restriction” means:
- (a) where the title concerned is a rentcharge, a restriction in Form 12C;
  - (b) in the case of land vested in the official custodian under section 18 of the Charities Act 1993, restrictions in Form 12 and Form 12D;
  - (c) in any other case, a restriction in Form 12.

**Statements to be contained in instruments effecting a disposition in favour of a charity**

**61.** The statement required by section 37(5) of the Charities Act 1993 shall, in a conveyance, lease or other instrument which will on taking effect be one to which section 123(1) of the Act applies, be in one of the following forms:

- (a) “The land conveyed (*or as the case may be*) will, as a result of this conveyance (*or as the case may be*) be held by (*or in trust for*) (*charity*), an exempt charity.”
- (b) “The land conveyed (*or as the case may be*) will, as a result of this conveyance (*or as the case may be*) be held by (*or in trust for*) (*charity*), a non-exempt charity, and the restrictions on disposition imposed by section 36 of the Charities Act 1993 will apply to the land (subject to section 36(9) of that Act).”

**Statements to be contained in instruments effecting a disposition by a charity**

**62.** The statement required by section 37(1) of the Charities Act 1993 shall, in a conveyance, lease or other instrument which will on taking effect be one to which section 123(1) of the Act applies, be in one of the following forms:

- (a) “The land conveyed (*or as the case may be*) is held by [(*proprietors*) in trust for] (*charity*), an exempt charity.”
- (b) “The land conveyed (*or as the case may be*) is held by [(*proprietors*) in trust for] (*charity*), a non-exempt charity, but this conveyance (*or as the case may be*) is one falling within paragraph ((a), (b) *or* (c) *as the case may be*) of section 36(9) of the Charities Act 1993.”
- (c) “The land conveyed (*or as the case may be*) is held by [(*proprietors*) in trust for] (*charity*), a non-exempt charity, and this conveyance (*or as the case may be*) is not one falling within paragraph (a), (b) or (c) of section 36(9) of the Charities Act 1993, so the restrictions on disposition imposed by section 36 of that Act apply to the land.””

5. For rule 82 substitute—

**“Instruments executed by attorney**

**82.—**(1) If any instrument executed by an attorney is delivered at the Registry there shall be produced to the Registrar:

- (a) the instrument creating the power of attorney (“the power”); or
- (b) a copy of the power by means of which its contents may be proved under section 3 of the Powers of Attorney Act 1971(4); or

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(4) 1971 c. 27.

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(c) a document which under section 4 of the Evidence and Powers of Attorney Act 1940<sup>(5)</sup> or section 7(3) of the Enduring Powers of Attorney Act 1985<sup>(6)</sup> is sufficient evidence of the contents of the power.

(2) If an order pursuant to section 8 of the Enduring Powers of Attorney Act 1985 has been made with respect to a power of attorney or the donor of the power or the attorney appointed under it the order, or an office copy of it, or a copy of it certified pursuant to rule 309 shall be produced to the Registrar.

(3) The Registrar may retain any document produced pursuant to this rule.

### **Evidence of non-revocation of power more than 12 months old**

**82A.**—(1) If any transaction between the donee of a power of attorney and the person dealing with him is not completed within 12 months of the date on which the power came into operation, evidence shall be produced to the Registrar to satisfy him that the power had not been revoked at the time of the transaction.

(2) The evidence that the power had not been revoked shall, unless the registrar otherwise directs, consist of a statutory declaration by the person who dealt with the attorney.

(3) Where the power was in a form prescribed under section 2(2) of the Enduring Powers of Attorney Act 1985 the statutory declaration shall be to the effect that the declarant had no knowledge, at the time of the completion of the transaction:

- (a) of any revocation of the power (whether by the donor or by an order or direction of the authority having jurisdiction under Part VII of the Mental Health Act 1983);
- (b) of the death or bankruptcy of the donor;
- (c) of the bankruptcy of the attorney;
- (d) of any other event which had the effect of revoking the power; or
- (e) that the power was not a valid enduring power of attorney and had been revoked by the donor's mental incapacity.

(4) Subject to paragraph (6), where the power was given under section 9 of the Trusts of Land and Appointment of Trustees Act 1996 the statutory declaration shall be to the effect that the declarant had no knowledge, at the time of the completion of the transaction, that:

- (a) the power had been revoked by the donors or any of them;
- (b) another trustee of the land to which the power related had been appointed; or
- (c) any other event had occurred which had the effect of revoking the power.

(5) Subject to paragraph (6), where the power was neither in a form prescribed under section 2(2) of the Enduring Powers of Attorney Act 1985 nor given under section 9 of the Trusts of Land and Appointment of Trustees Act 1996 the statutory declaration shall be to the effect that the declarant had no knowledge, at the time of the completion of the transaction, of:

- (a) any revocation of the power; or
- (b) the death, incapacity or bankruptcy of the donor; or, if the donor is a body corporate, its winding up or dissolution.

(6) Where a power of attorney is expressed in the instrument creating it to be irrevocable and to be given by way of security, the statutory declaration shall be to the effect that the declarant had no knowledge, at the time of the completion of the transaction, that:

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(5) 3 & 4 Geo. 6 c.28.

(6) 1985 c. 29.

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- (a) the power was not in fact given by way of security;
- (b) the power had been revoked by the donors or any of them acting with the consent of the attorney; or
- (c) any event had occurred which had the effect of revoking the power.

**Evidence in support of power delegating trustees' functions to a beneficiary**

**82B.**—(1) If any instrument executed by an attorney to whom functions have been delegated by a power of attorney given under section 9 of the Trusts of Land and Appointment of Trustees Act 1996 is delivered at the Registry there shall be produced to the Registrar, in addition to any evidence required by rule 82A (evidence of non-revocation of power more than 12 months old), evidence to satisfy him that the person who dealt with the attorney:

- (a) did so in good faith; and
- (b) had no knowledge at the time of the completion of the transaction that the attorney was not a person to whom the functions of the trustees in relation to the land to which the application relates could be delegated under that section.

(2) The evidence required by paragraph (1) shall, unless the Registrar otherwise directs, consist of a statutory declaration to that effect by the person who dealt with the attorney.”

6. In the heading *Transfers of Land* in Part III of the principal rules, after the words “*Transfers*” insert “*and other dispositions*”.

7. After rule 106 insert the following rule—

**“Protection of beneficiaries where trustees' powers of disposition are limited**

**106A.**—(1) Where the powers of trustees of land are limited by virtue of section 8 of the Trusts of Land and Appointment of Trustees Act 1996, any application for registration of a disposition in favour of the trustees shall be accompanied by an application for a restriction under section 58 of the Act (unless one is already registered) to protect the rights of the persons beneficially interested in the land.

(2) Where as a result of a declaration of trust of registered land, or a change in the trusts on which registered land is held, there are limitations or different limitations on the powers of the trustees by virtue of section 8 of the Trusts of Land and Appointment of Trustees Act 1996, the proprietors shall apply for a restriction under section 58 of the Act (unless one is already registered) to protect the rights of the persons beneficially interested in the land.

(3) The restriction shall be in Form 11A, with such alterations or additions, if any, as are necessary or desired and the Registrar allows.

(4) The provisions of this rule apply to the personal representative of a sole or last surviving trustee of land as they apply to trustees of land.

(5) This rule does not apply to land held on charitable, ecclesiastical or public trusts.”

8. For rules 122 to 124 substitute the following rules—

**“Dispositions in favour of a charity**

**122.**—(1) The statement required by section 37(5) of the Charities Act 1993 shall, in an instrument effecting a registrable disposition, be in one of the following forms:

- (a) “The land transferred (*or as the case may be*) will, as a result of this transfer (*or as the case may be*), be held by (*or in trust for*) (*charity*), an exempt charity.”

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- (b) “The land transferred (*or as the case may be*) will, as a result of this transfer (*or as the case may be*), be held by (*or in trust for*) (*charity*), a non-exempt charity, and the restrictions on disposition imposed by section 36 of the Charities Act 1993 will apply to the land (subject to section 36(9) of that Act).”

(2) Where charity trustees have been incorporated under Part VII of the Charities Act 1993 they shall be described in an instrument effecting a registrable disposition in their favour as “a body corporate under Part VII of the Charities Act 1993”.

#### **Applications for the registration of dispositions of registered land to be held by or in trust for a non-exempt charity**

**123.**—(1) The restriction which the registrar is required by section 37(8) of the Charities Act 1993 to enter in the register where an application is made for registration of a disposition of registered land to which that subsection applies shall be the appropriate restriction.

(2) In this rule “the appropriate restriction” has the same meaning as in rule 60.

#### **Entry of restrictions in certain cases**

**124.**—(1) Where registered land is held by or in trust for a corporation and the corporation becomes a non-exempt charity, the charity trustees shall apply for the appropriate restriction.

(2) Where application is made for the registration of a transfer of land held by or in trust for a non-exempt charity and rule 122 does not apply to the transfer, the application shall be accompanied by an application for the appropriate restriction, unless it is already registered.

(3) Where application is made to the Registrar to give effect on the register to a vesting order or vesting declaration on the appointment or discharge of trustees of land held on trust for a non-exempt charity, the application shall be accompanied by an application for the appropriate restriction, unless it is already registered.

(4) Where application is made under rule 131 for the registration of a person who is or holds on trust for a non-exempt charity as proprietor of registered land, the application shall be accompanied by an application for the appropriate restriction, unless it is already registered.

(5) In this rule “the appropriate restriction” has the same meaning as in rule 60.”

9. For rule 128 substitute the following rule—

#### **“Dispositions by a charity**

**128.** The statement required by section 37(1) of the Charities Act 1993 shall, in an instrument effecting a registrable disposition, be in one of the following forms:

- (a) “The land transferred (*or as the case may be*) is held by [(*proprietors*) in trust for] (*charity*), an exempt charity.”
- (b) “The land transferred (*or as the case may be*) is held by [(*proprietors*) in trust for] (*charity*), a non-exempt charity, but this transfer (*or as the case may be*) is one falling within paragraph ((a), (b) or (c) *as the case may be*) of section 36(9) of the Charities Act 1993.”
- (c) “The land transferred (*or as the case may be*) is held by [(*proprietors*) in trust for] (*charity*), a non-exempt charity, and this transfer (*or as the case may be*) is not one falling within paragraph (a), (b) or (c) of section 36(9) of the Charities Act 1993, so the restrictions on disposition imposed by section 36 of that Act apply to the land.””.

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10. In rule 131—

- (a) omit the words “or of a vesting in a co-tenant for life of full age, or the trustees of a settlement in the case of an infant under the First Schedule to the Law of Property Act 1925, or the Second Schedule to the Settled Land Act 1925,” and
- (b) after “undue delay or expense,” insert “or no transfer is required to give legal effect to the transaction.”

11. In rule 134—

- (a) for the words “trustees for sale” substitute “trustees”, and
- (b) for the words “trust for sale” substitute “trust of land”,

and for the sidenote of the rule substitute—

*“Registration of trustees under section 94 of the Act”.*

12. After rule 144 insert the following rule—

**“Charge by a charity**

**144A.** The statement required by section 39(1) of the Charities Act 1993 shall, in a mortgage which is a registrable disposition, be in one of the following forms:

- (a) “The land charged is held by [(*proprietors*) in trust for] (*charity*), an exempt charity.”
- (b) “The land charged is held by [(*proprietors*) in trust for] (*charity*), a non-exempt charity, but this charge (*or mortgage*) is one falling within section 38(5) of the Charities Act 1993.”
- (c) “The land charged is held by [(*proprietors*) in trust for] (*charity*), a non-exempt charity, and this charge (*or mortgage*) is not one falling within section 38(5) of the Charities Act 1993, so the restrictions imposed by section 38 of that Act apply.””

13. After rule 169 insert the following rule—

**“Protection of persons entitled under a will where trustees’ powers of disposition are limited**

**169A.**—(1) Where registered land is held by the personal representatives of a deceased person on a trust of land created by his will, or arising under the law relating to intestacy and subsequently varied, and their powers are limited by virtue of section 8 of the Trusts of Land and Appointment of Trustees Act 1996, they shall apply for a restriction to reflect the limitation.

(2) The restriction shall be in Form 11B, with such alterations or additions, if any, as are necessary or desired and the Registrar allows.

(3) This rule does not apply to charitable, ecclesiastical or public trusts.

(4) A restriction in Form 11B shall be cancelled on registration of an assent.”

14. In rule 170—

- (a) at the beginning of paragraph (1) insert “Subject to any entry to the contrary in the register,”
- (b) in paragraph (4), for the words “the restrictions (if any) contained therein” substitute “the appropriate restrictions (if any)”, and

- (c) in paragraph (5), for the words “and, whether he has notice or not of its contents, he shall be entitled to assume” substitute “and if the terms of any restriction on the register affecting the disposition are complied with he shall be entitled to assume, whether or not he has notice of the contents of the will,”.

**15. In rule 171—**

- (a) in paragraph (1)—
  - (i) for the words “a will or intestacy” substitute “the will or intestacy of a person who died before 1st January 1997”, and
  - (ii) for the words from “the proper restriction” to the end substitute “a restriction in Form 9”; and
- (b) in paragraph (2) for the words from the beginning to “in that form” substitute “On receipt of such an application from the personal representatives”.

**16. For rule 213 substitute—**

**“Restriction restraining a disposition by a sole or last surviving proprietor**

**213.—**(1) A restriction under section 58(3) of the Act shall be in Form 62.

(2) A restriction in Form 62 shall be entered on first registration of any land subject to a trust of land where the proprietor or the survivor of the proprietors will be unable (unless a trust corporation) to give a valid receipt for capital money.

(3) An application by a sole or last surviving trustee of land for registration of a disposition of registered land shall be accompanied by an application for a restriction in Form 62.

(4) Where registered land becomes subject to a trust of land otherwise than on a registrable disposition and the proprietor or the survivor of the proprietors will be unable (unless a trust corporation) to give a valid receipt for capital money, the proprietors shall apply for a restriction in Form 62.

(5) Where as a result of a change in the trusts on which registered land is held, the survivor of the proprietors will be unable (unless a trust corporation) to give a valid receipt for capital money, and there is no restriction in Form 62 on the register, the proprietors shall apply for one.

(6) No restriction shall be entered under this rule where the prescribed restrictions applicable to settled land are entered on the register.”

**17. For rules 235 and 236 substitute—**

**“Application for a restriction by or with the consent of the proprietor**

**235.—**(1) Application for a restriction under section 58 of the Act may be made by the proprietor of the land or charge affected by the restriction or by any person with his consent.

- (2) An application under this rule shall:
  - (a) be in Form 75;
  - (b) state the particulars of the restriction required to be entered on the register;
  - (c) be signed by the applicant or his solicitor, and
  - (d) if the applicant is not the proprietor, be accompanied by a consent signed by the proprietor or his solicitor.

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### **Application for a restriction by beneficiary, etc.**

**236.**—(1) Where registered land is held on a trust of land and the proprietor or the survivor of the proprietors will be unable (unless a trust corporation) to give a valid receipt for capital money but a restriction in Form 62 has not been entered, any person interested in the land may apply for the restriction.

(2) Where registered land is held on a trust of land, any person having a sufficient interest to prevent a contravention of section 6(6) or 6(8) of the Trusts of Land and Appointment of Trustees Act 1996 may apply for an appropriate restriction.

(3) Where registered land is held on a trust of land and the powers of the trustees are limited by virtue of section 8 of the Trusts of Land and Appointment of Trustees Act 1996 but a restriction in Form 11A has not been entered, any person interested in the land may apply for the restriction.

(4) Where registered land is held by the personal representatives of a deceased person on a trust of land created by his will, or arising under the law relating to intestacy and subsequently varied, and the powers of the trustees are limited by virtue of section 8 of the Trusts of Land and Appointment of Trustees Act 1996 but a restriction in Form 11B has not been entered, any person interested in the due administration of the deceased's estate may apply for the restriction.

(5) An application for a restriction under this rule shall:

- (a) be in Form 76;
- (b) state the particulars of the restriction required to be entered on the register;
- (c) set out the grounds on which the application is made;
- (d) be signed by the applicant or his solicitor;
- (e) be accompanied by copies of any documents referred to and by such other evidence as the Registrar may direct, and
- (f) be proceeded with as the Registrar shall direct.

### **Entry of restriction by Registrar**

**236A.** Where the dispositional powers of the registered proprietor of land or of a charge:

- (a) are limited by statute;
- (b) in the case of a corporation, are limited by the law of the place where it is incorporated or by the charter, statute, rules, memorandum and articles of association or other documents constituting the corporation, or
- (c) in the case of a personal representative, are limited by the terms of his grant,

the Registrar may enter a restriction to reflect the limitation.

### **Withdrawal and modification of a restriction**

**236B.** An application to withdraw or modify a restriction shall be in Form 77, and shall be signed by, or accompanied by consents signed by, all persons for the time being appearing by the register to be interested in the restriction, or their solicitors.”

**18.** For rule 259 substitute the following rules—

#### **“Registration of companies**

**259.**—(1) Where application is made for registration of a company registered in England and Wales or Scotland under the Companies Acts as proprietor of land or of a charge, the application shall contain or be accompanied by a certificate that it is so registered and shall state the company’s registered number.

(2) If the company is a registered social landlord within the meaning of the Housing Act 1996, the application shall also contain or be accompanied by a certificate to that effect.

(3) If the company is an unregistered housing association within the meaning of the Housing Associations Act 1985 and the application relates to grant-aided land as defined in Schedule 1 to that Act, the application shall also contain or be accompanied by a certificate to that effect.

#### **Registration of trustees of charitable, ecclesiastical or public trust**

**259A.**—(1) Where application is made for registration as proprietor of land or of a charge of a corporation or body of trustees holding on charitable, ecclesiastical or public trusts, the application shall be accompanied by a copy of the disposition creating the trust.

(2) If the land to which the application relates is held on trust for a registered social landlord within the meaning of the Housing Act 1996, the application shall also contain or be accompanied by a certificate to that effect.

(3) If the land to which the application relates is held on trust for an unregistered housing association within the meaning of the Housing Associations Act 1985 and is grant-aided land as defined in Schedule 1 to that Act, the application shall also contain or be accompanied by a certificate to that effect.

(4) Paragraph (1) of this rule does not apply in the case of land or a charge held by or in trust for a non-exempt charity.

#### **Registration of trustees incorporated under Part VII of the Charities Act 1993**

**259B.** Where charity trustees have been incorporated under Part VII of the Charities Act 1993 they shall produce to the registrar with any application for registration as proprietor of land or a charge a certified copy of the certificate granted by the Charity Commissioners under section 50 of that Act.

#### **Registration of the official custodian**

**259C.**—(1) Where application is made for registration of the official custodian as proprietor of land there shall be produced to the Registrar:

- (a) a certified copy of an order of the court made under section 21(1) of the Charities Act 1993, or
- (b) a certified copy of an order of the Charity Commissioners made under sections 16 or 18 of the Charities Act 1993.

(2) Subject to paragraph (3) below, the address of the charity trustees or, where the land is held on behalf of a charity which is a corporation, the address of the charity, shall be given to the Registrar and shall be entered in the register, and thereupon all notices which under these rules are required to be sent to the proprietor shall be sent to the charity trustees or the charity at that address.

(3) If the land is vested in the official custodian by virtue of an order under section 18 of the Charities Act 1993, his address shall be entered in the register.

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### Registration of other corporations

**259D.**—(1) Where application is made for registration as proprietor of land or of a charge of a corporation aggregate to which rules 259 to 259B do not apply, there shall be produced evidence of the extent of its powers to hold and sell, mortgage, lease and otherwise deal with land and, in the case of a charge, to lend money on mortgage.

(2) The evidence shall consist of a copy of the charter, statute, rules, memorandum and articles of association or other documents constituting the corporation, together with such further evidence, if any, as the Registrar may direct.

(3) If the corporation is a registered social landlord within the meaning of the Housing Act 1996, the application shall contain or be accompanied by a certificate to that effect.

(4) If the corporation is an unregistered housing association within the meaning of the Housing Associations Act 1985 and the application relates to grant-aided land as defined in Schedule 1 to that Act, the application shall contain or be accompanied by a certificate to that effect.”

**19.** For the heading of Form 9 in the Schedule substitute “*Restriction where Tenant for Life, etc., is registered as proprietor. (Rules 58 and 171.)*”.

**20.** In the heading of Form 10 in the Schedule omit the words “*or trustees holding on trust for sale*”.

**21.** After Form 11 in the Schedule insert the following forms—

“FORM 11A RESTRICTION PROTECTING CERTAIN RIGHTS OF BENEFICIARIES UNDER A TRUST OF LAND (RULES 59A, 106A AND 236)

Except under an order of the registrar no disposition (*or transfer, or charge, or lease for more than (specify longest permitted term), or as the case may be*) by the proprietors of the land is to be registered unless they make a statutory declaration, or their solicitor or licensed conveyancer certifies, that the disposition is in accordance with (*specify the disposition creating the trust*) or some variation thereof referred to in the declaration or certificate.

FORM 11B RESTRICTION PROTECTING CERTAIN RIGHTS OF PERSONS INTERESTED IN THE DUE ADMINISTRATION OF AN ESTATE (RULES 169A AND 236)

Except under an order of the registrar no disposition by A.B., the executor (*or administrator*) of C.D. deceased, other than an assent is to be registered unless he makes a statutory declaration, or his solicitor or licensed conveyancer certifies, that the disposition is in accordance with the terms of the will of the deceased (*or the law relating to intestacy as varied by a deed dated etc., or as the case may be*) or some variation (*or further variation*) thereof referred to in the declaration or certificate, or is necessary for the purposes of administration.

**22.** For the heading of Form 12 in the Schedule substitute “*Restriction applicable to a non-exempt charity. (Rules 60, 123 and 124.)*”.

**23.** In the heading of Form 12C in the Schedule, for “*Rules 60(7) and 123(6)*” substitute “*Rules 60, 123 and 124*”.

**24.** For Form 12D in the Schedule substitute—

“FORM 12D RESTRICTION APPLICABLE IN THE CASE OF LAND VESTED IN THE OFFICIAL CUSTODIAN UNDER SECTION 18 OF THE CHARITIES ACT 1993 (RULES 60 AND 123)

No disposition executed by [the trustees of] (*charity*) in the name and on behalf of the proprietor shall be registered or noted unless the transaction is authorised by order of the Court or of the Charity Commissioners, as required by section 22(3) of the Charities Act 1993.

**25.** In Form 14 in the Schedule before the words “*as beneficial owner in fee simple,*” insert “*as beneficial owner of an undivided share,*”.

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26. In the heading of Form 56 in the Schedule for the words “*to a Devise of Land*” substitute “*in favour of the person entitled under a Will or Intestacy*”.

27. In the heading of Form 62 in the Schedule, for “*Rule 213*” substitute “*Rules 213 and 236*”.

28. For Forms 75 and 76 in the Schedule substitute the following forms—  
“FORM 75 APPLICATION TO REGISTER A RESTRICTION UNDER SECTION 58 OF THE ACT (RULE 235)

(Heading as in Form 19)

(Date). A.B. applies to the Registrar to enter the following restriction against the above title (or the land hereby transferred or as the case may be):

*Add appropriate restriction.*

(To be signed by the applicant or his solicitor)

*Note 1.*—Where the restriction affects a charge, insert before “the above title” the words “the charge dated (*specify its date and, if necessary, the name of the chargee*) registered against”.

*Note 2.*—The application may be incorporated in a transfer or other instrument effecting a registrable disposition, in which case the heading may be omitted.

*Note 3.*—Where the applicant is not the proprietor, a consent signed by the proprietor or his solicitor must be lodged with the application.

FORM 76 APPLICATION BY BENEFICIARY, ETC., TO REGISTER A RESTRICTION UNDER SECTION 58 OF THE ACT (RULE 236)

(Heading as in Form 19)

(Date). A.B. applies to the Registrar to enter the following restriction against the above title:

*Insert appropriate restriction.*

The grounds on which this application is made are (*add grounds*).

(To be signed by the applicant or his solicitor)

*Note 1.*—Where the restriction affects a charge, insert before “the above title” the words “the charge dated (*specify its date and, if necessary, the name of the chargee*) registered against”.

*Note 2.*—Copies of any documents referred to must be lodged with the application.

29. In Form 77 in the Schedule—

(a) for “*Rule 235*” in the heading substitute “*Rule 236B*”, and

(b) after “and” insert “signed, or accompanied by consents signed, by”.

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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the Land Registration Rules 1925 (the 1925 Rules) so as to:

(1) give effect to the Trusts of Land and Appointment of Trustees Act 1996 in relation to registered land by:

- (a) prescribing forms of restriction to be used for protecting the rights of persons beneficially interested in the land or interested in the due administration of a deceased person's estate;
- (b) providing for the circumstances in which such restrictions are to be used and may be applied for;
- (c) providing, in relation to the restriction which the Registrar is obliged to enter on the register where there are joint proprietors the survivor of whom (not being a trust corporation) cannot give a valid receipt for capital money, for its use on other occasions when registered land is subject to a trust of land;
- (d) permitting persons beneficially interested in registered land which is subject to a trust of land to apply for such restrictions where they have not already been entered on the register in accordance with the 1925 Rules; and
- (e) providing for the evidence to be produced where a power of attorney granted by trustees to a beneficiary under section 9 of that Act is used.

(2) Prescribe new statements under sections 37 and 39 of the Charities Act 1993 for use in dispositions to and by charities and a new form of restriction where registered land is vested in the official custodian for charities under section 18 of that Act.

(3) Amend the provision for the cancellation of entries on the register which are spent.

(4) Provide for the treatment of applications to give effect on the register to the vesting of registered land where no transfer is required to give legal effect to the transaction.

(5) Amend the provision dealing with the treatment and form of applications for the registration of restrictions generally, so as to distinguish between:

- (a) applications made by or with the consent of the proprietor;
- (b) applications made by beneficiaries and other persons without such consent.

(6) Give the Registrar a discretion to enter an appropriate restriction in certain cases.

(7) Prescribe information and documents to be furnished to the Registrar where application is made to register as proprietor:

- (a) a company registered in England and Wales or Scotland under the Companies Acts;
- (b) a corporation or body of trustees holding on charitable, ecclesiastical or public trusts;
- (c) charity trustees incorporated under Part VII of the Charities Act 1993;
- (d) the official custodian for charities;
- (e) other corporations generally.