
STATUTORY INSTRUMENTS

1997 No. 1964

The Land Registration (Matrimonial Home Rights) Rules 1997

PART II

**APPLICATIONS TO REGISTER OR RENEW A REGISTRATION
OF A MATRIMONIAL HOME RIGHTS NOTICE OR CAUTION;
WARNING OFF OF MATRIMONIAL HOME RIGHTS CAUTIONS**

Application to register a notice

3.—(1) An application in pursuance of section 31(10)(a) or section 32 of, and paragraph 4(3)(b) of Schedule 4 to, the 1996 Act to register a notice shall be made by delivering in documentary form at the proper office an application on Form MH1.

(2) If the application is made under section 32 of, and paragraph 4(3)(b) of Schedule 4 to, the 1996 Act the application shall be accompanied by an official copy of the section 33(5) order for filing in the Registry.

Application to renew the registration of a matrimonial home rights notice or caution

4.—(1) An application to renew the registration of a matrimonial home rights notice or a matrimonial home rights caution under section 32 of, and paragraph 4(3)(a) of Schedule 4 to, the 1996 Act shall be made by delivering in documentary form at the proper office an application on Form MH2 and shall be accompanied by an official copy of the section 33(5) order for filing in the Registry.

(2) If the registrar is satisfied that the application is in order he shall renew the registration by entering on the register a further notice or caution, as the case may require.

Warning off of matrimonial home rights cautions

5. The registrar shall not be required, on the application of the proprietor of the land to which a matrimonial home rights caution relates, to serve the notice referred to in rule 218 of the Land Registration Rules 1925 except upon production of:

- (a) a release in writing of the matrimonial home rights protected by the caution; or
- (b) a statutory declaration that, as to the whole or any part of the land to which the caution relates, no charge under section 31 of the 1996 Act, section 2 of the 1983 Act or section 2 of the 1967 Act has ever arisen or, if such a charge has arisen, it is no longer subsisting.