
STATUTORY INSTRUMENTS

1997 No. 1964

The Land Registration (Matrimonial Home Rights) Rules 1997

PART III

**OFFICIAL SEARCHES BY MORTGAGEES; REQUESTS FOR INFORMATION;
NOTICE OF PROVISION OF ADDITIONAL ARRANGEMENTS**

Application for official search by a mortgagee

6.—(1) A mortgagee of registered land which consists of or includes all or part of a dwelling-house may apply for an official certificate of the result of a search of the relevant register for the purpose of section 56(3) of the 1996 Act.

(2) An application under paragraph (1) shall be made:

- (a) by delivering in documentary form at the proper office an application on Form MH3; or
- (b) during the currency of any relevant notice given pursuant to rule 9, 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 facsimile transmission the applicant shall provide Form MH3;
 - (ii) in any other case the applicant shall provide, in such order as may be required by the registrar, such of the particulars as are appropriate and are required for an application in Form MH3.

(3) Where the application is made under paragraph (2)(a), Form MH3, unless the registrar otherwise allows, shall be delivered in duplicate.

Issue of official certificate of result of search

7.—(1) An official certificate giving the result of the search shall be issued in one, or more than one, of the following ways:

- (a) in documentary form as set out under the heading “Official Certificate of Result of Search” in Form MH3;
- (b) in other documentary form;
- (c) during the currency of any relevant notice given pursuant to rule 9, 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).

(2) Subject to paragraphs (3) and (4), an official certificate of result of search issued under paragraph (1) shall include the information specified in Schedule 2.

(3) Where the official certificate of result of search is issued under paragraph (1)(a) or (b), as part of, or together with, the applicant’s Form MH3 or a copy of that form, it need not include any of the information specified in Schedule 2 which appears on that form.

(4) Where an official certificate of result of search is issued under paragraph (1)(c) and another official certificate of result of search is to be, or has been, issued under paragraph (1)(a) or (b) in respect of the same application, it need only include the information specified at E of Schedule 2.

Information requested by applicant making an application under rule 6

8. During the currency of any relevant notice given pursuant to rule 9, and subject to and in accordance with the limitations contained in that notice, and if so requested by an applicant who is making an application under rule 6, the registrar may, before the official search has been completed in respect of such application, inform the applicant, by any means of communication, whether a matrimonial home rights notice or matrimonial home rights caution has been entered in the register of the relevant title.

Notice for the provision of additional arrangements for an official search under rule 6, an official certificate of result of search under rule 7 or information under rule 8

9.—(1) If the registrar is satisfied that adequate arrangements have been or will be made for dealing with the applications under rule 6(2)(b) or results of search issued under rule 7(1)(c) or requests for information under rule 8 in accordance with this rule, he may, in such manner as he considers appropriate for persons who may wish to make applications under rule 6, 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 applications made by a person maintaining a credit account;
- (b) to applications which relate to land within specified counties, districts, London boroughs or other administrative areas;
- (c) 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).

(2) Subject to paragraphs (3) and (4), a notice given pursuant to paragraph (1) shall be current from the time specified in that behalf in the notice 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) If and so long as owing to the breakdown or other unavailability of facilities or data involved in giving effect to the arrangements made for dealing with applications for or results of search or requests for information covered by a notice given under paragraph (1) such arrangements cease, in whole or in part, to be effective, the notice shall cease, to the necessary extent, to be treated as current notwithstanding the absence of a variation, suspension or withdrawal thereof under paragraph (3).

(5) Notwithstanding the provisions of rules 6(2)(b), 7(1)(c) and 8 the registrar may in his discretion refuse to accept an application made, or to issue a result, or to provide information under any of those provisions in any individual case.