

SCHEDULE 1

Rule 2(1)

AMENDMENTS TO THE PRINCIPAL RULES

1. In rule 1—

(a) for paragraph (4) substitute—

“(4) In these rules:

(a) “Schedule 1 form” means a form in Schedule 1 and “Schedule 2 form” means a form in Schedule 2;

(b) “scheduled form” means a Schedule 1 form or a Schedule 2 form.”

(b) after paragraph (5L) insert—

“(5M) In these rules “section 123 instrument” means a conveyance, lease or other instrument which is, or will on taking effect be, one to which section 123A of the Act applies.”

2. In rule 6, for “address, and description” substitute “company’s registered number, if any, and address.”.

3. For rule 19 substitute—

“First registration applications

19.—(1) An application for first registration shall be made on Form FR1.

(2) A mortgagee under a mortgage falling within section 123(2) of the Act may apply for the legal estate charged by the mortgage to be registered whether or not the mortgagor consents.”

4. For rule 20(iv) substitute—

“(iv) a list in duplicate in form DL of all documents delivered.”.

5. In rule 24(3) omit “the lodging of a priority notice under rule 71 of these rules and”.

6. For rules 28 and 29 substitute—

“Modifications of examination of title by Registrar

28.—(1) Where it appears to the Registrar that the title has been sufficiently investigated on a transaction for value, the examination of the title may be modified in such manner as the Registrar thinks fit.

(2) In this rule and rule 29 “transaction for value” includes a charge to secure future advances.

Certificate by solicitor as to investigation of title

29. Where on a transaction for value the applicant’s solicitor investigated, or caused to be investigated, the title in the usual way on the applicant’s behalf, the application shall contain a certificate to that effect.”

7. In rule 31—

(a) omit “Save as hereinafter expressly provided,”;

(b) for “an advertisement shall be inserted” substitute “the Registrar may insert an advertisement”, and

(c) for “shall be decided by the Registrar in each case” substitute “he may decide”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

8. In rule 37 omit “in Form 4” and “on inquiry or otherwise”.
9. In rule 42 for “, and of the priority in which, the application was delivered” substitute “the application is deemed by rule 24 to have been delivered”.
10. In the heading “*Manors, Advowsons, Rents, Tithe Rentcharges, and other Incorporeal Hereditaments, Mines and Minerals severed from the Land, Cellars, Flats and similar Hereditaments*” in Part II of the Rules omit “*Advowsons,*” and “*Tithe Rentcharges,*”.
11. In rule 50 omit “advowsons,” and “tithe rentcharges,”.
12. In rule 52—
 - (a) omit “or tithes or rentcharge in lieu of tithe”, and
 - (b) for “they are” substitute “it is”.
13. In rule 60(1)—
 - (a) after “section 37(8)” add “or section 39(1B)”, and
 - (b) for “that subsection” substitute “one of those subsections”.
14. In rule 61, for “a conveyance, lease or other instrument which will on taking effect be one to which section 123(1) of the Act applies” substitute “a section 123 instrument to which that section applies”.
15. For rule 62 substitute—

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

62.—(1) The statement required by section 37(1) of the Charities Act 1993 shall, in a section 123 instrument to which that section 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.”

(2) The statement required by section 39(1) of the Charities Act 1993 shall, in a mortgage which is a section 123 instrument, be in one of the following forms:

- (a) “The land charged is held by (*or in trust for*) (*charity*), an exempt charity.”
- (b) “The land charged is held by (*or 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 (*or 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.”

(3) The statement required by section 39(1A)(b) of the Charities Act 1993 shall be in the following form:

“The restrictions on disposition imposed by section 36 of the Charities Act 1993 also apply to the land (subject to section 36(9) of that Act).”

16. For rule 64 substitute—

“Form of cautions against first registration

64.—(1) A caution against first registration, lodged under section 53 of the Act, and the statutory declaration in support thereof, shall be in Form CT1.

(2) The caution shall contain an address for service in the United Kingdom, and shall include or have attached to it sufficient particulars, by plan or otherwise, to enable the land to be fully identified on the Ordnance Map or the Land Registry General Map.

(3) Nothing shall be exhibited to the declaration in support of the caution.”

17. For rule 73 substitute—

“Application of Act to dealings prior to first registration

73.—(1) The provisions of the Act shall apply to any dealing with land which takes place between a disposition to which section 123A of the Act applies and the application to register the land as if it had taken place after the date of first registration.

(2) If the dealing is lodged for registration with the application to register the land, it shall, notwithstanding paragraph (1), be registered as of the day on which the application is deemed by rule 24 to have been delivered.”

18. For rules 74 and 75 substitute—

“Use of forms

74.—(1) The Schedule 1 forms shall be used where required by these rules, and shall be prepared in accordance with the requirements of rules 308 and 308A.

(2) Except where these rules require the use of a Schedule 1 form, the Schedule 2 forms shall be used in all matters to which they refer, or are capable of being applied or adapted, with such alterations and additions, if any, as are necessary or desired and the Registrar allows.

(3) The forms in Schedule 3 shall be used to execute dispositions in the scheduled forms in the cases for which they are provided, or are capable of being applied or adapted, with such alterations and additions, if any, as are necessary or desired and the Registrar allows.

(4) A person signing a disposition in a scheduled form, whether as an individual party, as a witness, as a director of a company, or as authorised signatory, must sign manually and not in facsimile save where the signature in facsimile is authorised by any statute or statutory instrument having the force of law in England and Wales.

Welsh language forms

74A.—(1) An instrument in a form promulgated by the Registrar under section 127 of the Act as the Welsh language version of a scheduled form shall be deemed to be in that form.

(2) In place of the form of execution provided by Schedule 3, an instrument in a form so promulgated may be executed using a form of execution approved by the Registrar as the Welsh language version of that form of execution.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) An instrument containing a statement approved by the Registrar as the Welsh language version of a statement prescribed by these rules shall be deemed to contain that statement.

(4) An instrument containing a provision approved by the Registrar as the Welsh language version of a provision prescribed by these rules shall be deemed to contain that provision.

Instruments where no form is prescribed

75.—(1) Instruments for which no form is prescribed shall be in such form as the Registrar shall direct or allow.

(2) An instrument prepared under this rule shall not bear the number of a Schedule 1 form.”

19. In rule 81, for “with such modification, if any, as may be necessary to” substitute “and shall”.

20. In rule 83(3) omit “and, subject to the effect of any provision of the Act or of any rules made thereunder, of the priority in which”.

21. After rule 85 insert—

“Form AP1

85A.—(1) This rule applies to any application for registration of—

- (a) a disposition of registered land, or of land which includes registered land, in Form TR1, TR2 or AS1;
- (b) a charge affecting registered land, none of which comprises part only of the land in a title;
- (c) a disposition of a registered charge in Form TR3, TR4 or AS2,

or any of them.

(2) Any application to which this rule applies shall be made on Form AP1.”

22. For rule 86(3) substitute—

“(3) For the purpose of ascertaining the time of its redelivery, the dealing shall be treated as if it were an application within the meaning of rule 83.

(4) The dealing shall be registered as of the day on which it is deemed by rule 85 and this rule to have been redelivered.”

23. For rule 98 substitute—

“Form of transfer, etc.

98.—(1) A disposition of the whole of the land in one or more registered titles, or in one or more prior dispositions made under section 37 of the Act, or both, and no other registered land, shall—

- (a) in the case of a transfer, be in Form TR1;
- (b) in the case of an assent or appropriation, be in Form AS1.

(2) A discharge of—

- (a) the whole of the registered land affected, or

- (b) the whole of the land in one or more registered titles, or in one or more prior dispositions made under section 37 of the Act, or both, and no other registered land,

from a registered charge shall be in Form DS1.

- (3) Subject to paragraphs (1) and (2), a dealing affecting registered land shall—

- (a) in the case of a transfer, be in Form 20;
- (b) in the case of an assent or appropriation, be in Form 56;
- (c) in the case of a discharge of land from a registered charge, be in Form 53,

with such alterations or additions, if any, as are necessary or desired and the Registrar allows.

- (4) This rule has effect subject to rules 99, 101, 109, 111, 112, 114, 116, 151 and 170.”

24. At the beginning of rule 108 insert “On application in Form FR1”.

25. Omit rule 109(1).

26. For rule 114 substitute—

“Sale by chargee

114.—(1) A transfer of the whole of the land in one or more registered titles, or in one or more prior dispositions made under section 37 of the Act, or both, and no other registered land, in exercise of a power of sale conferred by a registered charge shall be made by an instrument in Form TR2.

(2) Subject to paragraph (1), a transfer of registered land in exercise of a power of sale conferred by a registered charge shall be made by an instrument in Form 31.”

27. In rule 117, renumber paragraphs (1) and (2) as (2) and (3) respectively and insert at the beginning—

“(1) On a transfer of land held under an old tenancy, not being a transfer to which rule 116 applies, where covenants are to be implied under section 77 of the Law of Property Act 1925 as originally enacted, express reference shall be made in the transfer to that section.”

28. In rules 125, 126 and 127 and in the sidenotes of rules 125 and 127 wherever the words “Ecclesiastical Commissioners” appear substitute “Church Commissioners”, and in rule 127 wherever the words “King’s printer’s” appear substitute “Queen’s printer’s”.

29. In rule 126, for “New Parishes Acts 1843 to 1884” substitute “New Parishes Measure 1943”.

30. For rules 135 and 136 substitute—

“Transfer imposing restrictive covenants

135. When a transfer of land imposing fresh restrictive covenants is lodged for registration a certified copy of the transfer shall be delivered with it.

Transfers by way of exchange, etc.

136.—(1) Where any registered land is transferred wholly or partly in consideration of a transfer of other land, the transaction shall be effected by a transfer in Form TR1, or in Form 20, as the case may require.

(2) Where the transfer is in Form TR1, a receipt for the equality money (if any) shall be given in the receipt panel and the following provision shall be included in the additional provisions panel:

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“This transfer is in consideration of a transfer (*or conveyance, or as the case may be*) of even date herewith, [*and if applicable* of the above-mentioned sum paid for equality of exchange].”

31. In rule 137(1) for “Board of Agriculture” substitute “Secretary of State”.

32. For rule 139(2) and (3) substitute—

“(2) When a charge on registered land is lodged for registration a certified copy of the instrument of charge shall be delivered with it.

(3) The obligation imposed by paragraph (2) extends to any incorporated document.”

33. In rule 144(1), for “shall be in Form 45” substitute “may be in any form legally sufficient for the purpose of which the Registrar may approve.”

34. For rule 151 substitute—

“Discharge of a registered charge

151.—(1) A discharge of land from a registered charge shall be executed as a deed, or authenticated in such other manner as the Registrar may approve.

(2) The Registrar shall be at liberty to accept and act upon any other proof of satisfaction of a charge which he may deem sufficient.

(3) An application to register a discharge in Form DS1 shall be made on Form AP1 or on Form DS2.”

35. For rule 153 substitute—

“Transfer, etc., of a charge

153. A disposition of a charge shall—

(a) in the case of a transfer, be in Form TR3 or TR4, and

(b) in the case of an assent or appropriation, be in Form AS2.”

36. In rule 155 for “Classes A and B and local land charges as defined in the Land Charges Act 1925” substitute “Classes A and B as defined in the Land Charges Act 1972 and local land charges as defined in the Local Land Charges Act 1975”.

37. In rule 159—

(a) omit “and to provisional registration”, and

(b) in the sidenote omit “and provisional registration”.

38. In rule 161 omit “; and the incumbrance shall cease to be subject to the jurisdiction of any local deed registry”.

39. In rule 170—

(a) omit paragraph (2), and

(b) for paragraph (3) substitute—

“(3) If he executes a vesting assent the instrument shall be in Form 57.”

40. In rule 207 omit “, situated in a compulsory area.”.

41. For rule 213(2) substitute—

“(2) An application for first registration by a sole or last surviving trustee of land shall be accompanied by an application for a restriction in Form 62.”

42. For rule 234 substitute—

“Certificate on sale by an incumbent

234. The certificate to be given by the Church Commissioners under section 99 of the Act shall be in Form 74, or to the like effect.”

43. For the heading “*Ecclesiastical Commissioners*” in Part IV of the rules substitute “*Church Commissioners*”.

44. In rule 238 and in the sidenote thereto wherever the words “*Ecclesiastical Commissioners*” appear substitute “*Church Commissioners*”.

45. In rule 259(1) omit “shall contain or be accompanied by a certificate that it is so registered and”.

46. In rule 283 omit “In districts where registration of title is compulsory”.

47. For rule 308 substitute—

“Documents in a Schedule 1 form

308.—(1) Subject to rule 308A, any application or instrument in one of the Schedule 1 forms must:

- (a) be printed in black on durable white A4 size paper;
- (b) be reproduced as set out in the Schedule, that is to say as to its wording, layout, ruling, font and point size, and
- (c) contain all the information required in an easily legible form.

(2) Where on a Schedule 1 form (other than Form DL) any panel is insufficient in size to contain the required insertions, and the method of production of the form does not allow the depth of the panel to be increased, the information to be inserted in the panel shall be continued on a continuation sheet in form CS.

(3) When completing a Schedule 1 form containing an additional provisions panel, any statement, certificate or application required or permitted by these rules to be included in the form for which the form does not otherwise provide and any additional provisions desired by the parties shall be inserted in that panel or a continuation thereof.

(4) Where the form consists of more than one sheet of paper, or refers to an attached plan or a continuation sheet, all the sheets including any plan shall be securely fastened together.

Electronically produced forms

308A. Where the method of production of a Schedule 1 form permits—

- (a) the depth of a panel may be increased or reduced to fit the material to be comprised in it, and a panel may be divided at a page break;
- (b) instructions in italics may be omitted;
- (c) inapplicable certificates and statements may be omitted;
- (d) the plural may be used instead of the singular and the singular instead of the plural;
- (e) panels which would contain only the panel number and the panel heading, if any, may be omitted, but such omission shall not affect the numbering of subsequent panels.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Form of documents to be filed

308B. All documents (other than Schedule 1 forms, maps or plans) to be filed in the Registry shall be printed, typewritten, lithographed or written on durable paper, A4 size, and shall allow a sufficient margin, in order that they may be conveniently bound.”