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## STATUTORY INSTRUMENTS

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# 2003 No. 1417

## The Land Registration Rules 2003

### PART 14

#### MISCELLANEOUS AND SPECIAL CASES

*Dispositions by operation of law within section 27(5) of the Act*

#### **Applications to register dispositions by operation of law which are registrable dispositions**

**161.**—(1) Subject to paragraphs (2) and (3), an application to register a disposition by operation of law which is a registrable disposition must be accompanied by sufficient evidence of the disposition.

(2) Where a vesting order has been made, it must accompany the application.

(3) Where there is a vesting declaration to which section 40 of the Trustee Act 1925 <sup>M1</sup> applies, the application must be accompanied by the deed of appointment or retirement, and—

- (a) a certificate from the conveyancer acting for the persons making the appointment or effecting the retirement that they are entitled to do so, or
- (b) such other evidence to satisfy the registrar that the persons making the appointment or effecting the retirement are entitled to do so.

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#### **Marginal Citations**

**M1** 1925 c. 19.

#### *Death of proprietor*

#### **Transfer by a personal representative**

**162.**—<sup>F1</sup>(1) An application to register a transfer by a personal representative, who is not already registered as proprietor, must be accompanied by—

- (a) the original grant of probate of the deceased proprietor and, where section 7 of the Administration of Justice Act 1925 applies, the original grant of probate showing the chain of representation, to prove that the transferor is his personal representative,
- (b) the original letters of administration of the deceased proprietor showing the transferor as his personal representative,
- (c) a court order appointing the transferor as the deceased's personal representative, or
- (d) (where a conveyancer is acting for the applicant) a certificate given by a conveyancer that the conveyancer holds the original or a certified or office copy of such grant of probate, letters of administration or court order.]

**Status:** Point in time view as at 01/04/2010.

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(2) The registrar shall not be under a duty to investigate the reasons a transfer of registered land by a personal representative of a deceased sole proprietor or last surviving joint proprietor is made nor to consider the contents of the will and, provided the terms of any restriction on the register are complied with, he must assume, whether he knows of the terms of the will or not, that the personal representative is acting correctly and within his powers.

#### Textual Amendments

**F1** Rule 162(1) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 51](#) (with rule 5)

### Registration of a personal representative

**163.**—(1) An application by a personal representative to become registered as proprietor of a registered estate or registered charge—

- (a) in place of a deceased sole proprietor or the last surviving joint proprietor, or
- (b) jointly with another personal representative who is already so registered, or
- (c) in place of another personal representative who is already registered as proprietor,

must be accompanied by the evidence specified in paragraph (2).

[<sup>F2</sup>(2) Subject to paragraph (3), the evidence that must accompany an application under paragraph (1) is—

- (a) the original grant of probate of the deceased proprietor and, where section 7 of the Administration of Justice Act 1925 applies, the original grant of probate showing the chain of representation, to prove that the transferor is his personal representative,
- (b) the original letters of administration of the deceased proprietor showing the transferor as his personal representative,
- (c) a court order appointing the applicant as the deceased’s personal representative, or
- (d) (where a conveyancer is acting for the applicant) a certificate given by the conveyancer that he holds the original or an office copy of such grant of probate, letters of administration or court order.]

(3) An application under paragraph (1)(c) must be accompanied by evidence to satisfy the registrar that the appointment of the personal representative whom the applicant is replacing has been terminated.

(4) When registering a personal representative of a deceased proprietor, the registrar must add the following after the personal representative's name—

“executor or executrix (or administrator or administratrix) of [name] deceased”.

(5) Before registering another personal representative as a result of an application made under paragraph (1)(b) the registrar must serve notice upon the personal representative who is registered as proprietor.

#### Textual Amendments

**F2** Rule 163(2) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 52](#) (with rule 5)

## **Death of joint proprietor**

**164.** An application for alteration of the register by the removal from the register of the name of a deceased joint proprietor of a registered estate or registered charge must be accompanied by evidence of his death.

### *Bankruptcy of proprietor*

## **Bankruptcy notice**

**165.—(1)** The bankruptcy notice in relation to a registered estate must be entered in the proprietorship register and the bankruptcy notice in relation to a registered charge must be entered in the charges register in the following form—

“BANKRUPTCY NOTICE entered under section 86(2) of the Land Registration Act 2002 in respect of a pending action, as the title of the [proprietor of the registered estate] *or* [the proprietor of the charge dated..... referred to above] appears to be affected by a petition in bankruptcy against [*name of debtor*], presented in the [*name*] Court (Court Reference Number.....) (Land Charges Reference Number PA.....).”

(2) The registrar must give notice of the entry of a bankruptcy notice to the proprietor of the registered estate or registered charge to which it relates.

(3) In this rule, “bankruptcy notice” means the notice which the registrar must enter in the register under section 86(2) of the Act.

## **Bankruptcy restriction**

**166.—(1)** The bankruptcy restriction in relation to a registered estate must be entered in the proprietorship register and the bankruptcy restriction in relation to a registered charge must be entered in the charges register in the following form—

“BANKRUPTCY RESTRICTION entered under section 86(4) of the Land Registration Act 2002, as the title of [the proprietor of the registered estate] *or* [the proprietor of the charge dated..... referred to above] appears to be affected by a bankruptcy order made by the [*name*] Court (Court Reference Number.....) against [*name of debtor*] (Land Charges Reference Number WO.....).

[No disposition of the registered estate] *or* [No disposition of the charge] is to be registered until the trustee in bankruptcy of the property of the bankrupt is registered as proprietor of the [registered estate] *or* [charge].”

(2) The registrar must give notice of the entry of a bankruptcy restriction to the proprietor of the registered estate or registered charge to which it relates.

(3) In this rule, “bankruptcy restriction” means the restriction which the registrar must enter in the register under section 86(4) of the Act.

## **Action of the registrar in relation to bankruptcy entries**

**167.—(1)** Where the registrar is satisfied that—

- (a) the bankruptcy order has been annulled, or
- (b) the bankruptcy petition has been dismissed or withdrawn with the court's permission, or
- (c) the bankruptcy proceedings do not affect or have ceased to affect the registered estate or registered charge in relation to which a bankruptcy notice or bankruptcy restriction has been entered on the register,

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he must as soon as practicable cancel any bankruptcy notice or bankruptcy restriction which relates to that bankruptcy order, to that bankruptcy petition or to those proceedings from the register.

(2) Where it appears to the registrar that there is doubt as to whether the debtor or bankrupt is the same person as the proprietor of the registered estate or registered charge in relation to which a bankruptcy notice or bankruptcy restriction has been entered, he must as soon as practicable take such action as he considers necessary to resolve the doubt.

(3) In this rule—

“bankruptcy notice” means the notice which the registrar must enter in the register under section 86(2) of the Act, and

“bankruptcy restriction” means the restriction which the registrar must enter in the register under section 86(4) of the Act.

### Registration of trustee in bankruptcy

**168.**—(1) Where—

- (a) a proprietor has had a bankruptcy order made against him, or
- (b) an insolvency administration order has been made in respect of a deceased proprietor,

and the bankrupt's or deceased's registered estate or registered charge has vested in the trustee in bankruptcy, the trustee may apply for the alteration of the register by registering himself in place of the bankrupt or deceased proprietor.

(2) The application must be supported by, as appropriate—

- (a) the bankruptcy order relating to the bankrupt or the insolvency administration order relating to the deceased's estate, and
- (b) a certificate signed by the trustee that the registered estate or registered charge is comprised in the bankrupt's estate or deceased's estate, and
- (c) where the official receiver is the trustee, a certificate by him to that effect, and, where the trustee is another person, the evidence referred to in paragraph (3).

(3) The evidence referred to at paragraph (2)(c) is—

- (a) his certificate of appointment as trustee by the meeting of the bankrupt's or deceased debtor's creditors, or
- (b) his certificate of appointment as trustee by the Secretary of State, or
- (c) the order of the court appointing him trustee.

(4) In this rule, “insolvency administration order” has the same meaning as in section 385(1) of the Insolvency Act 1986<sup>M2</sup>.

#### Marginal Citations

M2 1986 c. 45.

### Trustee in bankruptcy vacating office

**169.**—(1) This rule applies where—

- (a) a trustee in bankruptcy, who has been registered as proprietor, vacates his office, and
- (b) the official receiver or some other person has been appointed the trustee of the relevant bankrupt's estate, and

(c) the official receiver or that person applies to be registered as proprietor in place of the former trustee.

(2) The application referred to in paragraph (1)(c) must be supported by the evidence required by rule 168(2)(c).

### **Description of trustee in register**

**170.** Where the official receiver or another trustee in bankruptcy is registered as proprietor, the words “Official Receiver and trustee in bankruptcy of [name]” or “Trustee in bankruptcy of [name]” must be added to the register, as appropriate.

### *Overseas insolvency proceedings*

### **Proceedings under the EC Regulation on insolvency proceedings**

**171.**—(1) A relevant person may apply for a note of a judgment opening insolvency proceedings to be entered in the register.

(2) An application under paragraph (1) must be accompanied by such evidence as the registrar may reasonably require.

(3) Following an application under paragraph (1) if the registrar is satisfied that the judgment opening insolvency proceedings has been made he may enter a note of the judgment in the register.

(4) In this rule—

“judgment opening insolvency proceedings” means a judgment opening proceedings within the meaning of article 3(1) of the Regulation,

“Regulation” means Council Regulation (EC) No 1346/2000<sup>M3</sup>,

“relevant person” means any person or body authorised under the provisions of article 22 of the Regulation to request or require an entry to be made in the register in respect of the judgment opening insolvency proceedings the subject of the application.

#### **Marginal Citations**

**M3** OJ No. L160, 30.6.00. p. 1.

### *Pending land actions, writs and orders*

### **Benefit of pending land actions, writs and orders**

**172.**—(1) For the purposes of section 34(1) of the Act, a relevant person shall be treated as having the benefit of the pending land action, writ or order, as appropriate.

(2) In determining whether a person has a sufficient interest in the making of an entry of a restriction under section 43(1)(c) of the Act, a relevant person shall be treated as having the benefit of the pending land action, writ or order, as appropriate.

(3) In this rule, “a relevant person” means a person (or his assignee or chargee, if appropriate) who is taking any action or proceedings which are within section 87(1)(a) of the Act, or who has obtained a writ or order within section 87(1)(b) of the Act.

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## *The Crown*

### **Escheat etc**

**173.**—(1) Where a registered freehold estate in land has determined, the registrar may enter a note of that fact in the property register and in the property register of any inferior affected registered title.

(2) Where the registrar considers that there is doubt as to whether a registered freehold estate in land has determined, the entry under paragraph (1) must be modified by a statement to that effect.

## *Church of England*

### **Entry of Incumbent on a transfer to the Church Commissioners**

**174.**—(1) Where by virtue of any Act or Measure a transfer to the Church Commissioners has the effect, subject only to being completed by registration, of vesting any registered land either immediately or at a subsequent time in an incumbent or any other ecclesiastical corporation sole, the registrar must register the incumbent or such other ecclesiastical corporation as proprietor upon receipt of—

- (a) an application,
- (b) the transfer to the Church Commissioners, and
- (c) a certificate by the Church Commissioners in Form 4.

(2) The certificate in Form 4 may be given either in the transfer or in a separate document.

(3) In this rule, “Measure” means a Measure of the National Assembly of the Church of England or of the General Synod of the Church of England.

### **Entry of Church Commissioners etc as proprietor**

**175.**—(1) When any registered land is transferred to or (subject only to completion by registration) vested in the Church Commissioners, any ecclesiastical corporation, aggregate or sole, or any other person, by—

- (a) a scheme of the Church Commissioners, or
- (b) an instrument taking effect on publication in the London Gazette made pursuant to any Act or Measure relating to or administered by the Church Commissioners, or
- (c) any transfer authorised by any such Act or Measure,

the registrar must, on application, register the Church Commissioners, such ecclesiastical corporation or such other person as proprietor.

(2) The application must be accompanied by—

- (a) a certificate by the Church Commissioners in Form 5, and
- [<sup>F3</sup>(b) one of the following, as appropriate—
  - (i) a sealed copy of the scheme of the Church Commissioners,
  - (ii) a copy of the London Gazette publishing the instrument, or
  - (iii) the transfer.]

(3) The certificate in Form 5 may be given either in the transfer or in a separate document.

(4) In this rule, “Measure” means a Measure of the National Assembly of the Church of England or of the General Synod of the Church of England.

### Textual Amendments

- F3** Rule 175(2)(b) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 53](#) (with rule 5)

## Charities

### Non-exempt charities—restrictions

**176.**—(1) The restriction which the registrar is required by section 37(8) or section 39(1B) of the Charities Act 1993 <sup>M4</sup> to enter in the register where one of those subsections applies must be the appropriate restriction.

(2) Any of the following applications must, if they relate to a registered or unregistered estate held by or in trust for a non-exempt charity, be accompanied by an application for entry of the appropriate restriction unless, in the case of a registered estate, that restriction is already in the register—

- (a) an application for first registration of an unregistered estate unless the disposition which triggers the requirement of registration is effected by an instrument containing the statement set out in rule 179(b) or rule 180(2)(b) or (c),
- (b) an application to register a transfer of a registered estate unless the disposition is effected by an instrument containing the statement set out in rule 179(b),
- (c) an application under rule 161 to register the vesting of a registered estate in a person other than the proprietor of that estate.

(3) Where a registered estate is held by or in trust for a corporation and the corporation becomes a non-exempt charity, the charity trustees must apply for entry of the appropriate restriction.

(4) In this rule “the appropriate restriction” means a restriction in Form E.

### Marginal Citations

- M4** 1993 c. 10.

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

**177.** In any registrable disposition in favour of charity trustees incorporated under Part VII of the Charities Act 1993 they must be described as “a body corporate under Part VII of the Charities Act 1993” and the application to register the disposition must be accompanied by the certificate granted by the Charity Commissioners under section 50 of that Act.

### Registration of official custodian

**178.**—(1) An application to register the official custodian as proprietor of a registered estate or a registered charge must be accompanied by—

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

(2) Where the estate or charge is vested in the official custodian by virtue of an order under section 18 of the Charities Act 1993, an application to register him as proprietor (whether under Chapter 1 of Part 2 of the Act or following a registrable disposition) must be accompanied by an application for the entry of a restriction in Form F.

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(3) Where the official custodian is registered as proprietor of a registered estate or a registered charge, except where the estate or charge is vested in him by virtue of an order under section 18 of the Charities Act 1993, the address of the charity trustees or, where the registered estate or registered charge is held on behalf of a charity which is a corporation, the address of the charity, must be entered in the register as his address for service under rule 198.

**Statements to be contained in dispositions in favour of a charity**

**179.** The statement required by section 37(5) of the Charities Act 1993 must, in an instrument to which section 37(7) of that Act applies, 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.”
- (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).”.

**Statements to be contained in dispositions by a charity**

**180.—(1)** The statement required by section 37(1) of the Charities Act 1993 must, in an instrument to which section 37(7) of that Act applies, 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 that 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 must, in a mortgage which is a registrable disposition or to which section 4(1)(g) of the Act applies, 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 that the restrictions imposed by section 38 of that Act apply.”.

(3) The statement required by section 39(1A)(b) of the Charities Act 1993 must 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).”.

*Companies and other corporations*

**Registration of companies and limited liability partnerships**

<sup>F4</sup>181. ....



### Textual Amendments

- F4** Rule 181 revoked (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 54](#) (with rule 5)

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

**182.**—(1) Subject to paragraph [<sup>F5</sup>(2)], where a corporation or body of trustees holding on charitable, ecclesiastical or public trusts applies to be registered as proprietor of a registered estate or registered charge, the application must be accompanied by the document creating the trust.

<sup>F6</sup>(2) .....

<sup>F6</sup>(3) .....

[<sup>F7</sup>(2)] Paragraph (1) of this rule does not apply in the case of a registered estate or a registered charge held by or in trust for a non-exempt charity.

### Textual Amendments

- F5** Word in rule 182(1) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 55\(a\)](#) (with rule 5)
- F6** Rule 182(2)(3) omitted (10.11.2008) by virtue of [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 55\(b\)](#) (with rule 5)
- F7** Rule 182(2): renumbered (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 55\(c\)](#) (with rule 5)

## [<sup>F8</sup>Registration of certain corporations]

[<sup>F8</sup>**183.**—(1) Where a corporation to which this rule applies makes an application to be registered as proprietor of a registered estate or registered charge the application must also be accompanied by evidence of the extent of its powers to hold and sell, mortgage, lease and otherwise deal with, or to lend money on a mortgage or charge of, land.

(2) The evidence must include—

(a) the charter, statute, rules, memorandum and articles of association or other documents constituting the corporation, or a certificate given either—

(i) in Form 7 by a qualified lawyer practising in the territory of incorporation of the corporation, where the corporation is incorporated outside the United Kingdom, or

(ii) in Form 8 by the applicant's conveyancer, in respect of any other corporation to which this rule applies, and

(b) such further evidence as the registrar may require.

(3) This rule applies to any corporation aggregate which is not—

(a) a company incorporated in any part of the United Kingdom under the Companies Acts,

(b) a limited liability partnership incorporated under the Limited Liability Partnerships Act 2000 or the Limited Liability Partnerships Act (Northern Ireland) 2002, or

(c) a corporation to which rule 182(1) applies.]

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### Textual Amendments

- F8** Rule 183 substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 56** (with rule 5)

### [<sup>F9</sup>Registration of registered social landlords [<sup>F10</sup>, private registered providers of social housing] and unregistered housing associations

**183A.**—(1) If an applicant for registration as proprietor of a registered estate or a registered charge is, or holds on trust for, a registered social landlord within the meaning of the Housing Act 1996, the application must include a certificate to that effect.

[<sup>F11</sup>(1A) If an applicant for registration as proprietor of a registered estate or a registered charge is, or holds on trust for, a private registered provider of social housing, the application must include a certificate to that effect.]

(2) If an applicant for registration as proprietor of a registered estate or a registered charge is, or holds on trust for, 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 must include a certificate to that effect.]

### Textual Amendments

- F9** Rule 183A inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 57** (with rule 5)
- F10** Words in rule 183A heading inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) \(No. 2\) Order 2010 \(S.I. 2010/671\)](#), art. 1(2), **Sch. 1 para. 32(a)** (with Sch. 2); S.I. 2010/862, art. 2
- F11** Rule 183A(1A) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) \(No. 2\) Order 2010 \(S.I. 2010/671\)](#), art. 1(2), **Sch. 1 para. 32(b)** (with Sch. 2); S.I. 2010/862, art. 2

### Administration orders and liquidation of a company

**184.**—(1) Paragraph (2) applies where a company which is the registered proprietor of a registered estate or registered charge [<sup>F12</sup>enters administration] under the Insolvency Act 1986 <sup>M5</sup>.

(2) Upon the application of the company's administrator, supported by the order [<sup>F13</sup>or the notice of appointment], the registrar must make an entry in the individual register of the relevant registered title as to the making of the order [<sup>F13</sup>or the notice of appointment] and the appointment of the administrator.

(3) Paragraphs (4) and (5) apply where a company which is the registered proprietor of a registered estate or registered charge is in liquidation.

(4) Upon the application of the company's liquidator, the registrar must make an entry in the individual register of the relevant registered title as to the appointment of the liquidator.

(5) The application under paragraph (4) must be supported by the order, appointment by the Secretary of State or resolution under which the liquidator was appointed and such other evidence as the registrar may require.

#### Textual Amendments

- F12** Words in rule 184(1) substituted (15.9.2003) by The Enterprise Act 2002 (Insolvency) Order 2003 (S.I. 2003/2096), art. 1(1), **Sch. para. 80(a)** (with art. 6)
- F13** Words in rule 184(1) inserted (15.9.2003) by The Enterprise Act 2002 (Insolvency) Order 2003 (S.I. 2003/2096), art. 1(1), **Sch. para. 80(b)** (with art. 6)

#### Marginal Citations

- M5** 1986 c. 45.

### Note of dissolution of a corporation

**185.** Where a corporation shown in an individual register as the proprietor of the registered estate or of a registered charge has been dissolved, the registrar may enter a note of that fact in the proprietorship register or in the charges register, as appropriate.

#### *Settlements*

### Settlements

**186.** Schedule 7 (which makes provision for the purposes of the Act in relation to the application to registered land of the enactments relating to settlements under the Settled Land Act 1925<sup>M6</sup>) has effect.

#### Marginal Citations

- M6** 1925 c. 18.

#### *Adverse Possession*

### [<sup>F14</sup>Interpretation]

[<sup>F14</sup>**187.**—(1) Where the application is to be registered as proprietor of a registered rentcharge, the references in rules 188, 188A, 189, 190, 192, 193, 194A, 194B, 194C, 194F, and 194G to Schedule 6 to the Act are to Schedule 6 as applied by rule 191.

(2) In rules 194A, 194B and 194F, “post” means pre-paid delivery by a postal service which seeks to deliver documents within the United Kingdom no later than the next working day in all or the majority of cases, and to deliver outside the United Kingdom within such period as is reasonable in all the circumstances.

(3) In rules 194A, 194B, 194C, 194F and 194G, “qualified surveyor” means a fellow or professional associate of the Royal Institution of Chartered Surveyors.]

#### Textual Amendments

- F14** Rule 187 substituted (10.11.2008) by The Land Registration (Amendment) Rules 2008 (S.I. 2008/1919), rule 2(1), **Sch. 1 para. 58** (with rule 5)

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## Applications for registration—procedure

**188.**—(1) An application under paragraphs 1 or 6 of Schedule 6 to the Act must be in Form ADV1 and be accompanied by—

- (a) a statutory declaration [<sup>F15</sup>or statement of truth] made by the applicant not more than one month before the application is taken to have been made, together with any supporting statutory declarations [<sup>F15</sup>or statements of truth], to provide evidence of adverse possession of the registered estate in land or rentcharge against which the application is made for a period which if it were to continue from the date of the applicant's statutory declaration [<sup>F15</sup>or statement of truth] to the date of the application would be—
  - (i) where the application is under paragraph 1, of not less than ten years (or sixty years, if paragraph 13 of Schedule 6 to the Act applies) ending on the date of the application, or
  - (ii) where the application is under paragraph 6, of not less than two years beginning with the date of rejection of the original application under paragraph 1 and ending on the date of the application,
- (b) any additional evidence which the applicant considers necessary to support the claim.

(2) The statutory declaration [<sup>F16</sup>or statement of truth] by an applicant in support of an application under paragraph 1 of Schedule 6 to the Act must also—

- [<sup>F17</sup>(a) if the application relates to part only of the land in a registered title, exhibit a plan which enables that part to be identified on the Ordnance Survey map, unless that part is referred to in the statutory declaration or statement of truth by reference to the title plan and this enables that part to be so identified,]
- (b) if reliance is placed on paragraph 1(2) of Schedule 6 to the Act, contain the facts relied upon with any appropriate exhibits,
- (c) contain confirmation that paragraph 1(3) of Schedule 6 to the Act does not apply,
- (d) where the application is to be registered as proprietor of a registered rentcharge, contain confirmation that the proprietor of the registered rentcharge has not re-entered the land out of which the rentcharge issues,
- (e) contain confirmation that to the best of his knowledge the restriction on applications in paragraph 8 of Schedule 6 to the Act does not apply,
- (f) contain confirmation that to the best of his knowledge the estate or rentcharge is not, and has not been during any of the period of alleged adverse possession, subject to a trust (other than one where the interest of each of the beneficiaries is an interest in possession),
- (g) if, should a person given notice under paragraph 2 of Schedule 6 to the Act require the application to be dealt with under paragraph 5 of that Schedule, it is intended to rely on one or more of the conditions set out in paragraph 5 of Schedule 6 to the Act, contain the facts supporting such reliance.

(3) The statutory declaration [<sup>F18</sup>or statement of truth] by an applicant in support of an application under paragraph 6 of Schedule 6 to the Act must also—

- [<sup>F19</sup>(a) if the application relates to part only of the land in a registered title, exhibit a plan which enables that part to be identified clearly on the Ordnance Survey map, unless the previous rejected application related only to that part, or that part is referred to in the statutory declaration or statement of truth by reference to the title plan and this enables that part to be so identified,]
- (b) contain full details of the previous rejected application,

- (c) contain confirmation that to the best of his knowledge the restriction on applications in paragraph 8 of Schedule 6 to the Act does not apply,
- (d) contain confirmation that to the best of his knowledge the estate or rentcharge is not, and has not been during any of the period of alleged adverse possession, subject to a trust (other than one where the interest of each of the beneficiaries is an interest in possession),
- (e) contain confirmation that paragraph 6(2) of Schedule 6 to the Act does not apply, and
- (f) where the application is to be registered as proprietor of a registered rentcharge, contain confirmation that the proprietor of the registered rentcharge has not re-entered the land out of which the rentcharge issues.

[<sup>F20</sup>(4) A statement of truth by an applicant under paragraphs 1 or 6 of Schedule 6 to the Act, and any supporting statements of truth, may be made in Form ST1 or Form ST2, as appropriate.]

#### Textual Amendments

- F15** Words in rule 188(1) inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 59\(a\)](#) (with rule 5)
- F16** Words in rule 188(2) inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 59\(b\)](#) (with rule 5)
- F17** Rule 188(2)(a) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 59\(b\)](#) (with rule 5)
- F18** Words in rule 188(3) inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 59\(c\)](#) (with rule 5)
- F19** Rule 188(3)(a) substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 59\(c\)](#) (with rule 5)
- F20** Rule 188(4) added (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 59\(d\)](#) (with rule 5)

#### [<sup>F21</sup>Notification of application where registered proprietor is a dissolved company

**188A.**—(1) This rule applies where an application under paragraph 1 of Schedule 6 to the Act is made.

(2) Where the registrar considers that the proprietor of the estate to which the application relates is, or may be, a company which is dissolved and that its last registered office was, or may have been, situated in the county palatine of Lancaster, the registrar must give notice of the application to the Solicitor for the affairs of the Duchy of Lancaster.

(3) Where the registrar considers that the proprietor of the estate to which the application relates is, or may be, a company which is dissolved and that its last registered office was, or may have been, situated in the county of Cornwall or in the Isles of Scilly, the registrar must give notice of the application to the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall.

(4) Where the registrar considers that the proprietor of the estate to which the application relates is, or may be, a company which is dissolved and that its last registered office was, or may have been, situated outside the areas referred to in paragraphs (2) and (3), the registrar must give notice of the application to the Treasury Solicitor.

(5) The notice referred to in paragraphs (2) to (4) is notice under paragraph 2 of Schedule 6 to the Act.

(6) In this rule, “company” means a company incorporated in any part of the United Kingdom under the Companies Acts.]

**Status:** Point in time view as at 01/04/2010.

**Changes to legislation:** The Land Registration Rules 2003, PART 14 is up to date with all changes known to be in force on or before 07 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### Textual Amendments

**F21** Rule 188A inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 60](#) (with rule 5)

### Time limit for reply to a notice of an application

**189.** The period for the purpose of paragraph 3(2) of Schedule 6 to the Act is the period ending at 12 noon on the sixty-fifth business day after the date of issue of the notice.

### Notice under paragraph 3(2) of Schedule 6 to the Act

**190.**—(1) A notice to the registrar under paragraph 3(2) of Schedule 6 to the Act from a person given a registrar's notice must be—

- (a) in Form NAP, and
  - (b) given to the registrar in the manner and at the address stated in the registrar's notice.
- (2) Form NAP must accompany a registrar's notice.

(3) In this rule a “registrar's notice“ is a notice given by the registrar under paragraph 2 of Schedule 6 to the Act.

### Adverse possession of rentcharges

**191.** Schedule 6 to the Act applies to the registration of an adverse possessor of a registered rentcharge in the modified form set out in Schedule 8.

### Adverse possession of a rentcharge; non-payment of rent

**192.**—(1) This rule applies where—

- (a) a person is entitled to be registered as proprietor of a registered rentcharge under Schedule 6 to the Act, and
  - (b) if that person were so registered he would not be subject to a registered charge or registered lease or other interest protected in the register, and
  - (c) that person's adverse possession is based on non-payment of rent due under the registered rentcharge.
- (2) Where paragraph (1) applies the registrar must—
- (a) close the whole of the registered title of the registered rentcharge, or
  - (b) cancel the registered rentcharge, if the registered title to it also comprises other rentcharges.

### Prohibition of recovery of rent after adverse possession of a rentcharge

**193.**—(1) When—

- (a) a person has been registered as proprietor of a rentcharge, or
- (b) the registered title to a rentcharge has been closed, or
- (c) a registered rentcharge has been cancelled, where the registered title also comprises other rentcharges,

following an application made under Schedule 6 to the Act, and, if appropriate, closure or cancellation under rule 192, no previous registered proprietor of the rentcharge may recover any rent due under the rentcharge from a person who has been in adverse possession of the rentcharge.

(2) Paragraph (1) applies whether the adverse possession arose either as a result of non-payment of the rent or by receipt of the rent from the person liable to pay it.

### **Registration as a person entitled to be notified of an application for adverse possession**

**194.**—(1) Any person who can satisfy the registrar that he has an interest in a registered estate in land or a registered rentcharge which would be prejudiced by the registration of any other person as proprietor of that estate under Schedule 6 to the Act or as proprietor of a registered rentcharge under that Schedule as applied by rule 191 may apply to be registered as a person to be notified under paragraph 2(1)(d) of Schedule 6.

(2) An application under paragraph (1) must be made in Form ADV2.

(3) The registrar must enter the name of the applicant in the proprietorship register as a person entitled to be notified under paragraph 2 of Schedule 6 to the Act.

### **[<sup>F22</sup>Arbitration requested by proprietor**

**194A.**—(1) This rule applies where a proprietor with the right under paragraph 10(1) of Schedule 6 to the Act to require apportionment has given the chargor notice in accordance with paragraph (2).

(2) The notice referred to in paragraph (1) must—

- (a) identify the proprietor and give an address for communications to the proprietor from the chargor,
- (b) make proposals as to the values of the registered estate and the other property subject to the charge,
- (c) state the proprietor's intention, in the absence of agreement on the respective values of the registered estate and the other property subject to the charge, to request the President of the Royal Institution of Chartered Surveyors to appoint a qualified surveyor to determine these values, and
- (d) be served by post to, or by leaving the notice at, any postal address or by electronic transmission to an electronic address (if there is one) entered in the register as an address for service for the chargor.

(3) If the chargor does not provide the proprietor with the chargor's written agreement to the values referred to in paragraph (2)(b), or to any other valuations acceptable to the proprietor, within one month of when the notice was received, the proprietor may make the request referred to in paragraph (2)(c).

(4) Where a qualified surveyor has been appointed pursuant to a request under paragraph (3)—

- (a) the proprietor shall be liable for the costs of that appointment,
- (b) the qualified surveyor shall act as an arbitrator and the provisions of the Arbitration Act 1996 shall apply,
- (c) the proprietor and the chargor shall be parties to the arbitration,
- (d) the chargee may elect to be joined as a party to the arbitration, and the qualified surveyor must ascertain whether the chargee so elects, and
- (e) the proprietor and the chargor must allow the qualified surveyor access to the land any estate in which is subject to the charge.

(5) In this rule, "an address for communications" means a postal address but if additionally the proprietor provides an e-mail address then that is also an address for communications.

**Status:** Point in time view as at 01/04/2010.

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### Textual Amendments

**F22** Rules 194A-194G inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 61](#) (with rule 5)

### Notice of required apportionment

**194B.**—(1) The right of the proprietor of a registered estate under paragraph 10(1) of Schedule 6 to the Act to require a chargee to apportion the amount secured by a charge is exercisable by notice being given by the proprietor to the chargee.

(2) The notice referred to in paragraph (1) must—

- (a) identify the proprietor and give an address for communications to him from the chargee,
- (b) state that apportionment is required under paragraph 10 of Schedule 6 to the Act,
- (c) identify the chargor and the date of the charge,
- (d) state whether the valuations accompanying the notice were by a qualified surveyor appointed pursuant to a request under rule 194A and, if they were, state the effect of rule 194C(1), and
- (e) be served by post to, or by leaving the notice at, any postal address or by electronic transmission to an electronic address (if there is one) entered in the register as an address for service for the chargee.

(3) Subject to paragraph (4), the notice referred to in paragraph (1) must be accompanied by—

- (a) valuations of the registered estate and of the other property subject to the charge by a qualified surveyor dated no earlier than two months before the notice is sent,
- (b) the chargor’s written agreement to the valuations,
- (c) an official copy of the individual register and title plan of the registered estate, and
- (d) a copy of the individual register and title plan, supplied in response to an application under rule 144, in respect of the registered title which immediately before the registration under Schedule 6 to the Act comprised the registered estate, unless such a copy is unavailable.

(4) If the valuations of the registered estate and of the other property subject to the charge are by a qualified surveyor appointed pursuant to a request under rule 194A, the requirements in paragraph (3) (b), (c) and (d) do not apply.

(5) In this rule, “an address for communications” means a postal address but if additionally the proprietor provides an e-mail address then that is also an address for communications.

### Textual Amendments

**F22** Rules 194A-194G inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 61](#) (with rule 5)

### Apportionment

**194C.**—(1) If the valuations accompanying the notice referred to in rule 194B(1) are by a qualified surveyor appointed pursuant to a request under rule 194A, the chargee must, within two months of when the notice was received, apportion the amount secured by the charge at the time referred to in paragraph 10(1) of Schedule 6 to the Act on the basis of these valuations.



(2) If the valuations accompanying the notice referred to in rule 194B(1) are not by a qualified surveyor pursuant to a request under rule 194A, the chargee must, within two months of when the notice was received, either—

- (a) apportion the amount secured by the charge at the time referred to in paragraph 10(1) of Schedule 6 to the Act on the basis of the valuations accompanying the notice, or on the basis of other valuations agreed by the proprietor and the chargor, or
- (b) request the President of the Royal Institution of Chartered Surveyors to appoint a qualified surveyor to value the registered estate and the other property subject to the charge.

(3) Where a qualified surveyor has been appointed pursuant to a request under paragraph (2)(b)—

- (a) the chargee shall be liable for the costs of that appointment,
- (b) the qualified surveyor shall act as an arbitrator and the provisions of the Arbitration Act 1996 shall apply,
- (c) the proprietor and the chargee shall be parties to the arbitration,
- (d) the chargor may elect to be joined as a party to the arbitration, and the qualified surveyor must ascertain whether the chargor so elects, and
- (e) the proprietor and the chargor must allow the qualified surveyor access to the land any estate in which is subject to the charge.

(4) Where a qualified surveyor has been appointed pursuant to a request under paragraph (2)(b), the chargee must, within two months of when the valuations by the qualified surveyor were received, apportion the amount secured by the charge at the time referred to in paragraph 10(1) of Schedule 6 to the Act on the basis of those valuations.

#### Textual Amendments

**F22** Rules 194A-194G inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 61** (with rule 5)

#### Basis of valuation

**194D.**—(1) For the purposes of rules 194A, 194B and 194C, where the other property affected by the charge includes an estate in land, the value of the proprietor's registered estate shall be the diminution in value of that other property as determined in accordance with paragraph (2).

(2) The diminution in value of the other property is the difference between—

- (a) the value of all the property subject to the charge if the chargor were the proprietor and in possession of the proprietor's registered estate, and
- (b) the value of the property subject to the charge without the proprietor's registered estate.

#### Textual Amendments

**F22** Rules 194A-194G inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 61** (with rule 5)

#### Receipt of notice etc

**194E.**—(1) Notices and valuations shall be treated as received for the purposes of rules 194A(3) and 194C(1), (2) and (4) on—

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- (a) the second working day after posting, where the notice is posted to an address in the United Kingdom,
- (b) the working day after it was left, where the notice is left at a postal address,
- (c) the seventh working day after posting, where the notice is posted to an address outside the United Kingdom, and
- (d) the second working day after transmission, where the notice is sent by electronic transmission (including email).

#### Textual Amendments

**F22** Rules 194A-194G inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 61** (with rule 5)

#### Notice of apportionment

**194F.**—(1) Within ten working days of any apportionment under rule 194C, the chargee must issue notice of the apportionment to the proprietor and to the chargor.

(2) The notice referred to in paragraph (1) must state—

- (a) the amount secured by the charge at the time referred to in paragraph 10(1) of Schedule 6 to the Act,
- (b) the amount apportioned to the registered estate, and
- (c) the costs incurred by the chargee as a result of the apportionment and payable under paragraph 10(2)(b) of Schedule 6 to the Act.

(3) The notice referred to in paragraph (1) which is issued to the proprietor must be served by post to, or by leaving the notice at, the postal address or by electronic transmission to any e-mail address given in the notice of required apportionment under rule 194B(1) or at another postal or e-mail address agreed in writing by the chargee and the proprietor.

#### Textual Amendments

**F22** Rules 194A-194G inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), **Sch. 1 para. 61** (with rule 5)

#### Costs

**194G.**—(1) Where in the award under rule 194A(4) or rule 194C(3) the qualified surveyor decides that the chargee shall be responsible for payment of the costs incurred by the chargee or any other party to the arbitration, such costs shall be excluded from the costs payable under paragraph 10(2)(b) of Schedule 6 to the Act.

(2) Subject to paragraph (3), the chargor shall be entitled to be paid by the proprietor those costs reasonably incurred by the chargor in the apportionment and, in particular, those in relation to valuations obtained for the purpose of the apportionment.

(3) Where in the award the qualified surveyor decides that the chargor shall be responsible for payment of the costs incurred by the chargor or any other party to the arbitration, such costs shall be excluded from the costs payable under paragraph (2).]

### Textual Amendments

**F22** Rules 194A-194G inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), [rule 2\(1\)](#), [Sch. 1 para. 61](#) (with [rule 5](#))

### *Indemnity; interest on*

#### [<sup>F23</sup>Payment of interest on an indemnity]

[<sup>F23</sup>**195.**—(1) Subject to paragraph (3), interest is payable in accordance with paragraph (4) on the amount of any indemnity paid under Schedule 8 to the Act—

- (a) where paragraph 1(1)(a) of Schedule 8 applies other than in respect of any indemnity on account of costs or expenses, from the date of the rectification to the date of payment,
- (b) where any other sub-paragraph of paragraph 1(1) of Schedule 8 applies other than in respect of any indemnity on account of costs or expenses, from the date the loss is suffered by reason of the relevant mistake, loss, destruction or failure to the date of payment,
- (c) in respect of an indemnity on account of costs or expenses within paragraph 3 of Schedule 8, from the date when the claimant pays them to the date of payment.

(2) A reference in this rule to a period from a date to the date of payment excludes the former date but includes the latter date.

(3) No interest is payable under paragraph (1) for any period or periods where the registrar or the court is satisfied that the claimant has not taken reasonable steps to pursue with due diligence the claim for indemnity or, where relevant, the application for rectification.

(4) Simple interest is payable—

- (a) where the period specified in paragraph (1) starts on or after 10 November 2008, at one percent above the applicable Bank of England base rate or rates, or
- (b) where the period specified in paragraph (1) starts before that date,
  - (i) for the part of the period before that date, at the applicable rate or rates set for court judgment debts, and
  - (ii) for the part of the period on or after that date, at one percent above the applicable Bank of England base rate or rates.

(5) In this rule “Bank of England base rate” means—

- (a) the rate announced from time to time by the Monetary Policy Committee of the Bank of England as the official dealing rate, being the rate at which the Bank is willing to enter into transactions for providing short term liquidity in the money markets, or
- (b) where an order under section 19 of the Bank of England Act 1998 is in force, any equivalent rate determined by the Treasury under that section.]

### Textual Amendments

**F23** Rule 195 substituted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), [rule 2\(1\)](#), [Sch. 1 para. 62](#) (with [rule 5](#))

**Status:** Point in time view as at 01/04/2010.

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### *Statements under the Leasehold Reform, Housing and Urban Development Act 1993*

#### **Statements in transfers or conveyances and leases under the Leasehold Reform, Housing and Urban Development Act 1993**

**196.**—(1) The statement required by section 34(10) of the Leasehold Reform, Housing and Urban Development Act 1993 <sup>M7</sup> to be contained in a conveyance executed for the purposes of Chapter I of Part I of that Act must be in the following form:

“This conveyance (or transfer) is executed for the purposes of Chapter I of Part I of the Leasehold Reform, Housing and Urban Development Act 1993.”.

(2) The statement required by section 57(11) of the Leasehold Reform, Housing and Urban Development Act 1993 to be contained in any new lease granted under section 56 of that Act must be in the following form:

“This lease is granted under section 56 of the Leasehold Reform, Housing and Urban Development Act 1993.”.

#### **Marginal Citations**

**M7** 1993 c. 28.

*[<sup>F24</sup>Modification of Parts 2 and 3 of the Act in their application to incorporeal hereditaments*

#### **Textual Amendments**

**F24** Rules 196A, 196B and cross-heading inserted (10.11.2008) by [The Land Registration \(Amendment\) Rules 2008 \(S.I. 2008/1919\)](#), rule 2(1), [Sch. 1 para. 63](#) (with rule 5)

#### **Possessory titles to rentcharges**

**196A.** In their application to rentcharges, sections 9(5) and 10(6) of the Act have effect as if for the words “in actual possession of the land, or in receipt of the rents and profits of the land,” there were substituted the words “in receipt of the rent”.

#### **Application of sections 11, 12 and 29 of the Act to franchises**

**196B.**—(1) In their application to franchises, sections 11(4) and 12(4) of the Act have effect without prejudice to any right of the Crown to forfeit the franchise.

(2) In its application to franchises, section 29(2)(a) of the Act has effect with the deletion of the word “or” at the end of sub-paragraph (ii) and with the insertion between the words “registration,” and “and” at the end of sub-paragraph (iii) of—

“or

(iv) is a right of the Crown to forfeit the franchise,”]

**Status:**

Point in time view as at 01/04/2010.

**Changes to legislation:**

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