
STATUTORY INSTRUMENTS

2003 No. 1417

The Land Registration Rules 2003

PART 8

RESTRICTIONS

Application to withdraw a restriction from the register

98.—(1) An application to withdraw a restriction must be made in Form RX4 and accompanied by the consents required under paragraphs (2) to (5).

(2) Subject to paragraphs (3), (4) and (5) an application to withdraw a restriction may only be made by or with the consent of all persons who appear to the registrar to have an interest in the restriction.

(3) An application to withdraw a restriction that requires the consent of a specified person may only be made by or with the consent of that person.

(4) An application to withdraw a restriction that requires notice to be given to a specified person may only be made by or with the consent of that person.

(5) An application to withdraw a restriction that requires a certificate to be given by a specified person may only be made by or with the consent of that person.

(6) No application may be made to withdraw a restriction—

(a) that is entered under section 42(1)(a) of the Act and reflects some limitation on the registered proprietor's powers of disposition imposed by statute or the general law,

(b) that is entered in the register following an application under rule 94,

(c) that the registrar is under an obligation to enter in the register,

(d) that reflects a limitation under an order of the court or registrar, or an undertaking given in place of such an order,

(e) that is entered pursuant to a court order under section 46 of the Act.

(7) The registrar may accept a certificate given by a conveyancer that the conveyancer holds any consents required.