

2005 No. 1981

LAND CHARGES, ENGLAND AND WALES

The Land Charges (Amendment) Rules 2005

Made - - - - - 18th July 2005

Coming into force in accordance with rule 1

The Lord Chancellor, in exercise of the powers conferred upon him by section 16(1) of the Land Charges Act 1972(a) and section 32 of, and paragraph 4(4) of Schedule 4 to, the Family Law Act 1996(b), hereby makes the following rules:

Citation and commencement

1. These rules may be cited as the Land Charges (Amendment) Rules 2005 and shall come into force on the day that paragraph 2 of Schedule 9 to the Civil Partnership Act 2004(c) comes into force.

Interpretation

2. In these rules “the principal rules” means the Land Charges Rules 1974(d).

Amendment to rule 11 of the principal rules

3.—(1) In rule 11(i) of the principal rules, for “rights of occupation” substitute “home rights”.

(2) In rule 11(ii) of the principal rules, for “section 5(1) of the Matrimonial Homes Act 1967” substitute “paragraph 4(1) of Schedule 4 to the Family Law Act 1996” and for “section 5(3)” substitute “paragraph 4(3) of that Schedule”.

Amendment to Schedule 1 to the principal rules

4. In paragraph 1(vi) of Schedule 1 to the principal rules, for “section 2(2) of the Matrimonial Homes Act 1967” substitute “section 33(5) of the Family Law Act 1996”.

(a) 1972 c. 61.

(b) 1996 c. 27.

(c) 2004 c. 33.

(d) S.I. 1974/1286; no relevant amending instruments.

Amendment to Schedule 2 to the principal rules

5. For Forms K2, K8 and K13 in Schedule 2 to the principal rules, substitute respectively Forms K2, K8 and K13 in the Schedule to these rules.

Signed by authority of the Lord Chancellor

18th July 2005

Cathy Ashton
Parliamentary Under Secretary of State,
Department for Constitutional Affairs

SCHEDULE

Rule 5

SUBSTITUTED FORMS IN SCHEDULE 2 TO THE PRINCIPAL RULES

	<p>Form K2</p> <p>Land Charges Act 1972 (Family Law Act 1996)</p> <p>Application for registration of a Land Charge of Class F</p> <p>Application is hereby made for the registration of a Land Charge of Class F in respect of the following particulars</p>	<p>Fee panel</p> <p>If the fee is to be debited to your credit account put a cross (X) in this box</p> <div style="text-align: right; border: 1px solid black; width: 30px; height: 20px; margin-left: auto;"></div>												
	<p>1. Is there any subsisting registration of rights of occupation under the Matrimonial Homes Act 1967 or 1983 or home rights under the Family Law Act 1996 which affects a dwelling-house other than that referred to in this application? Yes/No (<i>delete as applicable</i>).</p> <p>2. If "Yes" (a) Give address of such dwelling-house _____</p> <p>(b) If the subsisting registration is: (i) under the Land Charges Act 1925 or 1972 OR (ii) under the Land Registration Act 2002 give the official reference number and date of registration. give title number under which the dwelling-house is registered.</p> <p>LC _____ Date _____ Title No _____</p>													
Particulars to be registered														
Enter full name and address	Person entitled to benefit of the charge													
Complete if applicable	Particulars of court order													
	By an order of the _____ Court dated _____ and made under s.33(5) of the Family Law Act 1996 it was directed that _____													
	F	If application is made pursuant to a Priority Notice please state its official reference number												
	Particulars of dwelling-house													
	County _____ District _____ Known as _____													
Only one individual or body to be entered	Particulars of estate owner	For official use only												
	Forename(s) _____ Surname _____ Title, Trade or Profession _____ Address _____													
Solicitor's name and address	Key number _____	<table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">1</td> <td style="width: 20px; text-align: center;">2</td> <td style="width: 20px; text-align: center;">3</td> </tr> <tr> <td style="text-align: center;">* C</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">4</td> <td style="text-align: center;">5</td> <td style="text-align: center;">6</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>	1	2	3	* C			4	5	6			
1	2	3												
* C														
4	5	6												
If no Solicitor is acting enter applicant's name and address (including postcode)	Solicitor's reference _____													
<p>I/We certify that the dwelling-house in this application is not registered at Land Registry.</p> <p>Signature of solicitor or applicant _____ Date _____</p>														

Form K8

**Land Charges Act 1972
(Family Law Act 1996)**

Fee panel

If the fee is to be debited to your credit account put a cross (X) in this box

Application for the renewal of a registration of a Land Charge of Class F

Application is hereby made for the renewal of the registration of a Land Charge of Class F in respect of the following particulars.

Enter full name(s) and address(es)

Persons entitled to benefit of the charge

Particulars of court order

By an order of the _____ Court dated _____ and made under s.33(5) of the Family Law Act 1996 it was directed that

Particulars of the entry to be renewed

F	Insert number and date of the original registration			
	Official reference no.	Date of registration		
		Day	Month	Year

Only one individual or body to be entered.

Particulars of estate owner

Forename(s)
Surname

For official use only

Solicitor's name and address (including postcode)
If no Solicitor is acting enter applicant's name and address (including postcode)

Key number

Solicitor's reference:

1	2	3
*C		
4	5	6

I/We certify that the dwelling-house in this application is not registered at Land Registry.

Signature of solicitor or applicant

Date

Form K13

Land Charges Act 1972
(Family Law Act 1996)

Fee panel

If the fee is to be debited to your credit account put a cross (X) in this box.

Application for cancellation of a Land Charge of Class F

Particulars of applicant

Enter full name and address(es) of applicant(s)

I, _____
of _____

hereby apply for cancellation in the register of the entry referred to below.

Signature _____ Date _____

Certificate of Solicitor(s)

We hereby certify that we are acting for the applicant and that we are satisfied that our client understands the nature of this application and the effect of the cancellation of the said entry on the register.

Signature and address of the solicitors to the above applicant

Signature _____
Address _____

Particulars of entry affected

Delete (a) or (b) as appropriate

Please cancel the undermentioned entry as to
(a) the whole
or
(b) the following part _____

Class	Insert number and date of the registration	Official reference no.	Date of registration		
			Day	Month	Year
F	Insert, if applicable, the number and date of any renewal of registration	Official reference no.			

Particulars of estate owner

Only one individual or body to be entered.

Forename(s)
Surname
Address

For official use only

1	2	3
*C		
4	5	6

Key Number |
 |
-----|

Solicitor's name and address (including postcode)

If no Solicitor is acting enter applicant's name and address (including postcode)

Solicitor's reference: _____

EXPLANATORY NOTE

(This note is not part of the Rules)

These rules amend the Land Charges Rules 1974 to take account of the Family Law Act 1996 and the Civil Partnership Act 2004.

They replace outdated references to previous legislation with references to the Family Law Act 1996, and prescribe new forms for applications to register, renew and cancel land charges relating to home rights under that Act, as amended by the Civil Partnership Act 2004.

A Regulatory Impact Assessment has been prepared and placed in the library of each House of Parliament. Copies can be obtained from the Land Registry, 32 Lincoln's Inn Fields, London WC2A 3PH.

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