STATUTORY INSTRUMENTS

1967 No. 1791

LAND CHARGES, ENGLAND

The Land Charges (Matrimonial Homes) Rules 1967

Made - - - - 30*th November* 1967
Coming into Operation 1*st January* 1968

I, Gerald, Baron Gardiner, Lord High Chancellor of Great Britain, in exercise of the powers vested in me by section 19 of the Land Charges Act 1925(a), hereby make the following rules :—

1. These rules may be cited as the Land Charges (Matrimonial Homes) Rules 1967 and shall come into operation on 1st January 1968.

2.—(1) In these rules " the Act of 1967 " means the Matrimonial Homes Act 1967(b) and a form referred to by number means the form so numbered in the Schedule to these rules.

(2) Any such form may be used with such variations as in the opinion of the Registrar the circumstances of the case may require.

(3) The Interpretation Act 1889(c) shall apply for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

3.—(1) Every application for the registration or the renewal of registration of a land charge of Class F shall be made in Form L.C.19 or L.C.20, whichever is appropriate.

(2) The Registrar shall not be concerned to enquire into or otherwise verify the accuracy or validity of any matter or thing stated or appearing in the application.

(3) An application made by the applicant in person shall not be required to be supported by a statutory declaration.

4.—(1) An application for the cancellation of the registration of a land charge of Class F shall be made in Form L.C.21, and where the application is not signed by the person on whose behalf the registration was made, it shall be accompanied by—

(*a*) a release in writing of the rights of occupation to which the charge relates, or

(*b*) the evidence referred to in section 5(1) of the Act of 1967 and, if the charge was registered or the registration of the charge was renewed pursuant to section 5(3) of the said Act, evidence proving to the satisfaction of the Registrar that the order referred to in the application for registration or renewal has ceased to have effect.

Dated 30th November 1967.

Gardiner, C.

(a) 1925 c. 22. (b) 1967 c. 75. (c) 1889 c. 63.

THE SCHEDULE

Form L.C.19. *Application for Registration of a Land Charge (Class F)*

1. I, [We, ... of ....., solicitors acting for] [*name and address of person entitled to a land charge of Class F*] (hereinafter called "the Applicant") hereby apply for the registration of a land charge of Class F in respect of my [the Applicant's] rights of occupation under section 2(1) of the Matrimonial Homes Act 1967, of which the following are particulars:

Description of estate owner [*Address of estate owner*] [*Title, trade or profession*] [*Surname of estate owner*] [*Other names*]

Brief description of dwelling house [*County*] [*Parish or place*] [*Known as*]

2. [*Where an order has been made by virtue of section 2(2) of the Matrimonial Homes Act 1967, add:* By an order of the [*state name of Court*] Court dated ..... and made by virtue of section 2(2) of the Matrimonial Homes Act 1967, it was directed that [*give details of any direction that the Applicant's rights of occupation should not be brought to an end by the death of his or her spouse or the termination of the marriage otherwise than by death*].]

3. The Applicant states that there is no subsisting registration in respect of a land charge of Class F under the Land Charges Act 1925 or the Land Registration Act 1925 affecting any other dwelling house in which the said [*name of estate owner*] has an estate or interest.

OR

There is a subsisting registration of a land charge of Class F under registration No. L.C. ..... [*or, in the case of registered land,* of a notice [caution] against title No. .....] affecting [*short description of dwelling house*] and that registration is to be cancelled pursuant to section 3 of the Matrimonial Homes Act 1967.

Dated

[*Signature of Applicant or his [her] solicitors*]

Form L.C.20. *Application for the Renewal of a Registration of a Land Charge (Class F)*

1. I, [We, ... solicitors acting for] [*name and address of person entitled to a land charge of class F*] (hereinafter called "the Applicant") hereby apply pursuant to section 5(3)(*a*) of the Matrimonial Homes Act 1967 for the renewal of the registration of a land charge of Class F, particulars of which are given in the schedule below.

2. By an order of the [*state name of Court*] Court dated ..... and made by virtue of section 2(2) of the said Act, it was directed that [*give details of any direction that the Applicant's rights of occupation should not be brought to an end by the death of his or her spouse or the termination of the marriage otherwise than by death*].

Dated

[*Signature of Applicant or his [her] solicitors*]

SCHEDULE

Registration to be Renewed

A land charge (Class F) which was registered in the name of [*surname, other names, address and description of estate owner*] on [*date*], the reference number of which is L.C. .....

Form 100.

Application for Renewal of Registration of a Notice or Caution

H.M. Land Registry

Land Registration Acts 1925–1966

Matrimonial Homes Act 1967

County [*or* County Borough

or London Borough] .....

Title No. .....

Property .....

In consequence of an order dated ..... and made by virtue of section 2(2) of the Matrimonial Homes Act 1967, I, [We, ... of ....., solicitors acting for] ..... of ..... hereby apply pursuant to section 5(3)(*a*) of the said Act for the renewal of the registration of the notice [caution against dealings] registered against the above mentioned title on [*date*].

An official copy of the said order accompanies this application.

Dated

[*Signature of Applicant or his* [*her*] *solicitors*]

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules make provision for the registration and the renewal of registration of a notice or caution protecting a spouse's charge under the Matrimonial Homes Act 1967 on a dwelling house the title to which is registered under the Land Registration Acts 1925 to 1966. They also define the circumstances in which the Chief Land Registrar can be required to serve a notice warning off such a caution.