STATUTORY INSTRUMENTS

1967 No. 1792

LAND REGISTRATION

The Land Registration (Matrimonial Homes) Rules 1967

Made - - - -	30*th November* 1967
Laid before Parliament	8*th December* 1967
Coming into Operation	1*st January* 1968

I, Gerald, Baron Gardiner, Lord High Chancellor of Great Britain, with the advice and assistance of the Rule Committee appointed in pursuance of section 144 of the Land Registration Act 1925(**a**), hereby make the following rules in exercise of the powers vested in me by that section :—

1. These rules may be cited as the Land Registration (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) 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. An application in pursuance of section 2(7) of the Act of 1967 to register a notice or caution shall be made in Form 99 and, if at the date of the application an order has been made by virtue of section 2(2) of that Act, the application shall be accompanied by an official copy of the order for filing in the Registry.

4.—(1) Where a notice or caution has been registered in pursuance of section 2(7) of the Act of 1967, an application to renew the registration under paragraph (*a*) of section 5(3) of that Act shall be made in Form 100 and shall be accompanied by an official copy of the order referred to in the said paragraph (*a*) for filing in the Registry.

(2) If the Registrar is satisfied that the application is in order, he shall renew the registration by entering on the register a further notice or caution, as the case may require.

5. On an application to renew the registration of a notice the Registrar may dispense with production of the land certificate of the title to which the application relates.

6. Where a caution has been registered in pursuance of section 2(7) of the Act of 1967, the Registrar shall not be required, on the application of the proprietor of the land to which the caution relates, to serve the notice referred to in rule 218 of the Land Registration Rules 1925(**d**), as amended(**e**), except upon production of—

(*a*) a release in writing of the rights of occupation protected by the caution, or

(*b*) a statutory declaration that, as to the whole or any part of the land to which the caution relates, no charge under section 2(1) of the Act of 1967 has ever arisen or, if such a charge has arisen, it is no longer subsisting.

Dated 30th November 1967.

Gardiner, C.

(**a**) 1925 c. 21. (**b**) 1967 c. 75. (**c**) 1889 c. 63.
(**d**) S.R. & O. 1925/1093 (Rev. XII, p. 81: 1925 p. 717).
(**e**) There are no relevant amendments.

THE SCHEDULE

Form 99.

Application for Registration of a Notice or Caution against Dealings

H.M. Land Registry

Land Registration Acts 1925–1966

Matrimonial Homes Act 1967

County [*or* County Borough

or London Borough] .....

Title No. .....

Property .....

1. I, [We, ... of ....., solicitors acting for] ..... of ..... (hereinafter called "the Applicant") hereby apply pursuant to section 2(7) of the Matrimonial Homes Act 1967 for the registration under section 49(1)(*c*) of the Land Registration Act 1925 of notice of a land charge of Class F affecting the land comprised in the above-mentioned title [*or, if the land certificate is outstanding and cannot be lodged with the application,* for the registration under section 54 of the Land Registration Act 1925 of a caution against dealings with the land comprised in the above-mentioned title].

2. I am [The Applicant states that she [he] is] the wife [husband] of [*name of registered proprietor*] and I am [the Applicant is] entitled by virtue of section 2(1) of the Matrimonial Homes Act 1967 to a charge on the said land in respect of my [the Applicant's] rights of occupation under the said Act.

3. [*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*].]

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

OR

There is a subsisting registration of a notice [caution] against Title No. ..... [*or, in the case of unregistered land,* of a land charge of Class F under registration No. L.C. .....] 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 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.

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