STATUTORY INSTRUMENTS

1969 No. 1179

LAND REGISTRATION

The Land Registration (Official Searches) Rules 1969

Made - - - -	8*th August* 1969
Laid before Parliament	21*st August* 1969
Coming into Operation	1*st January* 1970

The Lord Chancellor, with the advice and assistance of the Rule Committee appointed in pursuance of section 144 of the Land Registration Act 1925(a), hereby makes the following rules in exercise of the powers vested in him by that section:—

Title, Commencement and Interpretation

1. These rules may be cited as the Land Registration (Official Searches) Rules 1969 and shall come into operation on 1st January 1970.

2.—(1) The Interpretation Act 1889(b) shall apply to the interpretation of these rules as it applies to the interpretation of an Act of Parliament.

(2) In these rules, unless the context otherwise requires:—

"purchaser" means any person (including a lessee or chargee) who in good faith and for valuable consideration acquires or intends to acquire a legal estate in land; "purchase" has a corresponding meaning;

"official search" means a search of the register made by officers of the Land Registry pursuant to an application on one of the forms prescribed by these rules, "official certificate of search" means a certificate given in the prescribed form of the result of an official search;

"priority period" means the period between the opening of the proper office for public business at 11 a.m. on the day on which an application by a purchaser for an official search is delivered there in accordance with these rules and the opening of that office at 11 a.m. on the sixteenth day thereafter;

"day list" means the record kept pursuant to rule 83(1) of the Land Registration Rules 1925(c);

"proper office" means the district land registry serving the area in which the land affected by an application is situated;

"day" means a day on which the Land Registry is open to the public.

(3) Words or expressions defined in the Land Registration Act 1925 and not otherwise defined in these rules shall have the same meaning as in that Act.

(4) A form referred to by number means the form so numbered in Schedule 1 to these rules.

(a) 1925 c. 21. (b) 1889 c. 63.
(c) S.R. & O. 1925/1093 (Rev. XII, p. 81: 1925, p. 717).

(5) An application by a purchaser for an official search delivered to the proper office shall be deemed for the purpose of these rules to have been delivered immediately before the next opening of that office for public business and rule 85 of the Land Registration Rules 1925 shall not apply thereto.

Official Search by Purchaser

3.—(1) Where a purchaser applies for an official search of the register which he has authority to inspect, the application shall be made on form 94A or form 94B which shall be delivered in duplicate to the proper office.

(2) The application, if in order, shall on delivery be entered in the day list and an official certificate of search shall be issued on form 94D giving the result of the search as at the time and date of such delivery.

4. During the priority period or any extension thereof obtained under these rules, a duplicate of the application for official search and of the official certificate of search shall be open to inspection by any person entitled to inspect the register of the title concerned.

5. When a purchaser has applied in accordance with these rules for an official search, any entry which is made in the register during the priority period relating to that search shall be postponed to a subsequent application to register the instrument effecting the purchase and, if the purchase is dependent on a prior dealing, to a subsequent application to register the instrument effecting that dealing provided each such subsequent application:

(i) is in order;

(ii) is delivered to the proper office within the priority period; and

(iii) affects the same land or charge as the postponed entry.

6.—(1) Where a purchaser has obtained an official certificate of search but will be unable to deliver an application for the registration of the instrument effecting the purchase within the priority period, he may apply on the prescribed form for an extension of the priority conferred by the official search.

(2) The application for such an extension shall be made on form 95 which shall be delivered to the proper office before the expiration of the priority period and shall be accompanied by:

(i) the official certificate of search;

(ii) a certified copy of the instrument effecting the purchase;

(iii) if the instrument effecting the purchase is dependent on any prior dealing, a certified copy of the instrument effecting that dealing; and

(iv) the appropriate Land Registry fee.

(3) The application for extension, if in order, shall on delivery be entered in the day list and an extension of priority for a further period of fourteen days from the date of expiration of the priority period shall be granted.

(4) Notice of the extension shall be endorsed on the official certificate of search and on the duplicate thereof retained in the Land Registry.

(5) After endorsement the official certificate of search shall be re-issued as directed in form 95.

7. When under rule 6 of these rules a purchaser has obtained an extension of the priority conferred by an official certificate of search, any entry which is made in the register during the priority period relating to that search or during the extension thereof shall be postponed to a subsequent application to register the instrument effecting the purchase and, if the purchase is dependent on a prior dealing, to a subsequent application to register the instrument effecting that dealing provided each such subsequent application:

(i) is in order;

(ii) is delivered to the proper office within the priority period as so extended;

(iii) affects the same land or charge as the postponed entry.

8.—(1) Where two or more official certificates of search relating to the same land or the same charge have been issued and are in operation pursuant to these rules, such certificates shall, as far as relates to the priority thereby conferred, take effect, unless the applicants otherwise agree, in the order in which the applications for official search were delivered.

(2) Where two or more applications for official search relating to the same land or the same charge are delivered at the same time, the official certificates of search shall, as far as relates to the priority thereby conferred, take effect in such order as may be agreed by the applicants.

(3) Where one transaction is dependent upon another, applicants for search shall for the purpose of this rule be assumed to have agreed that their applications shall have priority as between each other so as to give effect to the sequence of the instruments effecting their transactions.

Search by Telephone or Teleprinter

9.—(1) A person having authority to inspect the entries in the register may apply by his solicitor to the proper office by telephone or by teleprinter for a search to ascertain whether any adverse entry has been made in the register since a given date being either the date of the issue of an office copy of the subsisting entries thereon or the date on which the land or charge certificate was last made to correspond with the register.

(2) When an application is made by telephone an undertaking shall be given that an application for an official search in form 94A, form 94B or form 94C will be sent forthwith to the proper office accompanied by the appropriate Land Registry fee for the search made under this rule, and the following particulars shall be supplied:

(i) the title number and a short description of the property;

(ii) the full name of the proprietor who has authorised the inspection of the register;

(iii) the name, address and telephone number of the solicitor making the application together with the name of the purchaser for whom he is acting; and

(iv) the date from which the search is to be made.

(3) An application by teleprinter shall be made in the form set out in Schedule 2.

10.—(1) Upon receipt of an application by telephone or by teleprinter, the search shall be made as soon as practicable and without regard to any pending applications not yet entered on the day list.

(2) When the result of a search is given by telephone it shall include:

(i) the number of the title;

(ii) whether the search has extended to the whole or been limited to a part of the title;

(iii) a short description of the property; and

(iv) the date from which the search has been made.

(3) The result of a search sent by teleprinter shall be in the form set out in Schedule 2.

(4) A search made pursuant to this rule shall not be regarded as an official search for the purpose of section 83(3) of the Land Registration Act 1925 or of rule 295 of the Land Registration Rules 1925 and shall not in itself confer upon the applicant priority for the registration of any dealing.

(5) The registrar may, in his discretion, suspend or limit the facilities provided by this rule for searches to be made by telephone or teleprinter.

Official Search Otherwise than by Purchaser

11.—(1) Where a person other than a purchaser applies for an official search of the register which he has authority to inspect, the application shall be made on form 94C which shall be delivered in duplicate to the proper office accompanied by the appropriate Land Registry fee.

(2) On completion of the search, an official certificate of search shall be issued on form 94D but this certificate shall not confer upon the applicant priority for the registration of any dealing.

Certificate of Official Inspection of Filed Plan

12.—(1) Where a person applies for a certificate of official inspection of a filed plan which he has authority to inspect, the application may be made on form 101 which shall be delivered in duplicate to the proper office accompanied by the appropriate Land Registry fee.

(2) On completion of the inspection an official certificate of inspection shall be issued on form 102 but this shall not confer upon the applicant priority for the registration of any dealing.

(3) An official inspection of the filed plan made pursuant to an application under this rule shall be regarded as an official search for the purpose of section 83(3) of the Land Registration Act 1925 and rule 295 of the Land Registration Rules 1925.

Revocation

13. The rules mentioned in the first and second columns of Schedule 3 to these rules are hereby revoked to the extent specified in the third column of that Schedule.

Dated 8th August 1969.

Gardiner, C.

SCHEDULE 1

Form 94 A

Application by Purchaser for Official Search in Respect of the Whole of the Land in a Title

H.M. LAND REGISTRY

LAND REGISTRATION (OFFICIAL SEARCHES) RULES 1969

County [*or* county borough *or* London borough]..... Title No.....

Registered proprietor.....

.....

Applicant [*give full names of purchaser, lessee or chargee*]

.....

I/We [as solicitors acting for] the above-mentioned applicant certify that he intends to purchase [*or* take on lease *or* accept a charge on] the whole of the land comprised in the title above mentioned, and application is made for an official search of the register of the said title to ascertain whether any adverse entry has been made since the..... day of.....19..... being the date of the issue of an office copy of the subsisting entries on the register [*or* the last date on which the land or charge certificate was officially examined with the register].

The written authority of the registered proprietor, or his solicitors, to inspect the register accompanies this application [*or* We also act as solicitors for the registered proprietor].

[*Signature and date of signature*]

[*Insert name and address to which official certificate is to be sent*]

Form 94 B

Application by Purchaser for Official Search in Respect of Part of the Land in a Title

H.M. LAND REGISTRY

LAND REGISTRATION (OFFICIAL SEARCHES) RULES 1969

County [*or* county borough *or* London borough]..... Title No.....

Property to be purchased.....

.....

Registered proprietor.....

.....

Applicant [*give full names of purchaser, lessee or chargee*]

.....

I/We [as solicitors acting for] the above-mentioned applicant certify that he intends to purchase [*or* take on lease *or* accept a charge on] the land shown and edged with red on the attached plan [*or* the plot numbered.....on the estate lay-out plan approved by the Land Registry on [*date*] for use herewith] being part of the land comprised in the title above mentioned, and application is made for an official search of the register of the said title to ascertain whether any adverse entry has been made affecting the said land or plot since the.....day of.....19....., being the date of the issue of an office copy of the subsisting entries on the register [*or* the last date on which the land or charge certificate was officially examined with the register].

The written authority of the registered proprietor, or his solicitors, to inspect the register accompanies this application [*or* We also act as solicitors for the registered proprietor].

[*Signature and date of signature*]

[*Insert name and address to which official certificate is to be sent*]

Form 94 C

Application by Person other than a Purchaser for Official Search of the Entries in the Register

H.M. LAND REGISTRY

LAND REGISTRATION (OFFICIAL SEARCHES) RULES 1969

County [*or* county borough *or* London borough]..... Title No.....

Property [*give short description of property to be searched*]

.....

Registered proprietor.....

Applicant .....

Application is made for an official search of the register of the above-mentioned title as to the whole of the land comprised therein [*or* as to the land shown and edged with red on the attached plan being part of the land comprised therein] to ascertain whether any adverse entry affecting the said land has been made since the..... day of.....19....., being the date of the issue of an office copy of the subsisting entries on the register [*or* the last date on which the land or charge certificate was officially examined with the register].

[*Where the applicant is not the registered proprietor*]

The written authority of the registered proprietor, or his solicitors, to inspect the register accompanies this application [*or* We also act as solicitors for the registered proprietor]. A Land Registry fee of.....is enclosed.

[*Signature and date of signature*]

[*Insert name and address to which official certificate is to be sent*]

Form 94 D

Official Certificate of the Result of Search

H.M. LAND REGISTRY

LAND REGISTRATION (OFFICIAL SEARCHES) RULES 1969

It is hereby certified that the official search applied for has been made with the following result:

Since the.....day of.....19...

[*Result of search to be entered showing entries affecting the land since the date specified and any applications for registration pending in the Land Registry but not yet completed by entry on the register or any applications for official search.*]

Form 95

Application by Purchaser for Extension of Priority for Official Search

H.M. LAND REGISTRY

LAND REGISTRATION (OFFICIAL SEARCHES) RULES 1969

County [*or* county borough *or* London borough]..... Title No.....

Applicant [*give full names of purchaser, lessee or chargee*]

.....

Official Search Application No.....

I/We [as solicitors acting for] the above-mentioned applicant certify that he has purchased [*or* taken on lease *or* accepted a charge on] the whole [*or* part] of the land comprised in the title above mentioned but that it will not be possible to apply for the registration of the instrument effecting the purchase [*or* lease *or* charge] within the period of priority conferred by the enclosed official certificate of search. Application is accordingly made for an extension of the said priority period for a further fourteen days.

There are enclosed with this application:

(i) the official certificate of search;

(ii) a certified copy of the instrument of transfer [*or* lease *or* charge];

[(iii) a certified copy of the instrument of transfer [*or* lease *or as the case may be*] upon which the applicant's transaction is dependent;]

(iv) a Land Registry fee of £1.

[*Signature and date of signature*]

[*Insert name and address to which official certificate is to be sent*]

Form 101

Application for a Certificate of Inspection of the Filed Plan

H.M. LAND REGISTRY

LAND REGISTRATION (OFFICIAL SEARCHES) RULES 1969

County [*or* county borough *or* London borough]..... Title No.....

Registered proprietor.....

Applicant .....

Property .....

1. Application is made for an inspection of the filed plan of the above-mentioned title to ascertain whether the property described above being Plot No..... on the estate plan approved by the Land Registry [*or* shown..... .....on the plan annexed hereto] is in the above-mentioned title and, if so, whether it is affected by any colour or other references shown on the said filed plan.

2. A Land Registry fee of.....is enclosed.

[*Signature and date of signature*]

[*Insert name and address to which certificate of inspection is to be sent*]

Form 102

Certificate of Inspection of Filed Plan

H.M. LAND REGISTRY

LAND REGISTRATION (OFFICIAL SEARCHES) RULES 1969

Title No.....

The filed plan has been inspected and it is hereby certified that:

(*a*) plot no.....on the estate plan approved by H.M. Land Registry on .....[*or* the land shown..... on the plan supplied by you and returned herewith] is in the above-mentioned title;

(*b*) the said plot [*or* land] is not affected by any colour or other reference shown on the filed plan and mentioned in the entries on the register [*or* the said plot [*or* land] is [*insert particulars of references on filed plan*] on the filed plan but is not affected by any other colour or other references shown on the filed plan and mentioned in the entries on the register].

Dated.....

SCHEDULE 2

Form of Application for Search of Register by Teleprinter

A. [*Give the title number*]

B. [*Give a short description of the property*]

C. [*The date from which the search is to be made*]

D. [*The full name of the proprietor who has authorised the inspection of the register*]

E. [*The name and teleprinter address of the solicitor making the application*]

F. [*The name of the purchaser*]

G. [*Print* "undertaking given" *to acknowledge that the applicant undertakes that an application for an official search in form* 94 *A, form* 94 *B or form* 94 *C will be sent forthwith to the proper office accompanied by the appropriate Land Registry fee for this teleprinter search*]

Note: Only the letters of the paragraphs and the reply to the request for information contained therein need be given.

Result of Search

A. [*The title number*]

B. [*If the search was made in respect of the whole of the land in the registered title,* "whole" *will be printed. If it was in respect of a part only, the description of the property will be given.*]

C. [*The date from which the search has been made*]

D. [*If no adverse entries have been made on the register since the date given in C above,* "Nil" *will be printed. If any adverse entries have been made, particulars thereof will be given.*]

SCHEDULE 3

STATUTORY RULES AND ORDERS REVOKED

Year and number	Short title	Extent of revocation
1925/1093	Land Registration Rules 1925	Rules 88, 138, 292, 293 and 294. Schedule, Forms 18, 79 and 81.
1930/211	Land Registration Rules 1930	The whole of the Rules
1936/1302	Land Registration Rules 1936	The whole of the Rules

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules allow purchasers who are unable to lodge their documents for registration within a priority period of 15 working days to have that period extended for a further period of 14 working days on payment of a special fee (Rules 6 and 7). They also consolidate with amendments provisions of the Land Registration Rules 1925, the Land Registration Rules 1930 and the Land Registration Rules 1936 relating to official searches of the register. In particular they provide for:—

(*a*) the protection of the transfer of an intending mortgagor by an official search on behalf of the intending mortgagee (Rule 5).

(*b*) Searches by teleprinter (Rules 9, 10, and Schedule 2) and the abolition of searches by telegraph (Rule 13 and Schedule 3).

(*c*) Certificates of official inspection of a filed plan (Rule 12).

(*d*) The abolition of priority notices and provisional registrations (Rule 13 and Schedule 3).