STATUTORY INSTRUMENTS

1978 No. 1600

LAND REGISTRATION

The Land Registration (Official Searches) Rules 1978

Made - - - -	17*th October* 1978
Laid before Parliament	13*th November* 1978
Coming into Operation	1*st January* 1979

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**), in exercise of the powers conferred on him by that section, hereby makes the following rules:—

Citation, Commencement and Interpretation

1. These rules may be cited as the Land Registration (Official Searches) Rules 1978 and shall come into operation on 1st January 1979.

2.—(1) The Interpretation Act 1978(**b**) shall apply to the interpretation of these rules as it applies to the interpretation of subordinate legislation made after the commencement of that Act.

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

"the Act" means the Land Registration Act 1925;

"the principal rules" means the Land Registration Rules 1925(**c**);

"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 and "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 and "official certificate of search" means a certificate given in the prescribed form of the result of an official search;

"priority period" means the period beginning at the time when an application for an official search is deemed by virtue of paragraph (4) below to have been delivered and ending immediately after 11.00 hours on the twentieth day thereafter;

"day list" means the record kept pursuant to rule 7A of the principal rules;

"proper office" means the district land registry designated as the proper office by the Land Registration (District Registries) Order 1978(**d**);

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

(**a**) 1925 c. 21.
(**b**) 1978 c. 30.
(**c**) S.R. & O. 1925/1093.
(**d**) S.I. 1978/1162.

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

(4) An application for an official search made by a purchaser in accordance with rule 3 of these rules which is delivered after 11.00 hours on one day and before or at 11.00 hours on the next day shall be deemed to have been delivered immediately before 11.00 hours on the second day.

Official Search by Purchaser

3.—(1) A purchaser may apply on form 94A or form 94B for an official search of a register which he has authority to inspect.

(2) The application shall be delivered in duplicate at the proper office and, if in order, shall be entered on the day list and an official certificate of search shall be issued in form 94D giving the result of the search as at the time and date it is deemed to have been delivered.

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. Where 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 deemed to have been delivered at the proper office within the priority period;

(ii) affects the same land or charge as the postponed entry; and

(iii) is in due course completed by registration.

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 at 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; and

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

(3) The application for extension, if in order, shall on delivery be entered in the day list and an extension of priority shall be granted for a further period beginning at the time of expiration of the priority period and ending immediately after 11.00 hours on the fifteenth day thereafter.

(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 deemed to have been delivered at the proper office within the priority period as so extended;

(ii) affects the same land or charge as the postponed entry; and

(iii) is in due course completed by registration.

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 deemed to have been delivered.

(2) Where two or more applications for official search relating to the same land or the same charge are deemed to have been 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 or, failing agreement, as may be determined under rule 298 of the principal rules.

(3) Where one transaction is dependent upon another the Registrar may for the purpose of this rule assume (unless or until the contrary appears) that applicants for search 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.

(4) Where an official search has been made in respect of a particular title and, by virtue of rule 85 of the principal rules, an application relating to that title is deemed to have been delivered at the same time as the expiry of the priority period relating to that search, or, if the priority period has been extended under rule 6 of these rules, at the same time as the expiry of the period as so extended, the time of delivery of the application shall be deemed to be within that priority period (or the extension thereof).

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) Where an application is made by telephone:

(i) an undertaking shall be given that an application for an official search on 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 or by a credit account voucher in

respect thereof completed in accordance with the provisions of paragraph 3(2) of the Land Registration Fee Order 1976(a);

(ii) the following particulars shall be supplied:

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

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

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

(*d*) 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) a statement as to whether the search has extended to the whole or been limited to a part of the land comprised in 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 Act or of rule 295 of the principal rules 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 without priority

11.—(1) A person (not being a purchaser requiring an official search under rule 3 of these rules) who has authority to inspect a register may apply on form 94C for an official search of that register.

(2) Form 94C shall be delivered in duplicate to the proper office and on completion of the search an official certificate of search shall be issued in 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) A person may apply on form 101 for a certificate of official inspection of a filed plan which he has authority to inspect.

(a) S.I. 1976/1333.

(2) Form 101 shall be delivered in duplicate to the proper office and on completion of the inspection an official certificate of inspection shall be issued in 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 Act and rule 295 of the principal rules.

Revocation

13. The Land Registration (Official Searches) Rules 1969(**a**) are hereby revoked.

Elwyn-Jones, C.

Dated 17th October 1978.

(**a**) S.I. 1969/1179.

SCHEDULE 1

H.M. Land Registry
Form 94A

Land Registration (Official Searches) Rules 1978

Application by Purchaser for Official Search with priority in respect of the Whole of the land in a title

To:—

.....District Land Registry,

County and district (or London borough)	Title number
Full name(s) of the registered proprietor(s)	Full name(s) of applicant(s) (i.e., purchaser(s), lessee(s) or chargee(s))

I/We *as solicitor(s) acting for*, the above-mentioned applicant(s) certify that the applicant(s) intend(s) to

☐ purchase ☐ take on lease ☐ lend money on the security of a registered charge on

the whole of the land comprised in the title above-mentioned.

☐ I/We also act as solicitor(s) for the registered proprietor(s).

☐ The written authority of the registered proprietor(s) (or his/their solicitor(s)) to inspect the register accompanies this application.

Application is made for an official search of the register of the above-mentioned title to ascertain whether any adverse entry has been made since.....being

☐ the date of the issue of an office copy of the subsisting entries on the register.

☐ the last date on which the land or charge certificate was officially examined with the register.

Signed..... Date.....

Address for despatch of certificate:—	Reference ..... Telephone No. .....

H.M. Land Registry
Form 94B

Land Registration (Official Searches) Rules 1978

Application by a Purchaser for Official Search with priority in respect of Part of the land in a title

To:—

.....District Land Registry,

County and district (or London borough)	Title number
Property to be purchased, leased or charged	
Full name(s) of the registered proprietor(s)	Full name(s) of applicant(s) (i.e., purchaser(s), lessee(s), chargee(s))

I/We *as solicitor(s) acting for* the above-mentioned applicant(s) certify that the applicant(s) intend(s) to

☐ purchase ☐ take on lease ☐ lend money on the security of a registered charge on

part of the land comprised in the above-mentioned title being

☐ the land.....on the plan attached

☐ the plot(s) numbered.....on the estate lay-out plan approved by the Land Registry on.....

☐ I/We also act as solicitors(s) for the registered proprietor(s).

☐ The written authority of the registered proprietor(s) (or his/their solicitor(s)) to inspect the register accompanies this application.

Application is made for an official search of the register of the above-mentioned title to ascertain whether any adverse entry has been made affecting the said land or plot since .....being

☐ the date of the issue of an office copy of the subsisting entries on the register.

☐ the last date on which the land or charge certificate was officially examined with the register.

Signed..... Date.....

Address for despatch of certificate:—	Reference ..... Telephone No. ....

H.M. Land Registry
Form 94C

Land Registration (Official Searches) Rules 1978

Application for Official Search without priority of the entries in the Register

To:—

.....District Land Registry,

County and district (or London borough)	Title number
Short description of property	
Full name(s) of the registered proprietor(s)	Full name(s) of applicant(s) (if other than the registered proprietor(s))

Application is made for an official search of the register of the above-mentioned title as to

☐ the whole of the land comprised therein

☐ the land..... 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.....being

☐ the date of the issue of an office copy of the subsisting entries on the register

☐ the last date on which the land or charge certificate was officially examined with the register.

☐ I/We also act as solicitor(s) for the registered proprietor.

☐ The written authority of the registered proprietor(s) (or his/their solicitor(s)) to inspect the register accompanies this application.

Land Registry fee:—

☐ I am/We are authorised credit account holder(s) and a completed voucher (form 105) is attached to this application

☐ a cheque/postal order is enclosed.

Signed..... Date.....

Address for despatch of certificate:—	Reference ..... Telephone No. .....

HM Land Registry
Form 94D

Land Registration (Official Searches) Rules 1978

Official Certificate of the Result of Search

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

Since ..... 19.....

H.M. Land Registry
Form 95

Land Registration (Official Searches) Rules 1978

Application by purchaser for extension of priority for official search

To:—
.....District Land Registry,

County and district (or London borough)	Title number
Official search application no.	Full name(s) of applicant(s) (i.e., purchaser(s), lessee(s) or chargee(s))

I/We *as solicitor(s) acting for* the above-mentioned applicant(s) certify that the applicant(s) has/have

☐ purchased
☐ taken on lease
☐ lent money on the security of a registered charge on

☐ the whole
☐ part

of the land comprised in the above-mentioned title

but that it will not be possible to apply for the registration of the instrument effecting the purchase, 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 fifteen days.

There are enclosed with this application:

(i) the official certificate of search;
(ii) a certified copy of the instrument of transfer, lease or charge; and
(iii) a certified copy of any instrument upon which the applicant's transaction is dependent.

Land Registry fee:—

☐ I am/We are authorised credit account holder(s) and a completed voucher (form 105) is attached to this application.

☐ a cheque/postal order is enclosed.

Signed..... Date .....

Address for despatch of certificate:—	Reference ..... Telephone No. .....

H.M. Land Registry
Form 101

Land Registration (Official Searches) Rules 1978

Application for a Certificate of Inspection of the Filed Plan

To:—

.....District Land Registry,

County and district (or London borough)	Title number
Short description of property	
Full name(s) of the registered proprietor(s)	Full name(s) of applicant(s) (if other than the registered proprietor(s))

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 lay-out plan approved by the Land Registry on.....

☐ shown ..... on the plan attached 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.

☐ I/We also act as solicitor(s) for the registered proprietor(s).

☐ The written authority of the registered proprietor(s) (or his/their solicitors) to inspect the register accompanies this application.

Land Registry fee:—

☐ I am/We are authorised credit account holder(s) and a completed voucher (form 105) is attached to this application.

☐ a cheque/postal order is enclosed.

Signed..... Date .....

Address for despatch of certificate:—	Reference ..... Telephone No. .....

H.M. Land Registry
Form 102

Land Registration (Official Searches) Rules 1978

Certificate of Inspection of Filed Plan

Title No.....

Property.....

The filed plan of the above-mentioned title has been inspected and it is hereby certified that:

1. (a) plot no.....on the estate plan approved for the purpose of official searches and inspections by H.M. Land Registry on ..... is in the above-mentioned title.

   (b) the land shown.....on the plan supplied by you and returned herewith is in the above-mentioned title.

2. (a) 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.

   (b) the said plot or land is.....

   .....

   on the filed plan but is not affected by any other colour or other reference shown on the filed plan and mentioned in the entries on the register.

Date.....

SCHEDULE 2

Form of Application for Search of Register by Teleprinter

(Particulars to be supplied)

A. [The title number]

B. [A short description of the property and print "whole search" or "part search"]

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

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

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

F. [The name of the person on whose behalf the application is made]

G. [Print "undertaking given" to acknowledge that the applicant undertakes 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 (or credit account voucher) 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]

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules, which revoke and replace the Land Registration (Official Searches) Rules 1969, extend from 15 to 20 working days the period of priority conferred by an official search. The Rules also make minor and consequential amendments to the existing provisions.

SI 1978/1600
ISBN 0-11-084600-1

