STATUTORY INSTRUMENTS

1981 No. 1135

LAND REGISTRATION

The Land Registration (Official Searches) Rules 1981

Made - - - -	*30th July* 1981
Laid before Parliament	*10th August* 1981
Coming into Operation	*1st October* 1981

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 1981 and shall come into operation on 1st October 1981.

2.—(1) 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(**b**);

"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 (3) below to have been delivered and ending immediately after 11.00 hours on the thirtieth 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 1980(**c**);

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

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

(3) 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.

(a) 1925 c. 21. (b) S.R. & O. 1925/1093. (c) S.I. 1980/1499.

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 or form 94E giving the result of the search as at the time and date it is deemed to have been delivered.

4. During the priority period 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 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, the time of delivery of the application shall be deemed to be within that priority period.

Search by telephone or teleprinter

7.—(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 request for payment thereof through a credit account.

(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.

8.—(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

9.—(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 or form 94E but this certificate shall not confer upon the applicant priority for the registration of any dealing.

Certificate of official inspection of filed plan

10.—(1) A person may apply on form 101 for a certificate of official inspection of a filed plan which he has authority to inspect.

(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

11. The Land Registration (Official Searches) Rules 1978(**a**) are hereby revoked.

Dated 30th July 1981. *Hailsham of St. Marylebone,* C.

(**a**) S.I. 1978/1600.

SCHEDULE 1

Form 94A H.M. Land Registry Land Registration (Official Searches) Rules 1981

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

.....District Land Registry	FOR OFFICIAL USE

County and district (or London borough)	
Title number	
Enter full name(s) of the registered proprietor(s)	
Application is made to ascertain whether any adverse entry has been made in the register since the date shown opposite being EITHER the date on which an office copy of the subsisting entries in the register was issued OR the last date on which the land or charge certificate was officially examined with the register.	
Enter full name(s) of the applicant(s) *(i.e. purchaser(s) lessee(s) or chargee(s))*	
I/We *as solicitors acting for* the above mentioned applicant(s) certify that the applicant(s) intend(s) to:— *(Enter X in the appropriate box opposite)*	[ ] P purchase [ ] L take a lease of [ ] C lend money on the security of a registered charge on } the WHOLE of the land in the above title

A. WHERE A SOLICITOR IS ACTING FOR THE APPLICANT(S)

I/We certify that I/We hold the duly signed written authority of (or of the solicitor(s) for) the above mentioned registered proprietor(s) to inspect the register of the above title OR that I/We also act as solicitor(s) for the registered proprietor(s).

Indicate this by entering X in this box	
	A

B. WHERE A SOLICITOR IS NOT ACTING FOR THE APPLICANT(S)

The duly signed written authority of (or of the solicitor(s) for) the registered proprietor(s) to inspect the register of the above title accompanies this application.

Indicate this by entering X in this box	
	B

Key number	

Signed: .....

Date: .....

Telephone number	
Reference	

Form 94B H.M. Land Registry Land Registration (Official Searches) Rules 1981

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

.....District Land Registry	FOR OFFICIAL USE

County and district (or London borough)	
Title number	
Enter full name(s) of the registered proprietor(s)	
Application is made to ascertain whether any adverse entry has been made in the register affecting the undermentioned property since the date shown opposite being EITHER the date on which an office copy of the subsisting entries in the register was issued OR the last date on which the land or charge certificate was officially examined with the register.	
Enter full name(s) of the applicant(s) *(i.e. purchaser(s) lessee(s) or chargee(s))*	
I/We *as solicitors acting for* the above mentioned applicant(s) certify that the applicant(s) intend(s) to:— *(Enter X in the appropriate box opposite)*	[ ] P purchase [ ] L take a lease of [ ] C lend money on the security of a registered charge on } the under mentioned PART of the land in the above title
Property to be purchased, leased or charged. State either (a) where an estate layout plan has been approved in the Land Registry (i) the plot number(s) and (ii) the date of approval of the estate plan or (b) IN ALL OTHER CASES the short description of the property referring to a plan. Please attach a copy of the plan to the duplicate search.	(a) Plot number(s) Date of approval (b) .... shown .....on the attached plan.

A. WHERE A SOLICITOR IS ACTING FOR THE APPLICANT(S)

I/We certify that I/We hold the duly signed written authority of (or of the solicitor(s) for) the above mentioned registered proprietor(s) to inspect the register of the above title OR that I/We also act as solicitor(s) for the registered proprietor(s).

Indicate this by entering X in this box	
	A

B. WHERE A SOLICITOR IS NOT ACTING FOR THE APPLICANT(S)

The duly signed written authority of (or of the solicitor(s) for) the registered proprietor(s) to inspect the register of the above title accompanies this application.

Indicate this by entering X in this box	
	B

Key number	Signed: .....
	Date: .....
	Telephone number
	Reference

Form 94C H.M. Land Registry Land Registration (Official Searches) Rules 1981

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

.....District Land Registry

County and district (or London borough)	
Title number	
Enter full name(s) of the registered proprietor(s)	
Application is made to ascertain whether any adverse entry has been made in the register affecting the undermentioned property since the date shown opposite being EITHER the date on which an office copy of the subsisting entries in the register was issued OR the last date on which the land or charge certificate was officially examined with the register.	
Enter full name(s) of the applicant(s) *(if other than the registered proprietor(s))*.	
For a search in respect of the WHOLE of the land in the above title enter X in this box	
For a search in respect of PART of the land in the above title state either (a) Where an estate layout plan has been approved in the Land Registry (i) the plot number(s) and (ii) the date of approval of the estate plan or (b) in ALL OTHER CASES the short description of the property referring to a plan. Please attach a copy of the plan to the duplicate search.	(a) Plot number(s) Date of approval (b) .... shown .....on the attached plan
State the method by which the fee payable under the current Land Registration Fee Order is paid by entering X in the appropriate box opposite.	Credit account Cheque, postal order or Land Registry fee stamps

A. WHERE A SOLICITOR IS ACTING FOR THE APPLICANT(S)

I/We certify that I/We hold the duly signed written authority of (or of the solicitor(s) for) the above mentioned registered proprietor(s) to inspect the register of the above title OR that I/We also act as solicitor(s) for the registered proprietor(s).

Indicate this by entering X in this box	
	A

B. WHERE A SOLICITOR IS NOT ACTING FOR THE APPLICANT(S)

The duly signed written authority of (or of the solicitor(s) for) the registered proprietor(s) to inspect the register of the above title accompanies this application.

Indicate this by entering X in this box	
	B

Key number		Signed: .....
		Date: .....
		Telephone number
		Reference
		For official use only

Form 94D H.M. Land Registry Land Registration (Official Searches) Rules 1981

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.....

Form 94E H.M. Land Registry Land Registration (Official Searches) Rules 1981

Official Certificate of Result of Search

Certificate Number	Certificate Date	District Land Registry

PARTICULARS OF SEARCH

Title number	
Registered proprietor(s)	
Applicant(s)	
Property	

RESULT OF SEARCH

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

Since:

	Key Number	Reference

Form 101 H.M. Land Registry Land Registration (Official Searches) Rules 1981

Application for a Certificate of Inspection of the Filed Plan

.....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 number .....

Form 102 H.M. Land Registry Land Registration (Official Searches) Rules 1981

Certificate of Inspection of Filed Plan

Title number .....

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 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 for this teleprinter search or a request for payment thereof through a credit account.]

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 replace the Land Registration (Official Searches) Rules 1978, will come into operation on the 1st October 1981. They increase from 20 to 30 working days the period of priority conferred by an official search of the register for which application is made in Form 94A or 94B. The current procedure whereby application may be made in Form 95 for an extension of priority is discontinued although it will remain available in respect of certificates of the result of search issued under the existing Rules.

To pave the way for the introduction of computerisation, certain changes have been made in the prescribed forms of application which are set out in Schedule 1 to the new Rules. When an application for an official search is made by a solicitor using a new Form 94A, 94B or 94C it will not be necessary for him to lodge an authority to inspect the register with the application, provided that he completes the certificate in the form stating that he holds such an authority.

SI 1981/1135
ISBN 0-11-017135-7

