2001 No. 619

LAND REGISTRATION, ENGLAND AND WALES

The Land Registration Rules 2001

Made - - - - -	*28th February 2001*
Laid before Parliament	*2nd March 2001*
Coming into force - -	*28th May 2001*

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**), and in exercise of the powers conferred on him by sections 54(**b**), 94(**c**), 123A(**d**) and 144 of that Act, and in exercise of the powers conferred on him by that section, hereby makes the following rules:

Citation, commencement and interpretation

1.—(1) These rules may be cited as the Land Registration Rules 2001.

(2) In these rules—

(a) "the principal rules" means the Land Registration Rules 1925(**e**),

(b) "the matrimonial home rights rules" means the Land Registration (Matrimonial Home Rights) Rules 1997(**f**), and

(c) a rule referred to by number means the rule so numbered in the principal rules or the matrimonial home rights rules as the case may be.

Amendments to the principal rules

2. The principal rules have effect subject to the amendments in Schedule 1 to these rules.

(**a**) 1925 c. 21; section 144(1) was amended by the Administration of Justice Act 1982 (c. 53), section 67(1) and Schedule 5, paragraph (d). The reference to the Ministry of Agriculture, Fisheries and Food was substituted by the Transfer of Functions (Ministry of Food) Order 1955 (S.I. 1955/554).
(**b**) Amended by section 5(5)(a) of the Land Registration Act 1986 (c. 26).
(**c**) Subsection (4) was substituted by the Trusts of Land and Appointment of Trustees Act 1996 (c. 47).
(**d**) Substituted by section 1 of the Land Registration Act 1997 (c. 2).
(**e**) S.R. & O. 1925/1093; relevant amending or revoking instruments S.I. 1978/1601, 1990/2613, 1997/3037, 1999/128, 2000/429, 2000/2214.
(**f**) S.I. 1997/1964, relevant amending or revoking instrument S.I. 2000/3225.

Amendments to the matrimonial home rights rules

3.—(1) The matrimonial home rights rules have effect subject to the amendments in Schedule 2 to these rules.

(2) Forms MH1 and MH2 set out in Schedule 3 to these rules are substituted for the forms so numbered in Schedule 1 to the matrimonial home rights rules.

Signed by the authority of the Lord Chancellor

Willy Bach
Parliamentary Secretary
Lord Chancellor's Department

28th February 2001

SCHEDULE 1

Rule 2

Amendments to the Principal Rules

1. Insert "Subject to rule 85B," at the beginning of each of paragraph (1) of rule 48, paragraph (1) of rule 74, paragraph (2) of rule 85A, paragraph (5) of rule 151, paragraph (1) of rule 190, paragraph (5) of rule 201 and rule 222.

2. At the beginning of paragraph (2) of rule 74 and paragraph (3) of rule 139A insert "Subject to rule 85B and".

3. Insert rule 85B—

"**85B**—(1) Any application to which rule 83 applies may during the currency of any notice given pursuant to this rule, and subject to and in accordance with the limitations contained in that notice, be delivered by electronic means and the applicant shall provide, in such order as may be required by that notice, such of the particulars required for an application of that type as are appropriate in the circumstances and as are required by the notice.

(2) If the Registrar is satisfied that adequate arrangements have been or will be in place for dealing with applications delivered by electronic means as provided for in paragraph (1) he may, in such manner as he considers appropriate for informing persons who may wish to make applications under this rule, give notice to that effect specifying the class or classes of case covered by those arrangements.

(3) A notice given under paragraph (2) may specify the class or classes of case covered by the notice by limiting them:

(a) to applications delivered by a particular person specified by name or category;

(b) to particular types or classes of applications;

(c) to applications received between specified times and on specified days (which need not be those between or on which the Registry is open to the public);

(d) to applications affecting the whole of the land in a title or titles.

(4) Subject to paragraphs (5) and (6), a notice given pursuant to paragraph (2) shall be current from the time specified in the notice until the time, if any, specified in the notice, or if no expiry date is specified in the notice, indefinitely.

(5) A notice given pursuant to paragraph (2) may from time to time be varied, suspended, withdrawn, renewed or replaced by a further notice.

(6) If and so long as, owing to the breakdown or other unavailability of facilities or data involved in giving effect to the arrangements made for dealing with applications covered by a notice given pursuant to paragraph (2) such arrangements cease, in whole or in part, to be effective, the notice shall cease, to the necessary extent, to be treated as current notwithstanding the absence of a variation, suspension or withdrawal thereof under paragraph (5)."

4. For rule 150 substitute—

"**150.**—(1) Subject to rule 85B and paragraph (2) hereof, an application to alter the terms of a registered charge under section 31 of the Act shall be in Form 51, and shall be executed by the proprietors of the charge and of the land and shall also be executed by, or accompanied by the consent of, the proprietor of every charge of equal or inferior priority prejudicially affected by the alteration.

(2) In the case of an application to alter the terms of a charge delivered by electronic means in accordance with rule 85B, the Registrar may accept a solicitor's certificate confirming that he holds consents from all of the persons who would have been required to sign or consent to the application in accordance with paragraph (1)."

5. In rule 215—

(a) substitute the following for paragraph (1)—

"(1) Subject to rule 85B and paragraph (4) hereof, a caution against dealings with registered land or a registered charge, lodged under section 54 of the Act and the supporting evidence shall be in Form CT2."

(b) substitute the following for paragraph (3)—

"(3) Except when delivered electronically the caution shall be signed by the cautioner or his solicitor and in all cases the caution shall contain an address for service in the United Kingdom."

(c) Add the following as paragraph (4)—

"(4) In the case of a caution against dealings delivered by electronic means in accordance with rule 85B, the Registrar may accept as supporting evidence for the caution a certificate given by a solicitor that (a) the facts stated in the certificate are true, or (b) that the solicitor holds a statutory declaration evidencing the facts stated in the certificate made by the person specified in the certificate."

6. In rule 235—

(a) Insert "Subject to rule 85B and paragraph (3)," at the beginning of paragraph (2).

(b) Add the following paragraph at the end:

"(3) In the case of an application for a restriction delivered by electronic means in accordance with rule 85B, the Registrar may accept as supporting evidence a certificate given by a solicitor that the solicitor holds the consent specified in sub-paragraph (2)(d)."

7. In rule 236—

(a) Insert "Subject to rule 85B," at the beginning of paragraph (5).

(b) Add the following paragraph at the end—

"(6) In the case of an application for a restriction delivered by electronic means in accordance with rule 85B, the Registrar may accept as supporting evidence a certificate given by a solicitor that the solicitor holds the originals of the documents which would have accompanied the Form 76."

8. Substitute for rule 236B—

"**236B.**—(1) Subject to rule 85B and paragraph (2) of this rule, an application to withdraw or modify a restriction shall be in Form 77, and shall be signed by, or accompanied by consents signed by, all persons for the time being appearing from the register to be interested in the restriction, or their solicitors.

(2) In the case of an application for the withdrawal of a restriction delivered by electronic means in accordance with rule 85B, the Registrar may accept a solicitor's certificate confirming that he holds the consents specified in paragraph (1)."

SCHEDULE 2

Rule 3(1)

Amendments to the Matrimonial Home Rights Rules

1. In rule 3—

(a) insert at the beginning of paragraph (1) of rule 3—

"Subject to rule 85B of the Land Registration Rules 1925,".

(b) Insert "in Form MH1" in paragraph (2) after the words "If the application is made".

(c) add at the end—

"(3) An application delivered by electronic means in accordance with rule 85B of the Land Registration Rules 1925 shall be accompanied by a solicitor's certificate stating that he holds an official copy of the section 33(5) order."

2. Substitute for rule 4—

"**4.**—(1) Subject to rule 85B of the Land Registration Rules 1925 and to paragraph (3) of this rule, an application to renew the registration of a matrimonial home rights notice or a matrimonial home rights caution under section 32 of, and paragraph 4(3)(a) of Schedule 4 to, the 1996 Act shall be made by delivering in documentary form at the proper office an application on Form MH2.

(2) An application in Form MH2 shall be accompanied by an official copy of the section 33(5) order for filing in the Registry.

(3) An application delivered by electronic means in accordance with rule 85B of the Land Registration Rules 1925 shall be accompanied by a solicitor's certificate stating that he holds an official copy of the section 33(5) order.

(4) 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."

SCHEDULE 3

Rule 3(2)

Amendments to Schedule 1 of the Matrimonial Home Rights Rules

Application for
Registration of a Notice of Matrimonial Home Rights

HM Land Registry

Form MH1

(Rule 3 Land Registration (Matrimonial Home Rights) Rules 1997)

_____ District Land Registry

NOTE: Notice of this application will always be sent to the registered owner

1. If you have already delivered this application by outline application, insert reference number

2. Administrative area

Title number
Property

3.

4.

5. YES/NO

(a)

(b) L.C. number

(c) Title number

6. YES/NO

1. The reference number must be inserted if the application has already been delivered by outline application, otherwise leave blank.

2. Please enter the administrative area (county and district, county, county or London borough etc.) in which the property is situated and also insert details of the title number and the dwelling-house against which you wish to register a notice of matrimonial home rights.

3. Please insert your full name and an address at which you may be contacted **in the United Kingdom**, including postcode. (Where a solicitor is acting, please insert the full name and contact address of the person on whose behalf the application is being made.)

4. Please insert your husband's or wife's full name.

5. Have you registered a matrimonial home rights charge (in respect of your marriage to the person named at 4 above) in respect of any other dwelling-house? If "yes":

(a) insert the address of that dwelling-house

(b) if the charge is registered under the Land Charges Act 1972, please insert registration number

(c) if the charge is registered under the Land Registration Act 1925, please insert title number.

Note: If your application is successful, the registration of the charge referred to at (b) or (c) will be cancelled under section 32 of, and paragraph 2 of Schedule 4 to, the Family Law Act 1996.

6. Has an order been made under section 33(5) of the Family Law Act 1996 or section 1 of the Matrimonial Homes Act 1983 by virtue of section 2(4) of that Act? If so, please enclose an official copy.

DECLARATION

I declare that the information given above is true and that I am entitled by virtue of section 31(2) or 31(5) of the Family Law Act 1996 to a charge on the legal estate registered under the title number mentioned in 2 above.

APPLICATION

I apply under section 31(10)(a), or section 32, of, and paragraph 4(3)(b) of Schedule 4 to, the Family Law Act 1996 for registration, under section 49(1)(c) of the Land Registration Act 1925, of notice of my matrimonial home rights charge against the title mentioned in 2 above.

My signature
or signature of
applicant's solicitor

Date

Key number	If solicitor lodging application, enter name and address/DX No.	**TYPE**
		MHA
		S Code
Reference	Telephone No.	**Red**

Application for **Renewal of Registration of a Notice or a Caution in respect of Matrimonial Home Rights**

HM Land Registry

Form **MH2**

(Rule 4 Land Registration (Matrimonial Home Rights) Rules 1997)

_____ District Land Registry

NOTE: Notice of this application will always be sent to the registered owner

1. The reference number must be inserted if the application has already been delivered by outline application, otherwise leave blank.

1. If you have already delivered this application by outline application, insert reference number

2. Please enter the administrative area (county and district, county, county or London borough etc.) in which the property is situated and also insert details of the title number and the dwelling-house against which you wish to renew the registration of a notice or caution in respect of matrimonial home rights.

2. Administrative area

Title number

Property

3. Please insert your full name and an address at which you may be contacted **in the United Kingdom**, including postcode. (Where a solicitor is acting, please insert the full name and contact address of the person on whose behalf the application is being made.)

3.

APPLICATION

Following an Order dated _____ and made under section 33(5) of the Family Law Act 1996 (the 1996 Act) or made under section 1 of the Matrimonial Homes Act 1983 by virtue of section 2(4) of that Act, I apply under section 32 of, and paragraph 4(3)(a) of Schedule 4 to, the 1996 Act for the renewal of the registration of the [notice] [caution against dealings] registered against the above mentioned title on _____. An official copy of the Order accompanies this application.

My signature
or signature of
applicant's solicitor

Date

Key number	If solicitor lodging application, enter name and address/DX No.	TYPE MHA
		S Code Red
Reference	Telephone No.	

EXPLANATORY NOTE

(This note is not part of the Rules)

These rules—

(A) amend the Land Registration Rules 1925 to allow applications to register dealings with registered land to be lodged electronically following the issue of a notice by the Registrar, which can be issued once the Registrar is satisfied that appropriate arrangements are in place in relation to specified types of application.

(B) amend the Land Registration (Matrimonial Home Rights) Rules 1997:

(i) to allow applications to register or renew matrimonial home rights to be submitted electronically following the issue of a notice by the Registrar, which can be issued once the Registrar is satisfied that appropriate arrangements are in place in relation to these types of application; and

(ii) amend the application forms to include a warning that notice of the application will be given to the registered owner.

STATUTORY INSTRUMENTS

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The Land Registration Rules 2001

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