
S T A T U T O R Y I N S T R U M E N T S

2000 No. 429**LAND REGISTRATION, ENGLAND AND WALES****The Land Registration Rules 2000**

<i>Made</i> - - - - -	<i>17th February 2000</i>
<i>Laid before Parliament</i>	<i>24th February 2000</i>
<i>Coming into force</i> - -	<i>20th March 2000</i>

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.—(1) These rules may be cited as the Land Registration Rules 2000 and shall come into force on 20th March 2000.

(2) In these rules—

- (a) “the principal rules” means the Land Registration Rules 1925(b);
- (b) the open register rules” means the Land Registration (Open Register) Rules 1991(c);
- (c) “the matrimonial home rights rules” means the Land Registration (Matrimonial Home Rights) Rules 1997(d);
- (d) a rule or Schedule referred to by number means the rule or Schedule so numbered in the principal rules, the open register rules or the matrimonial home rights rules as the case may be.

Amendments to the principal rules

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

(2) The open register rules have effect subject to the amendments in Schedule 2 to these rules.

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

Signed by Authority of the Lord Chancellor

17th February 2000

Jane Kennedy
Parliamentary Secretary, Lord Chancellor’s Department

(a) 1925 c.21; section 144(1) was amended by the Administration of Justice Act 1982 (c.53), section 67 (2) 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) S.R. & O. 1925/1093; relevant amending or revoking instrument S.I. 1999/128.

(c) S.I. 1992/122; relevant amending or revoking instruments S.I. 1993/3275, 1995/1354.

(d) S.I. 1997/1964; no relevant amendments.

SCHEDULE 1

Rule 2(1)

Amendments to the principal rules

1. In rule 151—
 - (a) insert at the beginning of paragraphs (1) and (2) “Subject to rule 151A,”;
 - (b) in paragraph (3) substitute “Any discharge or release in Form DS1 or DS3” for “Any such discharge or release”;
 - (c) insert at the beginning of paragraph (4) “Notwithstanding paragraphs (1) and (2) above and rule 151A,”.

2. Insert the following rule after rule 151—

“Discharge otherwise than in documentary form

151A.—(1) During the currency of a notice given pursuant to paragraph (2), and subject to and in accordance with the limitations contained in such notice, notification of

- (a) the discharge of or
- (b) the release of part of the land from

a registered charge over one or more registered titles may be delivered to the Registrar otherwise than in documentary form.

(2) If the Registrar is satisfied that adequate arrangements have been made or will be made for the registered proprietor of a registered charge to deliver to the Registrar the notification specified in paragraph (1), he may, in such manner as he considers appropriate for informing persons who may wish to use the arrangement, 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:

- (i) to notification delivered by a particular person specified by name or category;
- (ii) to particular types or classes of applications;
- (iii) to notification received between specified hours and on specified days (which need not be those between or on which the Registry is open to the public);
- (iv) to notification which includes specified information presented in a specified manner.

(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 under paragraph (1), 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).

(7) Notification of discharge or release of part given in accordance with paragraph (1) shall be treated as having the same effect as a discharge in Form DS1, or Form DS3 as the case may be, executed in accordance with rule 151 by or on behalf of the person who has delivered it to the Registrar, and once it has been so delivered it shall continue to be so treated even if the notice given under paragraph (2) is subsequently varied, suspended, withdrawn or replaced.”.

SCHEDULE 2

Rule 2(2)

Amendments to the Open Register Rules

1. After rule 4B insert—

“Enquiry as to discharge of a charge by electronic means

4C.—(1) Any person may apply in respect of a specified title for confirmation of the receipt by the registrar of notification of:

- (a) the discharge of a registered charge; or
- (b) the release of part of the land from a registered charge given in accordance with rule 151A(1) of the principal rules.

(2) An application under paragraph (1) shall be made by delivering the application during the currency of a notice given pursuant to rule 13, and subject to and in accordance with the limitations contained in the notice, by any means of communication specified in the notice.

(3) The registrar shall not be required to disclose any information concerning a notification once the entries of the registered charge to which it relates have been cancelled from the register of the relevant title, or the affected part thereof.”.

2. In rule 13—

(a) in paragraph (1)(g) for “or 4B” substitute “,4B or 4C”;

(b) after sub-paragraph (4)(g) insert—

“(h) an enquiry as to discharge of a charge by electronic means under rule 4C.”.

SCHEDULE 3

Rule 2(3)

Amendments to the Matrimonial Home Rights Rules

1. In rule 6 omit paragraph (3).

2. For rule 7 substitute—

“7.—(1) An official certificate giving the result of the search shall be issued in one or more of the following ways:

(a) in documentary form;

(b) during the currency of any relevant notice given pursuant to rule 9, and subject to and in accordance with the limitation contained in that notice, by any means of communication, other than the means referred to in sub-paragraph (a).

(2) Subject to paragraphs (3) and (4), an official certificate of result of search issued under paragraph (1) shall include the information specified in Schedule 2.

(3) Where the official certificate of result of search is issued under paragraph (1)(a) as part of, or together with, the applicant’s Form MH3 or a copy of that form, it need not include any of the information specified in Schedule 2 which appears on that form.

(4) Where an official certificate of result of search is issued under paragraph (1)(b) and another official certificate of result of search is to be, or has been, issued under paragraph (1)(a) in respect of the same application, it need only include the information specified at E of Schedule 2.”.

4. In paragraph B of Schedule 2 substitute “the day before the day on which the search is commenced” for “the date of the last day the Registry was open to the public prior to the day on which the search is commenced”.

5. For form MH3 in Schedule 1, substitute the form which follows.

Application by Mortgagee for Official Search in respect of Matrimonial Home Rights

HM Land Registry

Form

MH3

(Rule 6 Land Registration (Matrimonial Home Rights) Rules 1997)

District Land Registry

6 PAYMENT OF FEE
Please enter X in the appropriate box.
The Land Registry fee of £ [] accompanies this application; or
Please debit the Credit Account mentioned in panel 7 with the appropriate fee payable under the current Land Registration Fees Order.
Note: If the fee is not paid by either of the above methods the application may be rejected.
7 Key No. Enter using BLOCK LETTERS, the name and either address (including postcode) OR (if applicable) the DX No. and exchange of the person lodging the application.
Reference
8 Enter, using BLOCK LETTERS, the name and either address (including postcode) OR (if applicable) the DX No. and exchange of the person to whom the result is to be sent. (Leave blank if result is to be sent to the address in panel 7.)
Reference
9 Application is made for an official certificate of the result of a search of the register of the above title for the purpose of section 56(3) of the Family Law Act 1996 to ascertain whether a matrimonial home rights notice or matrimonial home rights caution is entered in that register.
Signed
Date Telephone No.

Please complete the numbered panels using BLOCK LETTERS. There are notes overleaf to help you complete this form.

1 Administrative area
2 Title number (only one per form) of the registered property.
3 Property Address (including postcode) or short description.
4 Registered proprietor(s) - enter FULL name(s) of the registered proprietor(s) of the land in the above title.
SURNAME
FORENAME(S)
SURNAME
FORNAMES
5 Full name of Mortgagee(s)

EXPLANATORY NOTE

(This note is not part of the Rules)

These rules:

(A) amend the Land Registration Rules 1925 so as to provide a framework for notification of discharge of a registered charge by electronic means where the Registrar is satisfied that adequate arrangements have been made for their delivery and he has issued a notice to that effect.

As amended, the 1925 Rules specify the categories of charge which may be discharged in this manner and provide for the matters which may be included in any notice issued by the Registrar concerning the class or classes of cases covered by the arrangements and the limitations which may apply. Notices issued by the Registrar may be varied, suspended, withdrawn, renewed or replaced from time to time;

(B) amend the Land Registration (Open Register) Rules 1991 so as to introduce an enquiry service to establish if notification of discharge of a registered charge has been received by electronic means where the Registrar is satisfied that adequate arrangements have been made for their delivery and he has issued a notice to that effect.

As amended, the Open Register Rules provide for the matters which may be included in any notice issued by the Registrar concerning the class of cases covered by the arrangements and the limitations which may apply. Notices issued by the Registrar may be varied, suspended, withdrawn, renewed or replaced from time to time.

(C) substitute a new form MH3 in the Land Registration (Matrimonial Home Rights) Rules 1997 and remove the requirement to lodge the form MH3 in duplicate. At the same time the date of the search result (if no date is specified) is adjusted to the day before the search whether or not it is in fact a working day.

STATUTORY INSTRUMENTS

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