STATUTORY INSTRUMENTS

2018 No. 70

LAND REGISTRATION, ENGLAND AND WALES

The Land Registration (Amendment) Rules 2018

Made - - - -	*22nd January 2018*
Laid before Parliament	*23rd January 2018*
Coming into operation	*6th April 2018*

The Secretary of State makes the following Rules in exercise of the powers conferred by sections 14(a) and (b), 16(2), 18(4), 25, 27(6), 36(3), 43(2)(d), 45(2), 48(2)(b), 60(3), 66(2), 67(3), 69(2), 70, 73(4), 75(2), 76(2), 91(2) and (3)(d), 100(3), 126, 127(1) and 128(1), (2) and (4)(a)(**1**) of, and paragraph 7 of Schedule 4, paragraph 5 of Schedule 5, paragraph 3(2) of Schedule 6, and paragraphs 5, 6(a), (b), (c) and (d) and 8 of Schedule 10 to, the Land Registration Act 2002(**2**), and now vested in him(**3**).

In accordance with section 127(**4**) of the Land Registration Act 2002, he has received the advice and assistance of the Rule Committee appointed under that section.

Citation and commencement

1. These Rules may be cited as the Land Registration (Amendment) Rules 2018 and shall come into force on6th April 2018.

Interpretation

2. In these Rules—

(1) "the principal Rules" means the Land Registration Rules 2003(**5**), and a reference to a rule by number is a reference to the rule so numbered in the principal Rules unless otherwise stated,

(2) "the Act" means the Land Registration Act 2002.

(**1**) See section 132(1) for the definition of land registration rules.
(**2**) 2002 c.9.
(**3**) By article 3(1) of, and paragraph 3 of Schedule 1 to, the Transfer of Functions (Her Majesty's Land Registry, the Meteorological Office and Ordnance Survey) Order 2011 (SI 2011/2436) the functions of the Lord Chancellor under the Land Registration Act 2002 (with three exclusions) were transferred to the Secretary of State. None of the exclusions are relevant.
(**4**) Section 127 was amended by the Constitutional Reform Act 2005 (c.4), section 15(1) and Schedule 4, Part 1, paragraphs 301 and 302, and by the Infrastructure Act 2015 (c.7), section 36 and 57(5)(e).
(**5**) S.I. 2003/1417; relevant amending instruments are S.I. 2005/1766, 2005/1982, 2006/594, 2008/574, 2008/1750, 2008/1919, 2009/56, 2009/1996, 2009/2748. 2012/2421, 2013/472, 2013/2318, 2014/834, 2014/2371, 2016/992, 2017/80.

Amendments to the principal Rules

3. Parts 2 to 10 and 13 to 16 of the principal Rules are amended as set out in Schedule 1.

4. Schedules 1, 2, 4, 5, 6 and 9 to the principal Rules are amended as set out in Parts 1 to 6 of Schedule 2.

Revocations

5. The Land Registration (Proper Office) Order 2013(**6**) is revoked.

6. The Land Registration (Electronic Conveyancing) Rules 2008(**7**), except for the amendments to the principal Rules in Part 1 of Schedule 2, are revoked.

Review

7.—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provision contained in rules 3 and 4 of these Rules, and

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 6th April 2023.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(**8**) requires that a report published under this rule must, in particular—

(a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a),

(b) assess the extent to which those objectives are achieved,

(c) assess whether those objectives remain appropriate, and

(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(5) In this rule "regulatory provision" has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Henley
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial Strategy

22nd January 2018

(**6**) S.I. 2013/1627.
(**7**) S.I. 2008/1750.
(**8**) 2015 c.26.

SCHEDULE 1

Rule 3

AMENDMENTS TO PARTS 2 TO 10 AND 13 TO 16 OF THE PRINCIPAL RULES

Amendment to rule 12

1. In rule 12(4), after "include" add "an application made under rule 11(3),".

New rule A13

2. Before rule 13 insert—

"**Application for a network access agreement**

A13. This Part does not apply to applications for a network access agreement under paragraph 1(4) of Schedule 5 to the Act."

Amendment to rule 13

3. For rule 13(2)(c) substitute "an application to register an electronic disposition of a kind for which a registrar's notice has been given under rule 54C."

Amendment to rule 14

4. In rule 14, omit "(other than an outline application under rule 54)".

Amendment to rule 15

5. In rule 15(3)(a) after "or" add ", if no such order subsists, to the registrar under the provisions of any relevant direction by the registrar under section 100(4) of the Act as to the address to be used for the delivery of applications, or".

Amendments to rules 16, 31, 53, 55, 86, 92, 119, 189, 197, 201, 202 and 218

6. For "business" substitute "working" wherever it appears in the following rules: 16(1), 31(2), 53(1), (3) and (4), 55(4), 86(3), (5) and (6), 92(9), 119(3), 189, 197(2), 201(5), 202(3) and (8), and 218 (definition of "the notice period").

Amendments to rule 19

7. In rule 19(3)—

(1) At the end of paragraph (b) for ", or" substitute a full stop.

(2) Omit paragraph (c).

8. In rule 19(4) after the first "electronic address" omit "and the fax number", and after the second "electronic address" omit "or fax number".

9. At the end of rule 19(6) add ", or, if no such order subsists, the address stated in any relevant direction by the registrar under section 100(4) of the Act as to the address to be used for the delivery of objections."

Revocation of rule 54

10. Omit rule 54.

New rules 54A to D

11. Before rule 55 insert—

"**Electronic dispositions**

54A. A disposition of a registered estate or charge which is a registrable disposition is a disposition falling within section 91(2) of the Act (electronic dispositions).

54B. The following are conditions to be met for the purpose of section 91(3)(d) of the Act—

(a) the document purports to effect a kind of disposition which is specified in a notice given under rule 54C,

(b) the document, each electronic signature which the document has and the certification of each electronic signature are in accordance with any requirements in such a notice, and,

(c) such other conditions contained in the notice given under rule 54C as are appropriate to a document of that type.

54C.—(1) If the registrar is satisfied that adequate arrangements have been made or will be in place for dealing with documents in electronic form that purport to effect a disposition of a kind falling within rule 54A, he may, in such manner as he thinks appropriate, give notice publicising the fact.

(2) Subject to paragraphs (3), (4) and (5), a notice given under paragraph (1) will 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.

(3) Subject to paragraph (6), a notice given under paragraph (1) may from time to time be varied, suspended, withdrawn, renewed or replaced by a further notice.

(4) Subject to paragraph (6), if and so long as owing to the breakdown or other unavailability of facilities or data involved in giving effect to the arrangements referred to in paragraph (1), such arrangements cease, in whole or part, to be effective, the notice shall cease, to the necessary extent, to be treated as current.

(5) Paragraph (4) will apply despite the absence of a variation, suspension or withdrawal of the notice under paragraph (3).

(6) On the occurrence of any of the events mentioned in paragraphs (3) and (4), if a document in electronic form has been prepared and has taken effect, but the disposition effected by it has not been registered, the registrar must make such arrangements as are appropriate for that disposition to be registered.

54D. The notice referred to in rule 54C—

(a) must specify the kind of dispositions to which it relates, and may specify only one kind of disposition or more than one kind of disposition referred to in rule 54A,

(b) may make exceptions and limitations to a specified kind of disposition,

(c) may apply different conditions for each specified kind of disposition."

Amendment to rule 58

12. At the end of rule 58 add "unless it is effected by an electronic document to which section 91 of the Act applies."

Amendment to rule 58A

13. In rule 58A, after paragraph (4) add—

"(5) If a prescribed clauses lease is an electronic document to which section 91 of the Act applies, the required wording will be such of the wording in clauses LR1 to LR14 of Schedule 1A, and in such order, as is required by the notice given under rule 54C.

(6) Where the required wording is provided under paragraph (5) it must be to like effect to that which would have been provided had the wording been given in paper form."

Amendment to rule 81

14. After rule 81(2) add—

"(3) Paragraph (1)(b) does not apply to an application for the entry in the register of an agreed notice in relation to an electronic disposition stored by the registrar, provided that the applicant gives sufficient details of the document effecting the disposition to enable the registrar to identify it."

Amendment to rule 90

15. At the end of rule 90 add "or Form AN1".

Amendment to rule 92

16. In rule 92(7)—

(1) In paragraph (b) omit "or in an electronic legal charge".

(2) At the end of paragraph (e) add ", or".

(3) After paragraph (e) add—

"(f) in an electronic document to which section 91 of the Act applies where the form of the document (including the application for the restriction) has first been approved by the registrar."

Amendments to rule 93

17. In rule 93—

(1) In paragraph (y) omit the final "and".

(2) In paragraph (z) for the full stop substitute a comma.

(3) After paragraph (z) add—

"(aa) a deputy appointed under section 16 of the Mental Capacity Act 2005 with general authority over the property and affairs of a registered proprietor, who is applying for a restriction in Form RR, and

(bb) a trustee of a registered estate or registered charge that requires the consent of the Court of Protection to any disposition, who is applying for a restriction in Form SS."

Amendment to rule 108

18. In rule 108(3) omit "in an electronic legal charge".