



Meeting Name	Rule Committee Meeting - The Commonhold (Land Registration) Rules 2004 and The Land Registration Fee (Amendment) Order 2004
Location	Land Registry, Lincoln's Inn Fields, London WC2A 3PH
Date	30 April 2004
Time	14.00
Attendees	Mr Justice Blackburne, David Powell, Rodney Stewart-Smith, Michael Webber, Peter Candon, Paul Marsh Peter Collis, Graham Tooke, Sally Cater, Richard Fearnley, Mike Westcott-Rudd
Apologies	Tom Horrocks
Minutes By	Belinda Dawkins

Minutes

Matters arising

Mike Westcott-Rudd confirmed that the Land Registration Fee Order 2004 came into force on 1 April 2004 and had been reported as considered by the JCSI in the 14th report of the session 2003/4 without any comment from the JCSI.

Sally Cater confirmed there were no major amendments to the Commonhold Regulations which would impact on the Rules.

Mr Justice Blackburne asked for the minutes of the previous meeting to be circulated to the committee - he had approved them in draft.

Consideration of the Commonhold (Land Registration) Rules 2004 (the rules)

The committee will only consider the amendments shown in red on the latest version of the Rules.

Subject to the following additional amendments and considerations, the amendments in red were agreed.

Rule 2 paragraph (2)(a) to be deleted

Rule 3 paragraph (3)(b) - in line 2 the word 'refers' should be replaced with 'referred'
Paragraph (3)(c) - in line 3 refer to the 'commonhold community statements' and 'mems and arts.' in the singular.

Rule 6 It has been necessary to amend this rule to reflect the revised regulations relating to consent. The policy behind these regulations has changed so that, e.g. a





consent is no longer linked with a particular CCS/M and A, a consent can now be given subject to conditions being satisfied, and the DCA have decided not to commence section 21(4) and (5).

The amendments were all accepted.

- Rule 8** Mr. Justice Blackburne was satisfied with the deletion of reference to regulation 9 after Sally explained that the Land Registry Practice Guide would contain a full explanation regarding regulation 9 and would also contain full details of the Land Registry's requirements regarding the preparation of CCS plans.
- Rule 9** in paragraphs ((1) and (2) - before the word 'entitled' amend the word 'is' to read 'was'.
Also in paragraphs (1) (2) delete the words 'application is made' and replace with 'consent was given'
- Rule 10** Committee agreed slight rewording of paragraph (3)(a) - the words 'under section 3 of the Act' at the end of the paragraph should be moved to after the word 'consented'
- Rule 11** Following Mr Stewart Smith's suggestion, it was agreed that paragraph (1) should be amended to read:
- 'Subject to paragraph (3), where a lease the title to which is registered is extinguished under section 7(3)(d) of the Act and rule 29 (2) applies, the Registrar must give notice of the closure of the leasehold title to the following—'
- After discussion it was also agreed that rule (1)(d) should be renumbered (2) and amended to read as follows:
- 'Subject to paragraph (3), where an unregistered lease which is noted in the register of the freehold title is extinguished under section 7(3)(d) and rule 29(2) applies, the Registrar must give notice of the completion of the application to the holder of the leasehold estate that has been extinguished.'
- Paragraph (2) will become (3) and the words 'under section 3 of the Act' at the end of the paragraph should be moved to after the word 'consented'
- Rule 14** Mr. Justice Blackburne suggested rewording paragraph (2). After discussion it was agreed that in line 2 after the word 'entries' the word 'made' should be inserted and after the word 'register' the words 'to which the application relates' should be deleted.
- Rule 18** Amendment suggested by R. Stewart-Smith and Mr. Justice Blackburne was agreed after discussion - in lines 2 and 3 amend the words in brackets to read as follows '(unless section 30(4) of the Act applies)



Rule 20 paragraph 20(2) - in line 1 it was agreed to replace 'an amended commonhold community statement' with 'the amended commonhold community statement'

Rule 21 It was agreed to amend the heading to read 'Termination application following a voluntary winding up'.

Rule 22 Paragraph 22(2) line 2 replace the word 'must' with 'may'.

Commonhold Forms

The committee's approval were requested for amendments to the following forms:

CM1 and CM3 in panels 6 and 7 respectively - replace the words '1 certified copy' with 'Two certified copies' - Agreed.

CM2 in panel 6 delete the words 'court order' - Agreed

CON1 in panel 3 in 2nd, tick box, replace the word 'interest' with 'charge'. - Agreed

NB: In general it was commented that the use of additional tick boxes on some of the forms could confuse applicants. After discussion it was agreed there would be no changes at this stage.

The CCS Sally Cater confirmed that no recent changes by the DCA were of relevance to the Rules.

The committee members were supplied with a copy of the Rules which included the above amendments for comments and final agreement. There were no further comments or amendments, and the rules were approved in the form which had been agreed at the meeting. Sally Cater gave an undertaking that if there were further amendments to the regulations which impacted on land registration matters and, in particular, which needed to be reflected in any amendments to the rules, the Rule Committee would be re-convened to consider what consequential changes to the rules were required.

Consideration of the Land Registration Fee (Amendment) Order 2004

Amendments on the Addendum circulated earlier to the Rule Committee were agreed. The following further amendments should also be made to the (Amendment) Order:

Amendment of article 9 - Fixed fees



6(1)(3) In the phrase commencing “(3) Where an application.....” in line 1 replace the words ‘a type listed’ with ‘one specified’

Amendments of Part of Schedule 3 - Fixed fee application

7 Sub-paragraphs (14) to (22) begin with the word ‘application’. Amend by deleting the word ‘Application’ from the beginning of sub-paragraphs (14), (15), (17), (18), (19), (20), (21) and (22) and in sub-paragraph (16) for “application for a freehold estate” substitute for “to apply for a freehold estate” and in sub-paragraph (21) for “A termination application” substitute “to make a termination application”.

The Land Registration Fee (Amendment) Order 2004 is approved by the committee subject to the above amendments being made.

The meeting closed at 15.50.