



Using this checklist before lodging an application at Land Registry will help reduce the most common requisitions.

Where appropriate, details of any relevant practice guides (PG) have been given. These are available from your Land Registry local office or from our website at [www.landregistry.gov.uk](http://www.landregistry.gov.uk)

Please refer to Checklist 1 for all general requisition points that are still applicable.

**Updated November 2009**

# Lease applications

## Registering a lease (PG 25)

NB: You must lodge a certified true copy of the lease if you require the original to be returned to you.

### Have you:

- drawn the lease using prescribed clauses when required (PG 64)?
- obtained up-to-date official copies of the title the lease is out of to confirm what incumbrances, if any, have to be accounted for - for example, restrictions and charges?
- completed form FR1 for a first registration or form AP1 for a lease out of a registered title?
- lodged consents in respect of any restrictions in the Proprietorship Register, charges in the Charges Register of the lessor's title or alienation terms in head leases?
- lodged form RX1 if other than a standard restriction is required? We will accept without form RX1 an application for a standard restriction which is set out in clause LR13 of a prescribed clauses lease or contained in a charge the form of which (including the restriction) we have approved in advance).
- provided complete and accurate details of identity for each of the relevant parties to the lease or included forms ID1/ID2? (PG 67).
- enclosed any necessary SDLT evidence or a letter explaining why it is missing?

NB: Eighteen business days or more must have elapsed from the date of transaction for us to accept your application without the certificate and then only if you state 'LTRC to follow' on your application form.

- where the applicants are joint proprietors, indicated whether they are beneficial joint tenants or tenants in common?
- ensured plans references referred to in the lease are shown clearly on the lease plan?
- confirmed all names are consistent in all documents?

## Registering a lease extension (PG 28)

### As above and also have you:

- lodged a certified copy of the lease or deed of variation, if you require the original deed to be returned?
- lodged a discharge in respect of any charge affecting the closing leasehold title or
- lodged a deed of substituted security in respect of the charge if the borrowing is to continue?
- ensured all the incumbrances on the closing leasehold title are suitably discharged, withdrawn or cancelled? Have you lodged appropriate documentary evidence for example, discharges or consents etc with your application to account for this?

## Determining a lease (PG 26)

### Have you:

- requested merger, where appropriate, either on form AP1, FR1 or CN1?
- ensured that both estates are currently held in the same ownership and same capacity, on an application based on merger?
- if the application relies upon the term having expired, have you certified that the lease has determined by effluxion of time and the provisions of the Landlord and Tenant Act 1954 do not apply?
- lodged appropriate documentary evidence, for example an abstract of title, where a leasehold estate or a reversionary estate is unregistered, to prove title?
- dealt with the appropriate stamp duty/stamp duty land tax provisions relating to a determination by surrender?
- lodged any necessary HM Revenue & Customs forms?
- ensured all the incumbrances on a leasehold estate being determined by merger, surrender or disclaimer are suitably discharged, withdrawn or cancelled?
- lodged the original and/or counterpart lease?
- lodged a statutory declaration (where applicable), and enclosed any exhibits referred to?
- enclosed the appropriate fee (see the current Land Registration Fee Order)?

## Surrender of leases – Stamp Duty Land Tax

A surrender by operation of law is a land transaction for the purposes of SDLT (s.43(3)(b) of the Finance Act 2003).

If the surrender is one of the following, no SDLT evidence is required in respect of the surrender, whether or not the surrender took place before or on or after 12 March 2008:

- a new lease of the same property has been granted in consideration of the surrender; or
- a deed of variation of lease takes effect as a surrender and re-grant.

An SDLT5 (where required) must be produced in respect of the new lease. Additionally, no SDLT evidence is required for the surrender of a lease by operation of law where the surrender took place on or after 12 March 2008 and either:

- The lease was originally granted for a term of 7 years or more; and
- The consideration for the assignment or surrender, other than any rent, is less than £40,000; or
- The lease was originally granted for a term of 7 years or less; and
- The consideration for the assignment or surrender does not exceed the zero-rate threshold

If the surrender is by deed SDLT evidence is not required where the surrender took place on or after 12 March 2008 and:

- The lease was originally granted for a term of 7 years or more; and
- The consideration for the assignment or surrender, other than any rent, is less than £40,000; or
- The lease was originally granted for a term of 7 years or less; and
- The consideration for the assignment or surrender does not exceed the zero-rate threshold.