

2009 No.

LAND REGISTRATION, ENGLAND AND WALES

The Land Registration (Amendment) Rules 2009

Made - - - - - ***
Laid before Parliament ***
Coming into force - - - - - *1 October 2009*

The Lord Chancellor makes the following rules in exercise of the powers conferred by sections 1(2), 25(1), 27(6), 126, 127(1) and 128(1) of, and paragraphs 6(a), 6(b) and 8 of Schedule 10 to, the Land Registration Act 2002(a).

In accordance with section 127(b) 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 2009 and shall come into force on 1 October 2009.

Interpretation

- 2.—(1) In these rules “the principal rules” means the Land Registration Rules 2003(c).
(2) Expressions used in these rules have the same meaning as in the principal rules, unless the contrary intention appears.

New Rule 111A

3. In the principal rules, after rule 111, insert—

“Registration of charges by certain overseas companies

111A.—(1) An application to register a charge created by an overseas company must state whether the company is one to which {Part 3 of the Regulations} applies.

(2) If the company is such a company, the application must be accompanied by evidence to satisfy the registrar that the charge has been registered in accordance with the Regulations.

(a) 2002 c.9.
(b) Section 127 was amended by the Constitutional Reform Act 2005 (c.4), section 15(1) and Schedule 4, Part 1, paragraphs 301 and 302.
(c) S.I. 2003/1417; relevant amending instruments are S.I. 2005/1982, 2008/1919.

(3) If an application to register a charge states that the company is one to which {Part 3 of the Regulations} applies, but the registrar is not satisfied that the charge has been registered in accordance with the Regulations, the registrar must enter a note in the register to the effect that no evidence of registration of the charge in accordance with the Regulations has been lodged.

(4) In this rule, “the Regulations” means the {Overseas Companies (Company Contracts and Registration of Charges) Regulations 2009(a)}”.

Amendments to certain forms in Schedule 1 to the principal rules

4. In Schedule 1 to the principal rules, in each of the forms listed in the first column of the following table, in the panels numbered as shown in the second column of that table, for the words “Registered number in England and Wales including any prefix” substitute “Registered number in the United Kingdom including any prefix”—

ADV1	6
AP1	6 and 10
AS1	5 and 6
AS2	6 and 7
AS3	6 and 7
CCD	5
CCT	6
CH1	4 and 5
CT1	5
DS1	5
DS2	5
DS3	5
FR1	6 and 10
RX4	5
TP1	5 and 6
TP2	6 and 7
TR1	4 and 5
TR2	5 and 6
TR4	3 and 4
TR5	4 and 5
UN1	6
UN2	7
UN3	6
UT1	6
WCT	5

Amendment to Schedule 1A to the principal rules

5. In Schedule 1A to the principal rules, in the panel headed “LR3. Parties to this lease”, for the words “*the registered number in England and Wales including any prefix*”, substitute “*the registered number in the United Kingdom including any prefix*”.

Use of unamended forms

6.—(1) Notwithstanding rule 4, the forms listed in that rule may continue to be used in the form in which they were prescribed immediately before the coming into force of these rules, unless the application for which they are used relates to an overseas company.

(a) S.I. 2009/{xxxx}.

(2) Notwithstanding rule 5, a prescribed clauses lease may contain the wording prescribed by Schedule 1A to the principal rules immediately before the coming into force of these rules, unless an overseas company is a party to the lease.

Signed by authority of the Lord Chancellor

Date

Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules are made under the Land Registration Act 2002. They amend the Land Registration Rules 2003 (“the principal rules”) so as to make provision in relation to the registration of charges created by certain overseas companies, consequent upon the coming into force of Part 34 of the Companies Act 2006 and the {Overseas Companies (Company Contracts and Registration of Charges) Regulations 2009}. They also amend the information concerning overseas companies required by certain of the forms prescribed by the principal rules.