

HM Land
Registry



Practice and Process

Newsletter

Issue 14

11 April 2024

Welcome to issue 14 of *Practice and Process*. Thanks to everyone who has sent us a question for our new Ask Adam slot. We're featuring a couple in this month's inaugural instalment. Please do [send us your questions](#) on any area of our practice and processes – we can't guarantee it but we'll do our best to provide answers in the next or a future issue. Thanks also for continuing to subscribe to and read *Practice and Process*. We've marked its first birthday with [a blog about the story so far](#).

PG8



Which practice guide has changed?

[Practice guide 8: Execution of deeds](#)

When did it change?

4 March 2024

What has changed?

We have amended section 5.2 on execution of deeds by limited liability partnerships.

What does it mean for customers?

Reference to execution being in form F(i) or F(ii) of Schedule 9 to the Land Registration Rules 2003 has been removed. Limited liability partnerships may execute deeds as provided for by section 44 of the Companies Act 2006.

PG8



Which practice guide has changed? [Practice guide 8: Execution of deeds](#)

When did it change?

18 March 2024

What has changed?

We have amended section 10.5 on execution of deeds by attorneys.

What does it mean for customers?

Following a review of our practice, we will no longer raise a requisition when 'signed as a deed' is used by an attorney for a corporate body in the execution of a prescribed deed.

PG14/ 14a



Charities Act 2022

Which practice guides have changed? [Practice guide 14: Charities/Practice guide 14a: Charitable incorporated organisations](#)

When did they change?

7 March 2024

What has changed?

We have amended multiple sections. The changes to practice guide 14 were signalled in advance by an update to the guide on 1 March 2024.

What does it mean for customers?

The amendments are due to changes to the Charities Act 2011, by virtue of the Charities Act 2022 (Commencement No. 3, Saving and Transitional Provisions) Regulations 2024, which came into force on 7 March 2024.

PG19



Which practice guide has changed? [Practice guide 19: Notices, restrictions and protection of third-party interests](#)

When did it change?

7 March 2024

What has changed?

We have amended section 7.5.

What does it mean for customers?

The amendments reflect the new wording for the standard Form E restriction which was updated by the Charities Act 2022 (Commencement No.3, Consequential, Saving and Transitional Provisions) Regulations 2024.

PG25



Charities Act 2011

Which practice guide has changed?

[Practice guide 25: Leases: when to register](#)

When did it change?

7 March 2024

What has changed?

We have amended sections 1 and 2.3.

What does it mean for customers?

We have updated references to section 83 of the Charities Act 1993 to refer to section 334 of the Charities Act 2011.

PG78



Which practice guide has changed?

[Practice guide 78: Overseas entities](#)

When did it change?

1 March 2024

What has changed?

We have amended multiple sections.

What does it mean for customers?

The amendments reflect the fact that the Economic Crime (Transparency and Enforcement) Act 2022 has now come into full effect and the transitional period has come to an end.

Process clarification



Multiple identical restrictions applied for

We usually accept that applications for a standard restriction which are otherwise in order are necessary or desirable for one of the purposes in s42 (1) Land Registration Act 2002.

However, sometimes this would result in the entry of multiple identical restrictions in the register, for example when an RX1 is lodged for a restriction that matches one included within an approved MD (Mortgage Documentation) reference charge.

In such cases, we will enter the restriction contained in the approved charge, but take no action in respect of the RX1 for an identical restriction, on the basis that it is neither necessary nor desirable for any of the purposes in s42 (1).

Amalgamation or merger – what's the difference?

In case you missed it, a look at applications for amalgamation and mergers of title, plus the differences between them.



Ask Adam

Thanks for all the questions you've put to Customer Policy Manager Adam Hookway for this first instalment of our new Ask Adam feature. [Please keep them coming!](#)

Roger Baldwin, Baldwin Wyatt Solicitors: Is it possible for HMLR to consider stating the last date the register was updated on an application enquiry? This can help check if there has been movement other than a discharge which is shown if in the last 30 days.

Adam: Thanks for your suggestion Roger. We'll ensure it is considered against future iterations of View Applications.

Anonymous (name supplied): When applying to close a leasehold title which has ended because of forfeiture, it is difficult to know what Land Registry's processes and timescales for serving notice on the leaseholder would be. Please can you share more information about this process? It would be useful to know whether HMLR's approach varies depending on the circumstances of the forfeiture, how hard HMLR will look to find the tenant, whether evidence of receipt of the notice is sought, and the general timescales, so that we can help explain this process to applicants.

Adam: Great question! As you say, there is a process to be followed re any application seeking to determine a lease following forfeiture – see [section 8 of practice guide 26](#) for general guidance.

As with any application to update the register each one is treated on merit. This type of application would generally rely on evidence in the form of a statutory declaration or statement of truth proving the facts which, it is claimed, amount to a lawful re-entry on a specified date. Additional evidence, such as the notice served by the landlord and any receipt, should be attached as exhibits to such declarations/statements as appropriate.

As the guide states: “we will usually serve notice on the tenant and on any chargee”. So we don't specifically set out to “find the tenant”. This is covered by the wider checks and assurance our serving of notices offers. Any notice will provide a period of 15 working days for any objection to be made to us.

I thought I'd also explain how a forfeiture happens, for those who are interested. It usually occurs when a lease contains a “proviso for re-entry”, also called a forfeiture clause.

If such a proviso exists, the lease will usually determine when either:

- the landlord re-enters the premises, because the tenant has not paid the rent or owing to a breach of other covenant(s) in the lease; or
- the tenant becomes insolvent.

The landlord may effect the forfeiture by either:

- taking court proceedings; or
- peaceable re-entry.

Our process varies depending on the circumstances and the supporting evidence provided. Having considered this, we'll decide on the next steps, including what notices (if any) we should serve.

We serve notice as follows.

If the forfeited lease is registered, we serve a 15-day notice on:

- all of the registered proprietors of the estate;
- the registered proprietor of any registered charge;
- the chargee under any noted charge; and
- any cautioner.

If the forfeited lease is unregistered, we would ask for details of the owner and any chargee and serve a 15-day notice on them. We would require the same information and serve the same time limited notice(s) in regard to any registered or unregistered inferior leases.

[Send us your questions for Adam](#)

Get ahead with our top tips for complete and correct applications

Continuing our series highlighting our Top 10 Tips videos designed to help you get your applications right first time, this month we're looking at...

What's missing?



Watch this video for tips on what to check before you send your application. After names, it's the second highest reason for a requisition.

Where's the evidence?



Find out what missing evidence prompts a requisition and how to make sure you don't get one. Watch now.

New video guides available on YouTube

Our latest 'How to' video guides have been published on YouTube, as part of our Public guidance and Help with competing forms playlists.

[How to complete form ID3](#) takes members of the public through the process of verifying their identity if they are unable to use form ID1.

Also published recently: [a worked example of completing form AP1](#) when making an application to change your name and transfer a share for no monetary consideration.

The two new videos join How to complete forms AS1 and ID1, and sit alongside our updated [How to complete form AP1](#).

Also available to you and your clients:

[What's happening with my application?](#) (reassurance for clients concerned about their registration)

[How to find information about your property boundaries](#)

[How to update your address for service](#)

[HM Land Registry and the conveyancing process](#)

[What does HM Land Registry do?](#)

Coming soon: *How to complete form TR1* and *Death of a joint proprietor*.

Please do [email us](#) if you find the video helpful and if you have any feedback.

HM Land Registry training hub

[Our HM Land Registry training hub](#) provides access to a wealth of easy-to-find and easy-to-follow guidance and training materials on hundreds of topics – all in one place – to help you prepare and submit high quality applications, and make the best use of HM Land Registry services.

HM Land Registry Essentials

[Our self-service training package HM Land Registry Essentials](#) will help you with the basics – whether you're new to conveyancing or just need a refresher. What does HM Land Registry do? How do we fit into the conveyancing process? And how do you avoid requisitions when submitting applications to us? Find out the answers to these questions and more.



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