

HM Land
Registry



Practice and Process

Newsletter

Issue 6

17 August 2023

Welcome to issue 6 of *Practice and Process*. Along with July's practice changes, we would draw your attention to the three process items, which concern requisition numbering, a reminder about MD references in charges and **advance notice** of identity requirements for personal representatives. You read it here first!

PG9



Which practice guide has changed?

[Practice guide 9: Powers of attorney and registered land \(PG9\)](#)

When did it change?

3 July 2023

What has changed?

We have amended section 7.1 following an enhancement to the Office of the Public Guardian's 'Use/View a lasting power of attorney' service, which enables any 'instructions' to feature on the LPA Summary Sheet.

What does it mean for customers?

For access codes obtained on or after 4 July 2023, the summary sheet will now contain any 'instructions' and may be lodged. The application must be lodged in colour by a conveyancer.

PG24



Which practice guide has changed?

[Practice guide 24: Private trusts of land](#)

When did it change?

3 July 2023

What has changed?

We have updated section 2.2.5 to reflect our current practice when applying for a restriction in standard Form B.

What does it mean for customers?

A Form B restriction is appropriate if the disposition creating the trust of land contains provisions limiting the trustees' powers under section 8 of the Trusts of Land and Appointment of Trustees Act 1996.

A Form B restriction would not be appropriate where a declaration of trust merely acknowledges and/or quantifies the beneficial shares in the equity of a property.

PG31



Which practice guide has changed?

[Practice guide 31: Discharge of charges](#)

When did it change?

31 July 2023

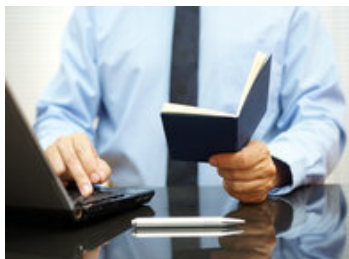
What has changed?

We have amended section 2.1 to reflect the fact that a paper form DS1 may take longer to process than a discharge sent via our online channels.

What does it mean for customers?

Further information is available in a news story published on GOV.UK about the extra checks we make to help identify and prevent fraudulent applications at the earliest opportunity (see [Extra checks make form DS1 more secure - GOV.UK](#)).

PG67



Which practice guide has changed?

[Practice guide 67: Evidence of identity](#)

When did it change?

17 July 2023

What has changed?

We have amended section 8 to clarify that current versions of our ID forms should be used.

What does it mean for customers?

Customers should ensure they use current versions of our ID forms, as using an old version may result in a requisition.

The current versions of our ID forms are available on [HM Land Registry forms - GOV.UK](#).

PG78



Which practice guide has changed?

[Practice guide 78: Overseas entities](#)

When did it change?

10 July 2023

What has changed?

We have added section 3.6.4.

What does it mean for customers?

Guidance has been added on our requirements for adding an overseas entity ID to the register as a standalone application submitted by means other than: the Digital Registration Service, bulk applications or Business Gateway.



Change to requisition letter template

We have made a change to our requisition letter template.

We have removed the heading on the first page of the letter detailing how many points are contained in the requisition. Each individual point will still be numbered so the recipient can see at a glance how many there are within the requisition.

We made this change after a recent survey, in which the majority of respondents supported removing the sentence, given the potential benefits in terms of overall time saved, allowing our colleagues to focus their expertise on cases.

Reminder: Mortgage Documentation references

Please check you are adding full and correct Mortgage Documentation references (MD refs) when prompted by the Digital Registration Service (DRS) or your legal software provider. These are essential for our work to reduce significantly the frequency of chase letters sent by lenders. See Practice guide 30 for more on MD refs.

Advance notice of a change to our identity requirements for personal representatives

We set out which applications require evidence of identity – and for whom – in section 4 of our practice guide 67.

Currently, we do not routinely seek identity evidence for personal representatives not represented by a conveyancer, owing to an exemption under exception B (section 4.1, practice guide 67). We do, however, say that we might ask for it in some instances.

Following a review of our identity requirements, we have decided to remove personal representatives from exception B.

For all applications lodged on or after 4 September 2023, we will require evidence of identity for all personal representatives involved in those applications set out in panel 4 of our practice guide 67. These are:

- transfers of a registered estate or registered charge;
- assents;
- surrenders of a registered lease;
- leases;
- first registrations based on compulsory registration and triggering event is on or after 10 November 2008;
- legal charges;
- discharges or releases of a registered charge in paper form; and
- voluntary applications for first registration where the title documents have been lost or destroyed.

Practice guide 67 will be updated shortly to reflect this change.

Training

Perplexed by practice guides? Listen up

The latest edition in our customer training podcast series is now available on Apple, Spotify, Podbean and SoundCloud, and it gives a fascinating insight into [HM Land Registry's 80-plus practice guides](#) and the considerations that lie behind new points of practice. Don't miss it!

Regular host Stephanie Straw is joined by Rebecca Milner, a Solicitor and Assistant Land Registrar at HM Land Registry, and Callum Leary, a Senior Associate in the commercial real estate department at law firm Moore Barlow, to discuss the benefits of using [practice guides](#), along with a few pertinent questions.

Overview

Part 1: Callum and Rebecca talk about how they each became aware of HMLR's Practice Guides, which they find most useful, how they use them and how to find specific sections. They also discuss [Ask for Guidance](#), the new pre-submission service for queries not answered in any of our Practice Guides.

Part 2: Rebecca answers Callum's questions, explaining the technical points that underpin our practice:

- Will HM Land Registry accept a deed if, at the point of completion, a conveyancer prints off the electronically signed and witnessed document and inserts the missing date?
- If the parties to a lease are companies incorporated in England and Wales, but the management company is registered overseas, does the management company need an overseas entity ID from Companies House?
- What are the benefits to conveyancers of meeting HM Land Registry's new digital ID requirements?

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This podcast was recorded on 5 July 2023. All information and guidance in this podcast is in accordance with HM Land Registry practice at the time of recording.



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