

HM Land
Registry



Practice and Process

Newsletter

Issue 5

13 July 2023

Welcome to issue 5 of Practice and Process. In this issue, you'll find detail on changes to practice guides 8, 19 and 25. Plus a look at our processes in relation to certain lease extensions, what constitutes a 'complex point of practice' and our forthcoming training package for new recruits to post-completion teams, HM Land Registry Essentials.

PG8



Which practice guide has changed?

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

When did it change?

19 June 2023

What has changed?

We have amended section 7 to consolidate guidance on local authority execution.

What does it mean for customers?

There is no change to our practice.

PG19



Which practice guide has changed?

[Practice guide 19: notices, restrictions and the protection of third-party interests in the register](#)

When did it change?

26 June 2023

What has changed?

We have amended section 6.26 to include guidance on how an attorney can make applications for a 'non-standard restriction'.

What does it mean for customers?

As an attorney cannot apply for a standard Form RR restriction, guidance has been included on how applications can be made for a 'non-standard restriction' by an attorney (either an enduring power of attorney, duly registered or a registered lasting power of attorney).

PG25



Which practice guide has changed?

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

When did it change?

5 June 2023

What has changed?

We have amended section 6.2 to include our requirements on applications where a new lease out of a registered title is lodged for registration by a conveyancer who only acts for the tenant's lender.

What does it mean for customers?

In such cases, we will need written confirmation from the tenant's conveyancer of their client's address for service and identity. These requirements apply to applications lodged after 5 June 2023.

Temporary practice was in place on such applications before 5 June 2023 and you may have received a requisition for, among other things, identity evidence for the tenant. In such cases you can reply to the requisition in your usual way and ask us to review these requirements in view of this update.

Process changes



Lease extensions (surrender and regrants)

Did you know we have a handy checklist for use when handling lease extension applications that take effect as surrender and regrants?

During the course of a lease there can be times when the landlord and tenant want to change one or more aspects of what was originally agreed. Where such variations mean the existing lease cannot simply be extended by deed – for example, land is added, or the term extended – that lease is deemed to have been surrendered and a completely new one created. This is a surrender and regrant application and follows the usual requirements for registering a dispositional first lease.

We recognise this can be a complex area of land registration, so we've created the checklist to help – you'll find it attached to Practice guide 28 as a supplement. The checklist pulls together the key elements to consider into a single at-a-glance reference with helpful links to further information across our practice guides.

It focuses on the four key areas that give rise to the most requisitions:

- the application form AP1;
- prescribed clauses;
- documents lodged or missing; and
- incumbrances on the landlord's title.

Applications are often lodged incorrectly as an update to an existing register. As they are surrender and regrants, in each case we create a new register, which means applications must be submitted as a dispositional first lease by choosing 'Lease Extension' in the portal. (If you are using third-party connected software (Business Gateway) and are unsure how to do this please contact your software supplier.)

As well as this, common issues that lead us to raise requisitions include, but are not limited to:

- a title referred to in a deed has not been entered in panel 2 of the form AP1;
- incumbrances such as restrictions on the landlord's title have not been dealt with;
- the term has been extended, but no deed of substituted security has been lodged or a deed of substituted security is lodged that has not been approved by our Commercial Arrangements Section; and
- an address for service of the proprietor of the land or charge is required.

We anticipate that, in most cases, our simple checklist will help eliminate many such errors and omissions, speeding up the registration process to provide a more efficient, consistent and accurate service for all of our customers.

Ask for Guidance clarification

Recently, we made our Ask for Guidance enquiry service available to anyone about to start on work that has practice-related complexities not covered in our practice guides.

If you have not yet lodged your application and you cannot find the support you need in any of our practice guides, you can deal directly with a member of our specialist team.

Our team is in place to help our customers with complex issues for which they can't find any HM Land Registry published guidance. If such guidance does exist, we will point you to that so we can help those customers who will most benefit from the focused support.

For routine or existing applications and system-related queries, use Contact us.

And, in case you're wondering, here are a few enquiries that did fit the bill.

- How do I remove a historic charge by a missing chargee?
- A caution dating back to first registration in 1920 remains on the register, but I don't know what it relates to. There's no copy filed, so how can I find out?
- I'm acting on a purchase where both registered proprietors are deceased. There are two restrictions in the register, one relating to the Settled Land Act 1925 and the other by a restrictioner who has died, but the wording of the restriction does not end on death and does not allow for personal representatives to deal with it. Help!
- Does the vesting of ecclesiastical property under Pastoral Schemes attract a fee? It seems somewhat esoteric.
- What box in panel 8 of a TR1 should I tick to record a distribution in specie at market value? PG 35 covers the topic, but only in cases of corporate insolvency.

We'll be looking at some of these in more detail – including the resolution – later in the year.

Training

COMING NEXT! HM Land Registry Essentials

We know that getting to grips with HM Land Registry's practice and processes can seem daunting for new recruits, so we've been working with customers to put together a package of resources to help. Whether new to land registration or simply in need of a refresher, these self-service modules are designed to support new colleagues to submit high-quality applications, lodged correctly right from the start.

The package comprises a mix of short videos, on-demand webinars, flowcharts and guidance covering some of the most common issues for new starters. These include calculating Scale 2 fees as well as how to avoid requests for information (requisitions) relating to forms and deeds, execution, restrictions and variations in names. There's also a look at the three parts that generally make up a title register.

We have added an interactive element to each webinar, and included 'Life of a Caseworker', which is designed to show participants why caseworkers make the decisions they do, encourage mutual understanding and underline the importance of getting applications right first time.

Together, the on-demand webinars make up an application quality workshop, which customers can dip into to suit their particular needs and circumstances.

Interested? Make sure you're signed up to [our webinars and training alerts](#) so you'll know as soon as it's available.



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