

HM Land  
Registry



# Practice and Process

## Newsletter

**Issue 3**

**11 May 2023**

Welcome to issue 3 of *Practice and Process*, covering April's busy month of updates and introducing our new specialist support services hub.

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# PG9



## Which practice guide has changed?

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

### When did it change?

17 April 2023

### What has changed?

Sections 2.4 and 2.7 have been amended to reflect the recent case of *Chandler v Lombardi* [2022] EWHC 22.

We have added Section 8 to provide guidance on execution under a foreign power of attorney.

### What does it mean for customers?

HM Land Registry will usually refuse to register any disposition involving an element of a gift or benefit - which includes transactions at an apparent undervalue or a loan - that is executed under an enduring power, unless the Court of Protection has authorised it (Section 2.4).

A gift of the donor's property outside the scope of section 12(2) of the Mental Capacity Act 2005 and without the sanction of the Court of Protection will be void (Section 2.7).

The new Section 8 gives guidance on execution under a foreign power of attorney, namely those created in and governed by the law of a jurisdiction other than England and Wales.

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# PG13



## Which practice guide has changed?

[Practice guide 13: Index of relating franchises and manors: official searches](#)

### When did it change?

3 April 2023

### What has changed?

We have amended Section 7 to reflect the formation of Cumberland Council and Westmorland and Furness Council as unitary authorities from 1 April 2023.

### What does it mean for customers?

These unitary authorities supersede the administrative area formerly covered by Cumbria County Council, which has been abolished.

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# PG19



## Which practice guide has changed?

[Practice guide 19: Notices, restrictions and protection of third-party interests](#)

## When did it change?

3 April 2023

## What has changed?

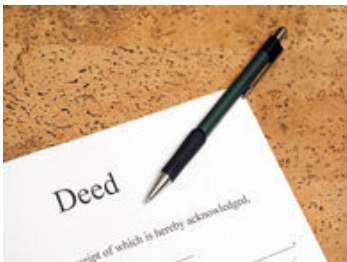
We have added Section 3.1.5.7 about complying with a restriction on a transfer of part of the land in a registered title.

## What does it mean for customers?

Where we receive an application to register a transfer of part of the land in a registered title, any restriction in the register of the transferor's title must be complied with, withdrawn or cancelled.

If it is a restriction we are not obliged to enter and is no longer intended to affect the land transferred, an application should be made either to withdraw or cancel it as appropriate. If it has clearly become superfluous, however, we might not enter the restriction in the transferee's title.

# PG19



## Which practice guide has changed?

[Practice guide 19: Notices, restrictions and protection of third-party interests](#)

## When did it change?

11 April 2023

## What has changed?

We have added Section 3.1.5.8 on how to proceed where there is a restriction in Form LL in the register and a deed lodged for registration is signed by someone who is not the registered proprietor.

## What does it mean for customers?

Typical examples for which guidance is now provided include deeds signed by:

- a Trustee in Bankruptcy, or personal representative of a deceased proprietor; or
- a Court of Protection deputy, an attorney, or Law of Property Act receiver with extended powers.

# PG24



## Which practice guide has changed?

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

## When did it change?

11 April 2023

## What has changed?

We have amended Section 6.2 to clarify that an application to cancel a Form B restriction can be made when the registered estate is no longer affected by the trust that gave rise to the restriction.

## What does it mean for customers?

Supporting evidence that the trust no longer affects the registered estate is required, such as a statutory declaration or statement of truth, or a certificate by a conveyancer.

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# PG25



## Which practice guide has changed?

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

### When did it change?

3 April 2023

### What has changed?

We have amended Section 6.2 to clarify our policy on new lease applications, where the consent of a superior landlord to the granting of the new lease is required but not lodged.

### What does it mean for customers?

The amended guidance now includes the provision for a conveyancer to certify that the new lease falls in a permitted category and is not caught by the terms of the alienation clause in the superior lease.

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# PG29



## Which practice guide has changed?

[Practice guide 29: registration of legal charges and deeds of variation of charge](#)

### When did it change?

17 April 2023

### What has changed?

We have amended Section 3 to explain our practice where a single application is made to register two or more charges at the same time and their priority order differs from their dates of creation.

### What does it mean for customers?

In cases where a single application is made to register two or more charges at the same time and their priority order differs from their dates of creation, you should clearly state the intended order of priority when making the application.

Our casework systems place charges in date order, with their relative priorities reflected by notes added to the charge entries confirming the order in which the charges rank (rule 101 of the Land Registration Rules 2003).

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# PG40



## Which practice guide has changed?

[Practice guide 40, supplement 5: HM Land Registry plans: title plan](#)

### When did it change?

3 April 2023

### What has changed?

We have updated our guidance relating to surveys in Section 14.

### What does it mean for customers?

Where a survey is required, parties must now complete an Ordnance Survey online web form (<http://www.os.uk/surveyorvisit>) rather than supplying the information to HM Land Registry.

# PG63



## Which practice guide has changed?

[Practice guide 63: Land charges: registration, official search, office copy and cancellation](#)

## When did it change?

3 April 2023

## What has changed?

We have amended Section 12.1 to reflect the formation of Cumberland Council and Westmorland and Furness Council as unitary authorities from 1 April 2023.

## What does it mean for customers?

These unitary authorities supersede the administrative area formerly covered by Cumbria County Council, which has been abolished.

## Process changes



## 'Front-loaded' support for complex applications

Our new hub brings five key specialist support services together in one place on GOV.UK and on the portal.

HM Land Registry can provide free, supportive pre-submission guidance to help ensure complex applications can be processed more efficiently.

We have listened to customers and made it easier and more convenient for you to access any help and support you need **before** lodging large-scale and complex applications, or starting work on developing residential estates.

The new specialist support services hub is available on the portal as well as GOV.UK and provides links to each of five teams: the Application Management Service, Ask for Guidance, the Developing Estate Service, Large-Scale Applications and Large-Scale Voluntary First Registrations. At a click, professional customers seeking help are directed to the right person at the right time.

While we cannot provide legal advice or comment on a point of law, using one of these pre-submission services can help you avoid requests for information (requisitions) and enjoy consistency of service, especially when multiple transactions are involved.

As well as efficiency savings, customers who have already benefitted from specialist support tell us other benefits include greater certainty that the application will progress smoothly, while dealing with fewer requisitions has less impact on fees.

### Customers are saying:

"The Estate Plan Approval webform service has been a welcome addition to Land Registry's offering – it is very easy and intuitive to use, with a quick turnaround of results. The checklist and the automation element ensure that any incorrect applications are much less likely to be submitted, so the overall quality is improved, helping to speed up the process." – **Caroline Wofinden, Freeths**

"The 'ask for guidance' has been very useful in assisting with more complex issues that arise. The advice is very clear and always delivered in a timely manner. This has become an invaluable tool and believe that it has helped us to avoid requisitions upon subsequent applications for registration" – **Kirsty Gibson, Simplify**

"Thank you so much for your quick response it is very much appreciated, you have been an absolute pleasure to deal with and your support in this matter has been second to none. In a world where we are so quick to moan or complain and slow to give positive comments, please accept this as my gratitude to you and the wider team, great work and thank you most sincerely" - **Michael Burley, BNP Paribas**

"I wanted to say a big thank you to both you and your team for your assistance in this matter. The way you have walked us through the whole process and dealt with our application so quickly has been outstanding and is really appreciated, especially in respect of our follow-up email with additional registers to be changed" – **Melinda Blackmore, Heart of England Co-Operative Society Limited**

### Criteria

Specialist support services are subject to criteria, which means our small, expert teams can only help you if:

- your query is in relation to a new piece of work, not an existing application;
- your query relates to a large-scale and complex application, or the initial stages of a developing residential estate; and
- the answer to the query is not already covered in any of our

## Accessing specialist support

Qualifying customers can access all five specialist support services using dedicated contact forms that send enquiries directly to the relevant teams. For those connecting to HMLR services directly or via third-party software (Business Gateway access), the forms are held on GOV.UK.

Portal account holders can also access the hub via a link on the homepage.

For more information about the five services, the criteria and the benefits, read our recent blog on GOV.UK.

For details and how to apply, head to Specialist support services hub on GOV.UK.

## Training

### COMING SOON!

- Webinar on electronic signatures, available on demand with an opportunity to ask questions. Share your feedback to help shape our guidance.
- Workshop modules: on-demand, off-the-peg training for your firm.
- How to find information about your property boundaries – a video for members of the public.

Look out for your invitation or, if you haven't already, sign up to [get an alert when a new webinar goes live](#).

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## Top tips

[Download our quick wins checklist for fewer time-consuming requisitions.](#)

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## Disclaimer

The information contained within this document is correct at the date of publication, but may be subject to change. Always ensure you are using the most up-to-date versions of our practice guides.



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