

2011 No. 1410

LAND REGISTRATION, ENGLAND AND WALES

The Land Registration (Amendment) Rules 2011

Made - - - - *2nd June 2011*

Laid before Parliament *6th June 2011*

Coming into force in accordance with rule 1

The Lord Chancellor makes the following rules in exercise of the powers conferred by sections 14(a) and (b), 27(6), 43(2)(d), 48(2)(b), 73(4), 75(2), 76(2), 126, 127(1) and 128(1) of, and paragraphs 6(a), 6(b), 6(c) 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 2011 and shall come into force on the day that section 71 of the Legal Services Act 2007(c) comes into force.

Interpretation

2. In these rules “the principal rules” means the Land Registration Rules 2003(d).

Amendment to rule 217 of the principal rules

3. For the definition of “conveyancer” in rule 217 of the principal rules substitute—
““conveyancer” has the meaning given by rule 217A,”.

New rule 217A

4. After rule 217 of the principal rules insert—

“Definition of “conveyancer”

217A.—(1) Subject to paragraph (2), in these rules “conveyancer” means—

(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) 2007 c. 29.
(d) S.I. 2003/1417, amended by S.I. 2008/1919; there are other amending instruments but none is relevant.

- (a) an authorised person entitled to carry on the relevant reserved instrument activities in accordance with the regulatory arrangements of the relevant approved regulator or licensing authority, as the case may be,
 - (b) an individual or body who employs, or being a body has among its managers, at least one authorised person entitled to carry on the relevant reserved instrument activities and who will carry on or direct and supervise the carrying on of the relevant reserved instrument activities as such employee or manager, in accordance with the regulatory arrangements of the relevant approved regulator or licensing authority, as the case may be, or
 - (c) a person who carries on the relevant reserved instrument activities in the course of that person's duty as a public officer.
- (2) For the purposes of a certificate given by a conveyancer under rule 62(2), 63(2), 183(2)(a), or Form LL in Schedule 4, "conveyancer" means—
- (a) an authorised person who is an individual and who is entitled to carry on the relevant reserved instrument activities in accordance with the regulatory arrangements of the relevant approved regulator or licensing authority, as the case may be, or
 - (b) an individual who carries on the relevant reserved instrument activities in the course of that person's duty as a public officer,
- and in either case, the conveyancer must sign in their own name and not that of their firm or employer.
- (3) For the purposes of this rule—
- (a) "authorised person" has the same meaning as in section 18 of the Legal Services Act 2007,
 - (b) "licensing authority" has the same meaning as in section 73 of the Legal Services Act 2007,
 - (c) "manager" has the same meaning as in section 207 of the Legal Services Act 2007,
 - (d) "regulatory arrangements" has the same meaning as in section 21 of the Legal Services Act 2007,
 - (e) "relevant approved regulator" has the same meaning as in section 20 of the Legal Services Act 2007,
 - (f) "relevant reserved instrument activities" means the reserved instrument activities set out in paragraph 5(1)(a) and (b) of Schedule 2 to the Legal Services Act 2007."

Signed by authority of the Lord Chancellor

2nd June 2011

McNally
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”).

The amendments are made in consequence of the changes under the Legal Services Act 2007 to the regulation of persons carrying out legal activities, and the introduction of alternative business structures on the coming into force of Part 5 of that Act.

Rules 3 and 4 amend the definition of “conveyancer” in rule 217 of the principal rules to include those who are or who employ authorised persons, authorised or licensed under the provisions of the Legal Services Act 2007 to carry on certain reserved instrument activities relating to land registration. The definition also includes public officers carrying on those activities, and specifies when the conveyancer giving a certificate must be an individual.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Project Team Leader, Room 554, Land Registry Durham Office, Southfield House, Southfield Way, Durham, DH1 5TR and is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk.

© Crown copyright 2011

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

STATUTORY INSTRUMENTS

2011 No. 1410

LAND REGISTRATION, ENGLAND AND WALES

The Land Registration (Amendment) Rules 2011

£4.00