

2011 No. 1411

LAND REGISTRATION, ENGLAND AND WALES

**The Land Registration (Proper Office) (Amendment) Order
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 order in exercise of the power conferred on him by section 100(3) of the Land Registration Act 2002(a).

Citation and commencement

1. This Order may be cited as the Land Registration (Proper Office) (Amendment) Order 2011 and shall come into force on the day that section 71 of the Legal Services Act 2007(b) comes into force.

Amendment of the Land Registration (Proper Office) Order 2010

2. For article 2(2) of the Land Registration (Proper Office) Order 2010(c), substitute—

“(2) In this article “conveyancer” means—

- (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,

and for the purposes of this definition—

- (i) “authorised person” has the same meaning as in section 18 of the Legal Services Act 2007,

(a) 2002 c. 9.
(b) 2007 c. 29.
(c) S.I. 2010/1635.

- (ii) “licensing authority” has the same meaning as in section 73 of the Legal Services Act 2007,
- (iii) “manager” has the same meaning as in section 207 of the Legal Services Act 2007,
- (iv) “regulatory arrangements” has the same meaning as in section 21 of the Legal Services Act 2007,
- (v) “relevant approved regulator” has the same meaning as in section 20 of the Legal Services Act 2007,
- (vi) “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 Order)

This Order is made under the Land Registration Act 2002 (“the Act”). It amends the Land Registration (Proper Office) Order 2010 (“the proper office order”).

The proper office order designates particular offices of the land registry as the proper office for the receipt of specified descriptions of application under the Act. The proper office order makes two exceptions. The first exception is where there is a written arrangement as to delivery made between the registrar and the applicant’s conveyancer.

Article 2 of this Order amends the definition of “conveyancer” in article 2(2) of the proper office order 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.

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

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.

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STATUTORY INSTRUMENTS

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