

Land Registry

Commonhold (Land Registration) Rules A Land Registry Consultation Paper



Land Registry

Commonhold (Land Registration) Rules A Land Registry Consultation Paper



A consultation paper produced by HM Land Registry.

This information is also available on the Land Registry website www.landreg.gov.uk

2 September 2002

Contents

Introduction – An Overview of Commonhold	5
How to respond	7
Foreword	9
Executive summary	11
The proposals	13
Questionnaire	27
Annex A - Draft Commonhold (Land Registration) Rules	29
Annex B - Form OS1 (Official Search of Whole)	49
Annex C - Form OS2 (Official Search of Part)	51
Annex D - Form OC1 (Application for Official Copies of the Register/Title Plan)	53
Annex E - Form SIM (Search of the Index Map)	55
Annex F - Partial Regulatory Impact Assessment	57
Consultation Co-ordinator	60
General principles of consultation	61

Introduction

An Overview of Commonhold

This consultation paper seeks views on the draft Commonhold (Land Registration) Rules (referred to in this paper as the “Rules”) set out in Annex A. The Rules are about the land registration process for commonhold documents and registering freehold estates in commonhold land under the Commonhold and Leasehold Reform Act 2002.

This consultation only deals with the Rules under Part 1 of the Commonhold and Leasehold Reform Act 2002 (referred to in this paper as “the Act”) and not the Commonhold Regulations (“the Regulations”) required under it. The Regulations will be the subject of a separate consultation by the Lord Chancellor’s Department and further Land Registry Rules may be required following the issue of these Regulations.

We have included in this consultation:

- Annex B the proposed Form OS1 (Official Search with priority of Whole);
- Annex C the proposed Form OS2 (Official Search with priority of Part);
- Annex D the proposed Form OC1 (Application for Official Copies of the Register/Title Plan); and
- Annex E the proposed Form SIM (Search of the Index Map).

The consultation is aimed primarily at conveyancers, lenders, financial institutions, regulatory and representative bodies (such as The Law Society, The Council of Mortgage Lenders and The Council for Licensed Conveyancers) and other property professionals in England and Wales such as surveyors, insurers and estate agents. We would, however, be glad to hear from others who have views on the topics dealt with in the paper, and would be very happy for recipients to pass copies to those who they think might have an interest. Some may want to offer views on the whole paper, and we also welcome responses dealing with specific topics. It is conducted in line with the Code of Practice on Written Consultation issued by the Cabinet Office. It falls within the scope of the Code. The Code criteria have been followed.

An initial impact assessment suggests that groups such as estate developers, lenders and practitioners are likely to be affected. The proposals will result in fees being paid for commonhold applications. However, the proposal to split the title (details of which are given later in this paper) will reduce the costs of those persons dealing with commonhold land below the conventional fees relating to land which is not the subject of a commonhold development. The proposals are, however, unlikely to lead in general to additional costs or savings for businesses, charities or the voluntary sector. A partial Regulatory Impact Assessment is attached at Annex F.

Commonhold (Land Registration) Rules

Copies of the consultation paper are being sent to:

- The Law Society, The Council of Mortgage Lenders, The Council for Licensed Conveyancers;
- The British Property Federation;
- Leasehold Advisory Service;
- Conveyancers, lenders, financial institutions, surveyors, estate agents, insurers;
- Lord Chancellor's Department, HM Treasury and the Cabinet Office.

How to respond

Please send your response by **22 November 2002** to:

Lynn Jones
Room 110
HM Land Registry
Lincoln's Inn Fields
London WC2A 3PH

Tel: 020 7917 8888 Ext 4866

E-mail: lynn.jones@landreg.gsi.gov.uk

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

The Agency may wish to publish responses to this consultation paper. **Please ensure your response is marked clearly if you wish your response or name to be kept confidential.** Confidential responses will be included in any statistical summary of numbers of comments received and views expressed.

Further copies of this consultation paper can be obtained from our website **www.landreg.gov.uk** at the above address or by phoning **020 7917 8888 Ext 4405 and 4564.**

Visually impaired customers

We can supply the consultation material in alternative formats, for example large print. If you require this service please contact Lynn Jones at the above address and we will discuss the options with you.

Land Registration Act 2002 - Land Registration Rules

The Consultation Paper on the Land Registration Rules has recently been published. Copies can be obtained from:

Jane Wadey
H M Land Registry
Lincoln's Inn Fields
London WC2A 3PH

Tel: 020 7917 8888 Ext 4335

E-mail: jane.wadey@landreg.gsi.gov.uk

Copies of the consultation paper can also be obtained from our website **www.landreg.gov.uk**

Commonhold (Land Registration) Rules

Foreword

This consultation paper is being issued shortly after a consultation paper on new draft Land Registration Rules which will deal with all other aspects of day to day land registration procedure. These rules are being made under the Land Registration Act 2002.

In this consultation paper we are seeking your views on draft rules made under Part 1 of the Commonhold and Leasehold Reform Act 2002. The rules which will be called the Commonhold (Land Registration) Rules must be made before Part 1 of the Act can come into force.

Under the Act it will be possible for owners of units on a development to own the freehold interest in their unit and also be members of a commonhold association which will be responsible for managing the common parts of the development.

A commonhold development will only be possible where the land is owned under a registered freehold title.

The Lord Chancellor's Department will shortly be issuing a consultation paper seeking your views on the Regulations which are also to be made under Part 1 of the Act.

Peter Collis
Chief Land Registrar

Commonhold (Land Registration) Rules

Executive summary

The Commonhold and Leasehold Reform Act 2002 received Royal Assent on 1 May 2002. Part 1 creates a new form of land owning within registered freehold land. It gives owners of individual units in a development the security of freehold ownership but allows them to control and collectively manage their own common areas and to apply positive obligations to every successive owner of the individual units in the development.

Baroness Scotland, Parliamentary Secretary in the Lord Chancellor's Department said:

“The scheme will ensure that the occupants of the development are entirely in control. There will be no landlord or other outside influence over the development. Owners of units will own their freeholds, and the organisation owning and managing the common parts, which we are calling the commonhold association, will be a company whose members will be all the unit holders, and only the unit-holders, all of whom will have voting rights.”

Unit-holders in a commonhold building or development will own the registered freehold estate in commonhold land in their respective units. The unit-holders will also be the exclusive members of a private company limited by guarantee which will own the registered freehold estate in commonhold land of the common parts. An essential element of the new scheme will be to standardise documents.

The Act contains provision for:

- setting up and managing commonhold developments;
- obtaining the consent of those with an interest in the prospective commonhold land prior to the creation of commonhold;
- defining individual units and common parts;
- identifying who is responsible for maintenance, and how it is to be paid for;
- drawing up documents governing the development with a consistency across all commonhold developments;
- termination of a commonhold; and
- the requirement to lodge with the Land Registry:
 - the memorandum and articles of association of the commonhold association;
 - the commonhold community statement of the commonhold association which will contain the terms of the particular commonhold scheme; and
 - any amendments to these documents.

Copies of these key documents will be available from the Land Registry.

Commonhold (Land Registration) Rules

It will be possible to convert to commonhold, for example, from a leasehold estate, but only if certain criteria are met (for example, all the leaseholders agree to participate). Further details on the conversion from leasehold to commonhold land will be contained in the Regulations on which the Lord Chancellor's Department will be consulting.

The proposals

The Rules and the Regulations

1. Whilst the new legislation dealing with commonhold is contained in the Commonhold and Leasehold Reform Act 2002 (referred to in this section as “the Act”), the Rules and the Regulations will provide the practicalities. The Land Registry seek consultation only on the Rules. The Lord Chancellor’s Department will seek your views on the approach which will be followed in the Regulations.

Commonhold only out of freehold registered land

2. One key feature of commonhold is it can only be created out of registered land.
3. The role of the Registry will be to ensure that:
 - commonhold land is clearly identified;
 - it is transferable under the general principles of land registration (subject to the variations set out in this consultation document); and
 - all associated and necessary documents within the commonhold development are accessible to those who wish to see them. The Registrar must keep in his custody copies of key documents.
4. Not all registered land falls within the Act. The following cannot be commonhold land:
 - land with a “flying freehold”– if any part of the land below the flying freehold is not to be part of the commonhold. For example, where flats are developed over shops and it is not intended to include the shops within the commonhold (paragraph 1 of Schedule 2 of the Act) then the flats cannot be commonhold either;
 - agricultural land (paragraph 2 of Schedule 2 of the Act); and
 - where title to the freehold land is contingent on some specified future circumstance. For example, if land could revert under the Lands Clauses Acts (paragraph 3 of Schedule 2 of the Act) or the School Sites Act 1841 (c.38).

Commonhold applies to all types of property

5. Commonhold applies to all types of property and is not restricted to residential flats. It will provide an alternative to rent charges and positive covenants as a means of regulating developments.

Commonhold (Land Registration) Rules

Commonhold Association

6. An essential part of the system is to create a commonhold association. This is a private company limited by guarantee and registered at Companies House with standard memorandum and articles of association in a form prescribed by Regulations issued by the Lord Chancellor. The commonhold association will own, manage and therefore control the common parts.
7. With the exception of the early stages of some commonhold developments, when the developer and its nominees will be the company sponsors, the membership of the commonhold association is restricted to unit-holders.
8. Rule 5(2)(a) provides that unless the Registrar otherwise directs, an application to register a freehold estate in commonhold land must be accompanied by a certified copy of the memorandum and articles of association of the commonhold association.
9. An altered memorandum and articles of association must be lodged at the Registry (paragraph 3(1) of Part 1 of Schedule 3 of the Act), otherwise the alterations will have no effect. A directors' certificate that the altered memorandum and articles of association comply with Regulations must also be lodged (paragraph 3(3) of Part 1 of Schedule 3 of the Act).

Commonhold Community Statement

10. The commonhold community statement sets out the rights and duties of the commonhold association and the unit-holders. A commonhold community statement must be lodged at the Land Registry. It will be in a standard format. It will however allow flexibility for any unique aspects of the particular development.

Amendment of a Commonhold Community Statement

11. Under Rule 21 where a commonhold association amends its commonhold community statement, it must submit an application to the Land Registry on Form CM3. Section 33(3) of the Act makes it clear that unless the amended commonhold community statement is registered, the changes will have no effect.

Unit-Holders

12. The unit-holders will have two interests in the commonhold development:
 - a freehold interest in the units they own; and
 - membership of the commonhold association which owns the common parts.

Units

13. Units may be divided from one another vertically (for example, terraced houses), horizontally (for example, flats and blocks of flats), or may be free standing (for example, detached houses or light industrial units). However, where the division is horizontal, development at first floor level and above is prohibited from being commonhold, unless the land below it and down to the ground is subject to the same commonhold.

Leases by unit-holders

14. A unit-holder will be able to let the whole or part of the unit (of which he must be the freehold owner). Regulations will govern the conditions of a lease of a residential unit. The lease of a non-residential unit will have effect subject to any provision of the commonhold community statement.

Consents

15. Section 3(2) of the Act specifies that Regulations will provide for consents. The Regulations will therefore prescribe the form of consent but this is not the subject of this consultation.
16. Interested parties, such as the registered proprietors of the land and lenders, must provide their consents before land will be registered as commonhold.

Conversion to commonhold

17. It will be possible to convert from leasehold to commonhold but only if certain criteria are met. Regulations will contain details.
18. Where there is an application for conversion, a lessee, or anyone else involved in the conversion process, will wish to obtain an official search with priority. Rule 3(3)(f) therefore amends the draft Land Registration Rules 2003 in their application to commonholds to enable this to happen.

Winding-up and succession orders

19. Regulations will contain detailed provisions relating to the winding-up of a commonhold association and are not the subject of this consultation. The Registry's proposed procedure for dealing with winding-up and succession orders is discussed later.

Commonhold (Land Registration) Rules

Management of a commonhold development

20. It will be possible to add to or reduce the size of a development by the purchase or sale of common parts or of the units, provided the specified majority of the members of the commonhold association is achieved at an appropriate meeting.
21. The Regulations will (in the form of the documents prescribed under them) specify:
 - the voting rights of unit-holders in the commonhold association;
 - the size of the majority required for particular purposes;
 - the minimum requirements for maintaining accounts; and
 - the machinery for paying of the commonhold assessment (which will be substantially similar to service charges).
22. The details of managing the commonhold association are not therefore the subject of this consultation paper.

Transitional period

23. In the period between registration of a commonhold and the sale of the first unit, different provisions will apply because the management and development of the land will still need to be dealt with in response to commercial needs.
24. If the freeholder decides during the transitional period the land should not be commonhold an application can be made to remove the land from the commonhold scheme. The application must be made in Form CM2 as specified in Rule 12 and discussed below.

Development rights

25. The Act defines development rights in section 58 and allows these rights to be surrendered. They can be transferred under section 59. If a surrender takes place it must be notified to the Registry under Rule 28. This is discussed below.
26. The Rules will prescribe a standard form (Form SR1, see Annex A) for the surrender of development rights. An application to surrender a development right must be made on Form AP1 enclosing Form SR1, with the appropriate fee. The Land Registry will note the surrender of the development right on the Property Register of the title to the common parts.

Q1. What are your comments on Form SR1?

Open to the Public

27. Key documents relating to the commonhold association will need to be publicly available.
28. The Land Registry will hold copies of:
- the commonhold community statement; and
 - the memorandum and articles of association
- and official copies will be available to anyone who requests them upon payment of the appropriate fee.

Q2. What are your views on the fact that key documents will be available to the public?

Search of the Index Map

29. When making a search of the index map which relates to a unit in a commonhold development, the search result will reveal:
- the title number of the unit;
 - any registered leasehold titles of the unit; and
 - the title number of the common parts.
30. When making a search of the index map of land which is considered to be the commonhold association's land (that is the common parts), the search result will reveal:
- the title number of the common parts;
 - any registered lease of the common parts;
 - the title numbers of all the units within the commonhold development;
 - any registered leasehold titles of a unit; and
 - any other freehold or leasehold title not part of the commonhold development.
- Official copies of those titles can be applied for.
31. A new form (Form SIM) has been prepared under the draft Land Registration Rules 2003 to enable a search of the index map. A copy is set out in Annex E.

Q3. What are your comments on the commonhold aspects of Form SIM?

Commonhold (Land Registration) Rules

Application for official copies

32. A new form (Form OC1) has been prepared under the draft Land Registration Rules 2003 for obtaining official copies of the register or title plan. A copy is set out in Annex D.

Q4. What are your comments on the commonhold aspects of Form OC1?

33. On completion of an application under section 2 of the Act, official copies of each unit title and an equivalent number of the common parts title will be issued to the developer. This will mean that if the development comprises 50 units, official copies of each unit's title and 50 sets of official copies of the common parts title will be issued. These can be used by the developer to pass onto prospective purchasers.

Q5. Will the scheme of the production of official copies be helpful to you when developing a commonhold estate?

Whenever an official copy of the common parts title is requested

34. Whenever an official copy of the common parts title is requested an official copy of the register and title plan will always be supplied. The new form for official copies (Form OC1) has been amended to include the facility to request these copies. The facility will also be available in Land Registry Direct, Telephone Services and the National Land Information Service.

Making an official search

35. A lessee, or anyone else involved in the conversion process, will be able to obtain priority when using the official search forms OS1 (Annex B) or OS2 (Annex C).
36. Form OS1 (Annex B) is an application by a purchaser for an official search, with priority, of the whole of the land in either a registered title or a pending first registration application.
37. Form OS2 (Annex C) is an application by a purchaser for an official search, with priority, of part of the land in either a registered title or a pending first registration application.
38. Forms OS1 and OS2 when used in conjunction with a conversion application refer to commonhold as follows:
- explanatory note (e) states that the name of the applicant who intends to apply for registration as a unit-holder under the Act should be noted in Box 4;

- explanatory note (e) also states that an 'X' should be entered alongside 'H' in panel 5;
- paragraph (e) of the explanatory notes refers to a Practice Advice Leaflet on commonhold, which the Registry will issue.

Q6. What comments do you have on the commonhold aspects of Forms OS1 and OS2?

Application to register a commonhold

39. Before making an application the applicant must have the necessary authority to register the land as commonhold and establish that the land is not already part of an existing commonhold development.
40. To register a commonhold the following documents (set out in Schedule 1 of the Act) need to be lodged with the Land Registry:
- the commonhold association's certificate of incorporation;
 - any altered certificate of incorporation;
 - the memorandum and articles of association of the commonhold association;
 - the commonhold community statement;
 - all necessary consents (or an order of the court dispensing with the need for consent);
 - a certificate given by the directors of the commonhold association complying with paragraph 7 of Schedule 1 of the Act.

Certified copies of the commonhold community statement and memorandum and articles of association will also need to be lodged.

When the application is to register the commonhold with unit-holders the application must be accompanied by a statement requesting that section 9 of the Act should apply.

Q7. What difficulties (if any) do you envisage in meeting the requirements relating to an application to register a commonhold?

Altering the extents of commonhold

41. The Act allows for the alteration of the extent of land contained within a commonhold development. The general rules governing the alteration of the register by a registered proprietor under the Land Registration Rules 2003 are disapplied by Rule 3(2). The Rules deal with the formalities to be observed where there is an amendment of the extents of either the units or the common parts.

Commonhold (Land Registration) Rules

Creation of separate titles

42. When an application is made under section 2 of the Act, it is the Land Registry's intention to create separate titles for the common parts and for each of the individual unit titles.
43. This will mean that when purchasers come to deal with individual units those transactions will be based on the whole of a registered title. They should be less expensive for purchasers and easier to effect than if the purchase of each unit involved dealing with part of a larger title.

Electronic delivery of commonhold applications

44. The Rules do not specifically deal with the electronic delivery of applications. It is envisaged that initially applications for registering commonhold land will be made in paper form. At some time in the future this is likely to be extended to electronic delivery.

Forms

45. Several new Land Registry forms will be introduced to accommodate the commonhold provisions. However, if a unit-holder wishes to transfer the freehold estate in part only of a commonhold unit, or a commonhold association wishes to transfer the freehold estate in part only of the common parts, the application must be made in Form TP1.
46. Any alterations in the extent of a commonhold unit or the common parts will result in a variation of a commonhold community statement. Form CM3 must be used to register the varied commonhold community statement.
47. All the forms state at the top in italics that if you need more room a continuation sheet can be used. However, the boxes should be capable of expansion on forms produced on purchased software. If you do not wish to purchase software you are able to submit your own form to the Forms Unit at Land Registry Headquarters for Crown copyright approval.

Form CM1

48. Form CM1 must be used to register freehold land as commonhold (Rule 5). The form is set out in Annex A.
49. The form will provide for the commonhold association to state up to three addresses for service one of which must be a postal address but not

necessarily in the United Kingdom. If Form CM1 is not properly completed with the address for service, we shall reject it. Any subsequent changes of address for service must be notified to the Land Registry.

Q8. What are your comments on Form CM1?

Form CM2

50. Form CM2 must be used for land to cease to be registered as a freehold estate in commonhold during the transitional period (Rule 12). The form is set out in Annex A.
51. If an application for cessation is submitted it must be accompanied by the consent of all those parties who would have had to give their consent if an application to create a commonhold had been made at that time.

Q9. What are your comments on Form CM2?

Form CM3

52. Form CM3 (Annex A) must be used to register:
 - an amended commonhold community statement (Rule 21); or
 - an altered memorandum and articles of association (Rule 22).
53. Form CM3 must be used where an alteration in extent has resulted from a transfer of part of a unit (Rule 15) or of the common parts (Rule 19). An application to register any other transfer of land into or out of the commonhold must also be accompanied by an application in Form CM3, because the extent of the commonhold has also been altered.
54. When submitting a Form CM3 under Rule 21 the following must also be lodged:
 - the amended commonhold community statement;
 - a certified copy of the amended commonhold community statement; and
 - a directors' certificate under section 33(5) of the Act that the amended commonhold community statement satisfies the requirements of the Act.
55. When submitting a Form CM3 under Rule 22 to register an altered memorandum or articles of association the following documents need to be lodged:
 - the altered memorandum or articles of association;
 - a certified copy of the altered memorandum or articles of association; and
 - a directors' certificate under paragraph 3(3) of Part 1 of Schedule 3 to the Act, that the altered memorandum or articles comply with the Regulations

Commonhold (Land Registration) Rules

issued from time to time by the Lord Chancellor, relating to the form and content of the memorandum and articles of association.

Q10. What are your comments on Form CM3?

Form CM4

56. Form CM4 (Annex A) must be used to add land to a commonhold registration as defined in section 41(2) of the Act – “application to add land” (Rule 23).

Q11. What are your comments on Form CM4?

Form CM5

57. Form CM5 (Annex A) must be used where a commonhold is being wound up:
- voluntarily; or
 - by the court with no succession order being made.
58. When a commonhold association has been voluntarily wound up, Form CM5 must be accompanied by the termination statement. When the liquidator notifies the Land Registry that he is content with the terms of the termination statement, or he has sent to the Land Registry a copy of the court order determining the terms of the termination statement, the commonhold entries will be removed from the register.
59. When a commonhold association has been wound up by the court, Form CM5 must be accompanied by a notification from the liquidator under section 54 of the Act (see Rule 26(2)). Once the application is completed, the commonhold entries will again be removed from the register.

Q12. What are your comments on Form CM5?

The Property Register

60. The commonhold community statement and the memorandum of articles of association will be referred to in the property register of the common parts title. The commonhold community statement will contain provisions dealing with the rights of entry of the commonhold association for:
- inspection;
 - carrying out repairs;
 - recovery of costs of works in cases of emergency; and
 - facilitating its obligations to maintain and repair.

Rule 5(2)(b) provides that unless the Registrar otherwise directs, an application to register a freehold estate in commonhold land must be accompanied by a certified copy of the commonhold community statement. The Registrar will keep this certified copy. The property register will only record that the commonhold community statement is filed and its version number.

Q13. At some time in the future it may be possible to submit the commonhold community statement electronically. However, it will contain a plan and for electronic delivery you will need to supply the plan in an approved digital format. What are your comments regarding delivery of the commonhold community statement in electronic form?

Plans

61. The plans in the commonhold community statement must comply with the Regulations and:
- be no larger than an A0 size;
 - show measurements in metric form;
 - be to a scale of 1/500 (although 1/1250 may be acceptable if individual boundaries can be shown clearly);
 - be based on an accurate survey, plotted to the chosen scale;
 - show sufficient detail to enable the position of the commonhold land to be related to the boundaries of the registered freeholder's title;
 - show sufficient detail to enable the position of each unit to be related to the boundaries of the common parts;
 - define the extent of each commonhold unit including, for example, any separate parking space and garage which must be distinguished by means of a separate number or colour reference;
 - identify the floor level of each unit;
 - define the extent of the common parts by a colour reference; and
 - contain the version number and date of the commonhold community statement to which they relate.
62. A certified copy of the commonhold community statement must contain a copy of the plan. This plan must:
- not be reduced; and
 - comply with the Regulations in all respects.

The Registrar may otherwise reject or cancel the application, as in the case of all defective plans.

Commonhold (Land Registration) Rules

Q14. What are your views on the requirements for the plans which have to be lodged with a commonhold application?

The Proprietorship Register

63. The proprietorship register of the common parts title will contain a restriction in Form CR1 (Annex A). It specifies that no charge over the common parts can be created other than a legal mortgage approved by a unanimous resolution of the commonhold association. (Rule 4(a))

Q15. What are your comments on the use of a restriction and in particular the Form CR1 restriction?

64. The proprietorship register of each unit title will contain a restriction in Form CR2 (Annex A). It specifies that no disposition (other than a transfer or charge of the whole of the land in the title) can be registered without a general authorisation by the particular commonhold association that the transaction complies with the Act or the Regulations. (Rule 4(b))

Q16. What are your comments on the use of a restriction and in particular the Form CR2 restriction?

The Charges Register

65. It is not possible to charge part of a commonhold unit (section 22 of the Act). If the lender contravenes this provision the charge will have no effect.

66. No charge can be created over the common parts of the commonhold development (section 28 of the Act) other than a legal mortgage approved by a resolution of the commonhold association (section 29 of the Act). That resolution must be passed before the legal mortgage comes into existence and must be approved by a unanimous resolution of the commonhold association.

Q17. Are there any other entries, which could be made on the register, which you would find helpful to indicate qualifications on the power to enter into a legal mortgage of commonhold land?

Multiple site commonholds

67. It will be possible to register one commonhold association, with more than one site.

68. Regulations will, however, require that the legal ownership of the site be vested jointly in the owners of all sites. For example, if there are three sites, each registered under a separate title, owned by three separate developers but the

intention is that the three sites will form one commonhold development, then the three registered titles must be amalgamated into one title in the developers' ownership.

69. A multiple site commonhold must have only one commonhold community statement.
70. Regulations will be made relating to multiple site commonholds and if the application does not comply with them it may be cancelled by the Registrar (Rule 27).

More than one title for a unit

71. Under Rule 14 it is possible to register one unit under separate titles. It may be that land is added to the unit at a later date, such as the addition of a car park area. This will give the Registrar power, if he wishes, to register a unit under more than one title. It is expected, however, that the initial policy will be to allocate only one title to each unit.

Fees

72. The fees for commonhold will be covered by a new Fee Order, which will be introduced with the Land Registration Act 2002 and the Rules.

Q18. What are your views on a potential fee structure for commonhold applications?

Registration of winding-up and succession orders

73. Once termination of a commonhold registration is effected on the register following a winding-up of a commonhold association, the titles will be ordinary freehold titles and the normal rules relating to dispositions of them will apply. The commonhold association will be registered as the owner of the freehold estate in each unit.
74. A succession order under section 51 of the Act allows a commonhold development to continue where the commonhold association is insolvent. An amended commonhold community statement will be required to reflect the change of name of the association.
75. An application to register a successor commonhold association must be made on Form AP1 and should be made against the common parts title and all the unit titles.
76. Rule 25 deals with procedural matters if there is a succession order.

Commonhold (Land Registration) Rules

Registration in error

77. If an applicant obtains a commonhold registration in error (for example, a directors' certificate required under paragraph 7 of Schedule 1 is inaccurate) then the Registrar cannot put the matter right by altering the register under Schedule 4 to the Land Registration Act 2002. An order of the court must be obtained under section 6 of the Act.
78. If an alteration to the register becomes necessary because of an error made by the applicant, it will not be covered by indemnity provisions under the Land Registration Act 2002. These provisions would, however, apply if there were an error by the Land Registry. Rule 8 deals with how to effect service on the Registrar of an order to alter a register. Application will need to be made on Form AP1 and accompanied by the order or a sealed copy of it.
79. Rule 9 deals with the cessation of commonhold pursuant to a court order and the consequences on the register.

Q19. What are your views on the procedure to be adopted to correct registrations made in error?

Questionnaire

We would welcome responses to the following questions set out in this consultation paper:

- Q1. What are your comments on Form SR1? (Paras 25 and 26).
- Q2. What are your views on the fact that the key documents will be available to the public? (Paras 27 and 28).
- Q3. What are your comments on the commonhold aspects of Form SIM? (Paras 29-31).
- Q4. What are your comments on the commonhold aspects of Form OC1? (Para 32).
- Q5. Will the scheme of the production of official copies be helpful to you when developing a commonhold estate? (Para 33).
- Q6. What comments do you have on the commonhold aspects of Forms OS1 and OS2? (Paras 35-38).
- Q7. What difficulties (if any) do you envisage in meeting the requirements relating to an application to register a commonhold? (Paras 39 and 40).
- Q8. What are your comments on Form CM1? (Paras 48 and 49).
- Q9. What are your comments on Form CM2? (Paras 50 and 51).
- Q10. What are your comments on Form CM3? (Paras 52-55).
- Q11. What are your comments on Form CM4? (Para 56).
- Q12. What are your comments on Form CM5? (Paras 57-59).
- Q13. At some time in the future it may be possible to submit the commonhold community statement electronically. However, it will contain a plan and for electronic delivery you will need to supply the plan in an approved digital format. What are your comments regarding delivery of the commonhold community statement in electronic form? (Para 60)
- Q14. What are your views on the requirements for the plans which have to be lodged with a commonhold application? (Paras 61 and 62).

Commonhold (Land Registration) Rules

Q15. What are your comments on the use of a restriction and in particular the Form CR1 restriction? (Para 63).

Q16. What are your comments on the use of a restriction and in particular the Form CR2 restriction? (Para 64).

Q17. Are there any other entries which could be made on the register which you would find helpful to indicate qualifications on the power to enter into a legal mortgage of commonhold land? (Paras 65 and 66).

Q18. What are your views on a potential fee structure for commonhold applications? (Para 72).

Q19. What are your views on the procedure to be adopted to correct registrations made in error? (Paras 77-79).

Please submit your response on a separate sheet and give your name, the organisation you work for and the address of the organisation.

If you are the representative of a group please give a summary of the people and organisations you represent.

Please send your completed response to:

Lynn Jones
Room 110
HM Land Registry
Lincoln's Inn Fields
London WC2A 3PH

Tel: 020 7917 8888 Ext 4866

E-mail: lynn.jones@landreg.gsi.gov.uk

Commonhold (Land Registration) Rules

The Lord Chancellor, with the advice and assistance of the Rule Committee appointed in pursuance of section 127 of the Land Registration Act 2002, in exercise of the powers conferred on him by section 65 of the Commonhold and Leasehold Reform Act 2002 hereby makes the following rules:

Citation and commencement

1. These rules may be cited as the Commonhold (Land Registration) Rules 2003 and shall come into force on.....2003.

Interpretation

2. In these rules –
 - (a) “the Act” means the Commonhold and Leasehold Reform Act 2002,
 - (b) reference to a Regulation by number means a reference to the regulation so numbered in the {Commonhold Regulations 2003}, and
 - (c) except where otherwise stated, a form referred to by number means the form so numbered in Schedule 1 to these Rules or in Schedule 1 to the Land Registration Rules 2003.

Land Registration Rules

3. (1) Land Registration Rules within the meaning of the Land Registration Act 2002 have effect in relation to anything done by virtue of or for the purposes of the Act as they have effect in relation to anything done by virtue of or for the purposes of the Land Registration Act 2002 subject to sub-paragraphs (2) and (3) of this Rule.
 - (2) Rules {3(3)(a)}; {3(4)(a)}; {125}; {135} and {210} of the Land Registration Rules 2003 shall not apply.
 - (3) In its application to the Act—
 - (a) Rule {5} of the Land Registration Rules 2003 shall apply as if the words “and the Commonhold and Leasehold Reform Act 2002” were inserted at the end of rule {5(1)(c)}.
 - (b) Rule {12} of the Land Registration Rules 2003 shall apply as if the words “or under the Commonhold and Leasehold Reform Act 2002” were inserted after the words “or these rules” in Rule {12(1)}.

- (c) Rule {13} of the Land Registration Rules 2003 shall apply as if the words “or under the Commonhold and Leasehold Reform Act 2002” were inserted after the words “or these rules” in Rule {13(1)}.
- (d) Rule {14} of the Land Registration Rules 2003 shall apply as if the words “or under the Commonhold and Leasehold Reform Act 2002” were inserted after the words “or these rules” in Rule {14(1)}.
- (e) Rule {52} of the Land Registration Rules 2003 shall apply to applications made under the Commonhold and Leasehold Reform Act 2002 (other than an application capable of protection by official search) as if paragraph 6 of that rule included reference to the forms in Schedule 1 to these rules.
- (f) Rule {148} of the Land Registration Rules 2003 shall apply to a proposed initial unit-holder or joint unit-holder in the same way it applies to a purchaser.
- (g) Rule {205} of the Land Registration Rules 2003 shall apply as if the words “scheduled form” in Rule {204(1)} included the forms in Schedule 1 to these rules.
- (h) Rules {206 and 207} of the Land Registration Rules 2003 shall apply to the forms in Schedule 1 to these rules in the same way as they apply to the forms in Schedule 1 to the Land Registration Rules 2003 .
- (i) {Part 1 of Schedule 6} to the Land Registration Rules 2003 shall apply as if the words “relevant pending application” in paragraph G included applications made under the Commonhold and Leasehold Reform Act 2002.
- (j) {Part 2 of Schedule 6} to the Land Registration Rules 2003 shall apply as if the words “relevant pending application” in paragraph H included applications made under the Commonhold and Leasehold Reform Act 2002.

Restrictions

4. To reflect the terms of the Act the Registrar must—
- (a) enter a restriction in Form CR1 of Schedule 2 to these rules on the register of the common parts title, and
- (b) enter a restriction in Form CR2 of Schedule 2 to these rules on the register of the unit title.

Application for registration

5. (1) An application to register a freehold estate in land as a freehold estate in commonhold land must be made in Form CM1.

(2) Unless the Registrar otherwise directs, in addition to the documents listed in Schedule 1 of the Act, an application to register a freehold estate in land as a freehold estate in commonhold land must be accompanied by—

- (a) a certified copy of the memorandum and articles of association of the commonhold association, and
- (b) a certified copy of the commonhold community statement.

Rejection or cancellation of application

6. The Registrar may reject an application on delivery or he may cancel it at any time thereafter if plans submitted with it (whether as part of the commonhold community statement or otherwise) do not comply with Regulation { } or are insufficiently clear or accurate.

Completion of application for registration without unit-holders

7. When satisfied as to an application under section 2 of the Act which is not accompanied by a statement pursuant to section 9 (1)(b) of the Act, the Registrar must complete it by—
- (a) entering the applicant as proprietor of the title to each of the units,
 - (b) entering the applicant as proprietor of the title to the common parts, and
 - (c) entering notice in the property register of the register of title to the common parts of the memorandum and articles of association of the commonhold association and the commonhold community statement.

Service of court order

8. Service on the Registrar of an order of the court made under Part 1 of the Act must be made by delivering the order or a sealed copy of it to the Registrar with an application in Form AP1.

Cessation of commonhold by court order

9. (1) Where the court has ordered that land should cease to be registered as commonhold land, an application must be made to the Registrar.
- (2) When satisfied as to the application, the Registrar must cancel the commonhold entries on the titles affected.

Amendment of commonhold community statement following court order

10. Where, pursuant to an order under section 6(6) or section 40(3) of the Act the commonhold community statement is amended, the commonhold association must make an application to register the amended commonhold community statement under section 33 of the Act.

Registration without unit-holders

11. Where a person other than the applicant becomes entitled to be registered as the proprietor of the freehold estate in one or more, but not all, of the commonhold units, the Registrar must—
- (a) cancel notice of any lease extinguished under section 7 (3)(d) of the Act, and
 - (b) close the title if the lease is registered.

Transitional period

12. (1) An application for the freehold estate in land to cease to be registered as a freehold estate in commonhold land during the transitional period must be made in Form CM2.
- (2) When satisfied as to the application, the Registrar must cancel the commonhold entries on the titles affected.

Registration with unit-holders

13. Where an application to register the freehold estate in land as a freehold estate in commonhold land is accompanied by a statement by the applicant requesting that section 9 of the Act should apply, the Registrar must—
- (a) cancel notice of any lease extinguished under section 7 (3)(d) of the Act, and
 - (b) close the title if the lease is registered.

Registration of a unit in one or more titles

14. (1) The Registrar may register one commonhold unit under one or several title numbers.
- (2) If a commonhold unit is registered under more than one title number, the Registrar must make an entry in the property register of each of the titles that the land in those titles together comprises the commonhold unit.

Transfer of part of a commonhold unit

15. (1) An application by a unit-holder to register the transfer of the freehold estate in part only of a commonhold unit must be accompanied by an application in Form CM3 to register the commonhold community statement that has been amended in relation to the transfer.
- (2) The Registrar may reject on delivery the application or he may cancel it at any time thereafter if it is not accompanied by an application to register the amended commonhold community statement.

Interests in part of a commonhold unit

16. Where an interest is extinguished under section 21(5) of the Act, the Registrar must cancel any entry of it in the register.

Charges over part of a commonhold unit

17. Where a charge is extinguished under section 22(4) of the Act, the Registrar must cancel any entry of it in the register.

Changing size: charged unit

18. (1) Where an amendment of a commonhold community statement removes land from a commonhold unit over which there is a registered charge then, on receipt of notice under Regulation { }, the Registrar must cancel registration of the charge to the extent that it affects the land removed from the commonhold unit.
- (2) Where an amendment of a commonhold community statement adds land to a commonhold unit over which there is a registered charge then, on receipt of notice under Regulation { }, the Registrar must so alter the register as to ensure that the registration of the charge is extended to include the additional land.

Transfer of part of the common parts

19. (1) An application by the commonhold association to register the transfer of its freehold estate in part of the common parts must be accompanied by an application in Form CM3 to register the commonhold community statement that has been amended in relation to the transfer.
- (2) The Registrar may reject on delivery the application or he may cancel it at any time thereafter if it is not accompanied by an application to register the amended commonhold community statement.

Charges over common parts

20. Where a charge is extinguished, in whole or in part, under section 28(3) or section 28(4) of the Act, the Registrar must cancel any entry of the charge on the register to the extent that it is extinguished.

Registration of an amended commonhold community statement

21. (1) An application to register an amended commonhold community statement must be made in Form CM3.
- (2) Unless the Registrar otherwise directs, in addition to the documents listed in section 33 of the Act, an application to register an amended commonhold community statement must be accompanied by-
- (a) the amended commonhold community statement, and
 - (b) a certified copy of the amended commonhold community statement.
- (3) When satisfied as to the application, the Registrar must complete it by entering notice of the amended commonhold community statement in the property register of the title to the common parts.

Registration of an altered memorandum or articles of association

22. (1) An application to register an altered memorandum or articles of association must be made in Form CM3.
- (2) Unless the Registrar otherwise directs, in addition to the certificate listed in Schedule 3, paragraph 3(3) of the Act, an application to register an altered memorandum or articles of association must be accompanied by-
- (a) the altered memorandum or articles of association, and
 - (b) a certified copy of the altered memorandum or articles of association.
- (3) When satisfied as to the application, the Registrar must complete it by entering notice of the altered memorandum or articles of association in the property register of the title to the common parts.

Application to add land

23. An application to add land must be made in Form CM4.

Termination application

24. (1) A termination application must be made in Form CM5.

(2) Where a termination application is made and the liquidator notifies the Registrar that he is content with the termination statement, or sends to the Registrar a copy of the court's determination of the terms of the termination statement, the Registrar must—

- (a) enter the commonhold association as proprietor of the commonhold units, and
- (b) cancel the commonhold entries on every title affected.

Registration of a successor commonhold association

25. (1) Where a succession order is made, an application must be made to the Registrar to register the successor commonhold association.
- (2) Unless the Registrar otherwise directs, the application must be accompanied by-
- (a) the succession order,
 - (b) the memorandum and articles of association of the successor commonhold association,
 - (c) a certified copy of the memorandum and articles of association of the successor commonhold association,
 - (d) the amended commonhold community statement, and
 - (e) a certified copy of the amended commonhold community statement.
- (3) When satisfied as to the application, the Registrar must-
- (a) cancel the notice of the memorandum and articles of association of the insolvent commonhold association in the property register of the title to the common parts,
 - (b) enter notice of the memorandum and articles of association of the successor commonhold association in the property register of the title to the common parts,
 - (c) make entries to reflect the terms of the succession order on the registers of the titles affected.

Application to terminate a commonhold registration following the winding-up of a commonhold association by the court

26. (1) An application to terminate a commonhold registration where the court has made a winding-up order in respect of a commonhold association and has not made a succession order must be made in Form CM5.

(2) When the Registrar has received notification under section 54(2)(c) to (f) of the Act, and is otherwise satisfied as to the application, he must cancel the commonhold entries on the titles affected.

Rejection or cancellation of an application to register a multiple site commonhold

27. The Registrar may reject an application to register a multiple site commonhold on delivery or he may cancel it at any time thereafter if it does not comply with Regulation { }.

Application to register surrender of a development right

28. (1) The notice surrendering the development right must be made in Form SR1.
(2) When satisfied as to the application, the Registrar must complete it by entering the notice surrendering the development right in the property register of the title to the common parts.

Application to register commonhold

HM Land Registry

CM1

(if you need more room than is provided for in a panel, use continuation sheet CS and staple to this form)

1. Administrative area(s) and postcode(s) <i>(if known)</i>			
2. Property			
3. Title Numbers <i>(please specify all freehold and leasehold titles (if any) affected)</i>			
Freehold	Affects whole or part	Leasehold	Affects whole or part
4. <i>Please complete the statement below if applicable</i> If you have already delivered this application by outline application, insert reference number <input style="width: 100px; height: 20px;" type="text"/>			
5. Number of units			
6. Application and Fee <i>A fee calculator for all types of applications can be found on the Land Registry's website at www.landreg.gov.uk/fees</i>		FOR OFFICIAL USE ONLY Record of fee paid	
Registration of commonhold	Fee Paid £	Particulars of under/over payment	
7. Documents lodged with this form <i>(place an "X" in the boxes that apply)</i>			
<input type="checkbox"/> Certificate of incorporation of commonhold association			
<input type="checkbox"/> Memorandum and articles of association			
<input type="checkbox"/> Certified copy of memorandum and articles of association			
<input type="checkbox"/> Commonhold community statement <input type="checkbox"/> Certified copy of commonhold community statement			
<input type="checkbox"/> Consents <input type="checkbox"/> Directors' certificate <input type="checkbox"/> List of the commonhold units and unit-holders			
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
8. Full name(s) and address(es) for service of notices and correspondence of every applicant for entry on the register <i>You may give up to three addresses for service one of which must be a postal address but does not have to be within the U.K. The other addresses can be a combination of either a postal address, a box number at a U.K. document exchange or an electronic address.</i>			
9. Application lodged by		FOR OFFICIAL USE ONLY	
Land Registry Key No.		USE ONLY	
Name		Codes	
Address/DX No.		Dealing	
Reference		Status	
Telephone No.		Fax No.	

SCHEDULE 1 (continued)

10. Where the Registry is to deal with someone else

The Registry will, if necessary, contact the person shown in panel 9 above. You can change this by placing "X" against one or more of the statements and completing the details below.

- Send confirmation of registration to the person shown below
- Raise any requisitions or queries with the person shown below
- Issue to the person shown below the commonhold community statement and/or memorandum and articles of association

If you have placed "X" against either statement above, complete the following name and address details:

Name

Address/DX No.

Reference

Telephone No.

11. Information in respect of any new charge

Do not give this information if a Land Registry MD reference is printed on the charge, unless the charge has been transferred.

Full name and address (including postcode) for service of notices and correspondence of the person to be registered as proprietor of each charge. You may give up to three addresses for service **one** of which **must** be a postal address but does not have to be within the U.K. The other addresses can be a combination of either a postal address, a box number at a U.K. document exchange or an electronic address. For a company include Companies Registered Number if any; for Scottish Co. Reg. Nos., use an SC prefix. For limited liability partnerships, use an OC prefix. For foreign companies give territory in which incorporated.

Unless otherwise arranged with Land Registry headquarters, we require a certified copy of the chargee's constitution (in English or Welsh) if it is a body corporate but is not a company registered in England and Wales or Scotland under the Companies Acts.

12. Name, address(es) and Company Registration Number of the commonhold association

13. Please tick this box if your application is to register a conversion to commonhold. This statement must be signed by the applicant.

- I/We certify that section 9 of the Commonhold and Leasehold Reform Act 2002 applies.

Signature of applicant(s) _____ Date _____

14. Signature of person(s) lodging this form _____ Date _____

Application for the freehold estate to cease to be registered as the freehold estate in commonhold land in transitional period

HM Land Registry

CM2

(if you need more room than is provided for in a panel, use continuation sheet CS and staple to this form)

1. Administrative area(s) and postcode(s) (if known)			
2. Title Number			
3. Please complete the statement below if applicable If you have already delivered this application by outline application, insert reference number <input style="width: 100px; height: 20px;" type="text"/>			
4. This application affects (place "X" in the box that applies) <input type="checkbox"/> the whole of the land in the title(s) <i>(go to panel 5 below)</i> <input type="checkbox"/> part of the land in the title(s) <i>(if single property, give a brief description below)</i> Property description			
5. Do you wish the land to be amalgamated into one title? (place an "X" in the box that applies) <input type="checkbox"/> Yes <input type="checkbox"/> No			
6. Application and Fee <i>A fee calculator for all types of applications can be found on the Land Registry's website at www.landreg.gov.uk/fees</i> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Cessation of commonhold</td> <td style="width: 50%; border: none;">Fee Paid £</td> </tr> </table>	Cessation of commonhold	Fee Paid £	FOR OFFICIAL USE ONLY Record of fee paid Particulars of under/over payment
Cessation of commonhold	Fee Paid £		
7. Documents lodged with this form (place an "X" in the boxes that apply) <input type="checkbox"/> Consents <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
8. Application lodged by Land Registry Key No. Name Address/DX No. Reference Telephone No.	FOR OFFICIAL USE ONLY Codes Dealing Status Reference		

SCHEDULE 1 (continued)

9. Where the Registry is to deal with someone else

The Registry will, if necessary, contact the person shown in panel 8 above. You can change this by placing "X" against one or more of the statements and completing the details below.

- Send confirmation of registration to the person shown below
- Raise any requisitions or queries with the person shown below
- Issue to the person shown below the following document(s)

If you have placed "X" against either statement above, complete the following name and address details:

Name
Address/DX No.

Reference	Telephone No.
-----------	---------------

**10. Signature of person(s)
lodging this form**

Date _____

**Application for variation of
commonhold community statement
and/or memorandum and articles
of association**

HM Land Registry

CM3

(if you need more room than is provided for in a panel, use continuation sheet CS and staple to this form)

1. Administrative area(s) and postcode(s) <i>(if known)</i>							
2. Title Number of Common Parts							
3. Title Number(s) of Units affected <i>(if any)</i>							
4. Please complete the statement below if applicable If you have already delivered this application by outline application, insert reference number <input style="width: 100px; height: 20px;" type="text"/>							
5. Document(s) to be varied <i>(place "X" in either or both boxes below)</i> <input type="checkbox"/> Commonhold community statement <input type="checkbox"/> Memorandum and articles of association							
6. Application and Fee <i>A fee calculator for all types of applications can be found on the Land Registry's website at www.landreg.gov.uk/fees</i> <table style="width: 100%; border: none;"> <tr> <td style="width: 40%; border: none;">Variation of commonhold community statement and/or memorandum and articles of association</td> <td style="width: 20%; border: none; text-align: right;">Fee Paid £</td> <td style="width: 40%; border: none;"></td> </tr> </table>	Variation of commonhold community statement and/or memorandum and articles of association	Fee Paid £		FOR OFFICIAL USE ONLY Record of fee paid Particulars of under/over payment			
Variation of commonhold community statement and/or memorandum and articles of association	Fee Paid £						
7. Documents lodged with this form <i>(place an "X" in the boxes that apply)</i> <input type="checkbox"/> Memorandum and articles of association <input type="checkbox"/> Certified copy of memorandum and articles of association <input type="checkbox"/> Commonhold community statement and plan (see panel 11) <input type="checkbox"/> Certified copy of commonhold community statement and plan <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><input type="checkbox"/> Consents</td> <td style="width: 33%;"><input type="checkbox"/> Directors' certificate</td> <td style="width: 33%;"><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>		<input type="checkbox"/> Consents	<input type="checkbox"/> Directors' certificate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Consents	<input type="checkbox"/> Directors' certificate	<input type="checkbox"/>					
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
8. Application lodged by Land Registry Key No. Name Address/DX No. Reference Telephone No.	FOR OFFICIAL USE ONLY Codes Dealing Status						
Reference							

SCHEDULE 1 (continued)

9. Where the Registry is to deal with someone else

The Registry will, if necessary, contact the person shown in panel 8 above. You can change this by placing "X" against one or more of the statements and completing the details below.

- Send confirmation of registration to the person shown below
- Raise any requisitions or queries with the person shown below
- Issue to the person shown below the following document(s)

If you have placed "X" against either statement above, complete the following name and address details:

Name

Address/DX No.

10. If the application is to vary the commonhold community statement, please summarise the variation below

*NOTE 1: Where the application does not vary the extent of the units and/or the common parts, a duplicate of the original plan or a new plan must still be attached to the commonhold community statement. If you use a new plan it must conform to the detailed requirements and technical specifications contained in Practice Leaflet ** available free of charge from any district land registry.*

*NOTE 2: Where the application does vary the extent of the units and/or common parts, the variation(s) must be summarised below and shown on a new plan attached to the commonhold community statement. The new plan must conform to the detailed requirements and technical specifications contained in Practice Leaflet** available free of charge from any district land registry. If the variations are not summarised below and not shown on a new plan, your application will be rejected.*

**12. Signature of person(s)
lodging this form** _____

Date _____

**Application to add
land to a commonhold**

HM Land Registry

CM4

(if you need more room than is provided for in a panel, use continuation sheet CS and staple to this form)

1. Administrative area(s) and postcode(s) (if known)							
2. Existing commonhold title number							
3. Title number(s) of land to be added to commonhold							
4. Please complete the statement below if applicable If you have already delivered this application by outline application, insert reference number <input style="width: 150px; height: 20px;" type="text"/>							
5. Application and Fee <i>A fee calculator for all types of applications can be found on the Land Registry's website at www.landreg.gov.uk/fees</i> <table style="width: 100%; border: none;"> <tr> <td style="width: 30%; border: none;">Addition of land to commonhold</td> <td style="width: 30%; border: none;">Fee Paid £</td> <td style="width: 40%; border: none; background-color: #cccccc; text-align: center;">FOR OFFICIAL USE ONLY Record of fee paid</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none; background-color: #cccccc; text-align: center;">Particulars of under/over payment</td> </tr> </table>	Addition of land to commonhold	Fee Paid £	FOR OFFICIAL USE ONLY Record of fee paid			Particulars of under/over payment	FOR OFFICIAL USE ONLY Record of fee paid Particulars of under/over payment
Addition of land to commonhold	Fee Paid £	FOR OFFICIAL USE ONLY Record of fee paid					
		Particulars of under/over payment					
6. Documents lodged with this form <i>(place an "X" in the boxes that apply)</i> <input type="checkbox"/> Consents <input type="checkbox"/> Directors' certificate <input type="checkbox"/>							
7. Application lodged by Land Registry Key No. Name Address/DX No. Reference Telephone No. Fax No.	FOR OFFICIAL USE ONLY Codes Dealing Status						
8. Where the Registry is to deal with someone else <i>The Registry will, if necessary, contact the person shown in panel 7 above. You can change this by placing "X" against one or more of the statements and completing the details below.</i> <input type="checkbox"/> Send confirmation of registration to the person shown below <input type="checkbox"/> Raise any requisitions or queries with the person shown below <input type="checkbox"/> Issue to the person shown below the following document(s) <i>If you have placed "X" against either statement above, complete the following name and address details:</i> Name Address/DX No. Reference Telephone No.							
9. I/We confirm that I/we have lodged a separate application on Form CM3 varying the commonhold community statement. Signature of person(s) lodging the form _____ Date _____							

SCHEDULE 1 (continued)

Application for the termination of a commonhold registration

HM Land Registry

CM5

(if you need more room than is provided for in a panel, use continuation CS and staple to this form)

1. Administrative area(s) and postcode(s) <i>(if known)</i>							
2. Title Number(s)							
3. Please complete the statement below if applicable If you have already delivered this application by outline application, insert reference number <input style="width: 100px; height: 20px;" type="text"/>							
4. Property description							
5. Application and Fee <i>A fee calculator for all types of applications can be found on the Land Registry's website at www.landreg.gov.uk/fees</i>	FOR OFFICIAL USE ONLY Record of fee paid						
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Termination of commonhold</td> <td style="width: 50%; border: none;">Fee Paid £</td> </tr> </table>	Termination of commonhold	Fee Paid £	Particulars of under/over payment				
Termination of commonhold	Fee Paid £						
6. Documents lodged with this form when the termination is by way of voluntary winding-up <i>(place "X" in the boxes that apply)</i>							
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><input type="checkbox"/> Termination statement</td> <td style="width: 33%;"><input type="checkbox"/> Court order</td> <td style="width: 33%;"></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>		<input type="checkbox"/> Termination statement	<input type="checkbox"/> Court order		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Termination statement	<input type="checkbox"/> Court order						
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
7. Documents lodged with this form when the termination is by way of winding-up by the court (no succession order) <i>(place "X" in the boxes that apply)</i>							
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><input type="checkbox"/> Liquidator's notification that section 54 of the Commonhold and Leasehold Reform Act applies</td> <td style="width: 33%;"></td> <td style="width: 33%;"></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>		<input type="checkbox"/> Liquidator's notification that section 54 of the Commonhold and Leasehold Reform Act applies			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Liquidator's notification that section 54 of the Commonhold and Leasehold Reform Act applies							
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
8. Full name(s) and address(es) for service of notices and correspondence of every applicant for entry on the register <i>You may give up to three addresses for service one of which must be a postal address but does not have to be within the U.K. The other addresses can be a combination of either a postal address, a box number at a U.K. document exchange or an electronic address.</i>							
9. Application lodged by Land Registry Key No. Name Address/DX No. Reference Telephone No.	FOR OFFICIAL USE ONLY Codes Dealing Status						
Reference							

SCHEDULE 1 (continued)

10. Where the Registry is to deal with someone else
The Registry will, if necessary, contact the person shown in panel 9 above. You can change this by placing "X" against one or more of the statements and complete the details below.

Send confirmation of registration to the person shown below

Raise any requisitions or queries with the person shown below

Issue to the person shown below the following document(s)

If you have placed "X" against either statement above, complete the following name and address details:

Name _____

Address/DX No. _____

Reference	Telephone No
-----------	--------------

11. Signature of person(s) lodging this form _____ **Date** _____

**Notice of surrender
of development right(s)**

HM Land Registry

SR1

(if you need more room than is provided for in a panel, use continuation sheet CS and staple to this form)

<p>1. Administrative area(s) and postcode(s) <i>(if known)</i></p>
<p>2. Title Number(s)</p>
<p>3. Property</p>
<p>4. Date</p>
<p>5. We (1) of <i>[developer of the land]</i> <i>[developer's address]</i> (2) of <i>[lender (if applicable)]</i> <i>[lender's address]</i></p> <p>notify the registrar that: <i>(Place "X" in the box that applies and complete as appropriate)</i></p> <p><input type="checkbox"/> the following development right contained in <i>[insert appropriate reference from the commonhold community statement]</i> the commonhold community statement is surrendered: <i>(Specify right)</i></p> <p> </p> <p><input type="checkbox"/> all the development rights contained in <i>[insert appropriate reference from the commonhold community statement]</i> the commonhold community statement are surrendered.</p>
<p>6. <i>To be signed by all parties.</i></p>

SCHEDULE 2

Standard Forms of Restriction

Form CR1 (Restriction on common parts title)

No charge by the proprietor of the land is to be registered other than a legal mortgage which is accompanied by a certificate by a solicitor or licensed conveyancer that the creation of the mortgage was approved by a resolution complying with section 29(2) of the Commonhold and Leasehold Reform Act 2002.

Form CR2 (Restriction on unit title)

No disposition by the proprietor of the land (other than a transfer or charge of the whole of the land in the title) is to be registered without a certificate by a solicitor, licensed conveyancer or a director and secretary of XXX Commonhold Association Ltd that the disposition is authorised by and made in accordance with the provisions of the Commonhold and Leasehold Reform Act 2002 or the regulations made under that Act.

**Application by Purchaser ^(a) for
Official Search with priority
of the whole of the land in either a
registered title or a pending first
registration application**

HM Land Registry **OS1**

_____ District Land Registry ^(b)

Small raised letters in **bold** type refer to explanatory notes overleaf.

Complete panels as appropriate in block letters

1 Title number (one only per form) - enter the title number of the registered land or that allotted to the pending first registration.

2 Registered proprietor(s) / Applicant(s) for first registration^(c) - enter FULL name(s) either of the registered proprietor(s) of the land in the above title **or** of the person(s) applying for first registration of the land specified in panel 8.

SURNAME / COMPANY NAME:

FORENAME(S):

SURNAME / COMPANY NAME:

FORENAME(S):

3 Search from date - for a search of a **registered title** enter in the box a date falling within (a) of the definition of search from date in rule 129 of the Land Registration Rules 2003.

Note: If the date entered is not such a date the application may be rejected. In the case of a **pending first registration** search, enter the letters 'FR'.

4 Applicant(s) - enter FULL name of each purchaser, **or** lessee, **or** chargee **or** person intending to convert to commonhold ^(e).

5 Reason for application - I certify that the applicant(s) intend(s) to:- (enter X in the appropriate box)

P purchase **L** take a lease of **C** take a registered charge on

H convert to commonhold ^(e)

(enter X in the appropriate box)

the **whole** of the land in the above registered title **or**

the **whole** of the land in the pending first registration application referred to above.

6 Enter the key number^(f) (if any) and the name and (DX) address of the person lodging the application (**use BLOCK LETTERS**).

Key number:

Name:

DX No:

DX Exchange:

Address including postcode (if DX not used):

Reference: ^(g)

7 Enter, using BLOCK LETTERS, the name and either address (including postcode) **OR** (if applicable) the DX No and exchange of the person to whom the result is to be sent. (Leave blank if result is to be sent to the address in panel 6.)

Reference: ^(g)

8 Property details

Administrative area (including district or borough if any): ^(h)

Address (including postcode) or short description of the land:

9 Type of search (enter X in the appropriate box)

Registered land search
Application is made to ascertain whether any adverse entry⁽ⁱ⁾ has been made in the register or day list since the date shown in panel 3.

Pending first registration search
Application is made to ascertain whether any adverse entry has been made in the day list since the date of the pending first registration application referred to above.

10 **PAYMENT OF FEE** ⁽ⁱ⁾

Please enter X in the appropriate box.

The Land Registry fee of £ accompanies this application; **or**

Please debit the Credit Account mentioned in panel 6 with the appropriate fee payable under the current Land Registration Fee Order.

Note: If the fee is not paid by either of the above methods the application may be rejected.

Signature

Date

Telephone No.

Annex B: Form OS1 (Official Search of Whole) continued

Explanatory Notes

- (a) 'Purchaser' means any person who, in good faith and for valuable consideration, acquires or intends to acquire a legal estate in land, and includes a lessee or a chargee. An official search made by any person other than a 'purchaser', as so defined, should, provided the land is registered, be made in Form OS3.
- (b) The application must be sent to the district land registry that deals with the area in which the land is situated.
- (c) The name(s) of the registered proprietor(s) of the land must be entered as set out in the register of title. If there are more than two registered proprietors/applicants for first registration, enter the first two only.
- (d) The statement printed on an official copy of the register contains the date (subsisting entries date) and time at which the entries shown on the copy were subsisting. The statement will also show the date on which the copy was issued.

Where a person accesses a register on-line from the registrar's computer (under rule 131 of the Land Registration Rules 2003 a date (on-line subsisting entries date) is shown which has the same function as the subsisting entries date. The time the entries were subsisting will also be shown.

The search from date must be either:

- (i) a subsisting entries date taken from an official copy; or
- (ii) an on-line subsisting entries date shown on register entries transmitted by the registrar's computer system.

The date stated in a Land or Charge Certificate as the date on which the Certificate was officially examined with the register cannot be used.

For the definition of "search from date" see rule 129 of the Land Registration (Official Searches) Rules 1993.

- (e) The name(s) of the applicant(s) intending to make an application for registration with unit-holders under the Commonhold and Leasehold Reform Act 2002 (Act) should be entered in panel 4 and an 'X' should be entered alongside 'H' in panel 5. See the Act and the explanatory notes in respect of the Act for further information.
- (f) Please enter the administrative area (county and district, county, county or London borough etc.) in which the property is situated.
- (g) Except as stated below the application must be accompanied by a plan (in duplicate) showing, by a suitable colour reference, the precise extent to be searched. The plan should be drawn to an acceptable scale (generally not less than 1/2500). When necessary sufficient dimensions must be shown on the plan to define the part affected and to fix its position by tying it to those existing physical features which are depicted by firm black lines on the published large scale Ordnance Survey Map. The plan submitted should be a copy of that which will be bound up in the protected instrument. The use of a plan which does not meet the above criteria may result in the application being rejected.

For official use only

Record of Fee paid

The application need **not** be accompanied by a plan in the case of a registered building estate where the estate layout plan has already been approved by the Registry for use in connection with official searches. It will then suffice if the application refers to plot number(s) shown on the approved plan and the date of approval of that plan. If the official search procedure is to operate effectively, however, it is essential that the plot number(s) are stated correctly, particularly where the property comprises two or more separately numbered plots or parcels (e.g. a house in a block of dwellings with its garage in a separate garage block).

- (h) Where a key number has been allocated it should be used. If you wish the result to be issued to an address different from that associated with the key number, enter your key number and reference but otherwise leave panel 6 blank Complete panel 7 instead.
- (i) Any reference should be restricted to a maximum of 25 characters including oblique strokes and punctuation.
- (j) Any entry made in the register since the search from date of this application but subsequently cancelled will not be revealed.
- (k) For the fee payable and the debiting of credit accounts see the current Land Registration Fee Order. Either enclose a cheque for the fee payable (made out to "H M Land Registry") or, if you hold a credit account with the Land Registry/Land Charges Department, ensure that the key number for that account has been entered in panel 7. If you hold a credit account but do not request it to be debited, and no cheque is enclosed, the registrar may nevertheless debit your account.
- (l) Fuller information about the official search procedure is contained in:

Practice Advice Leaflet 5, entitled 'Searches of Registered Land and Land Subject to a Pending First Registration Application', and;

Practice Leaflet 7, entitled 'Development of Registered Building Estates'.

Practice Advice Leaflet ** 'Commonhold etc.***.

These leaflets are available free of charge from any district land registry.

Crown copyright (ref: LR/HQ) **/**

**Application by Purchaser ^(a) for
Official Search with priority
of part of the land in either a
registered title or a pending first
registration application**

HM Land Registry

OS2

_____ District Land Registry ^(b)

Small raised letters in **bold** type refer to explanatory notes overleaf.

Complete panels as appropriate in block letters

1 Title number (one only per form) - enter the title number of the registered land or that allotted to the pending first registration.

2 Registered proprietor(s) / Applicant(s) for first registration^(c) - enter FULL name(s) either of the registered proprietor(s) of the land in the above title **or** of the person(s) applying for first registration of the land specified in panel 6.

SURNAME / COMPANY NAME:

FORENAME(S):

SURNAME / COMPANY NAME:

FORENAME(S):

3 Search from date - for a search of a **registered title** enter in the box a date falling within (a) of the definition of search from date in rule 2(1).^(d)
Note: If the date entered is not such a date the application may be rejected. In the case of a **pending first registration** search, enter the letters 'FR'.

4 Applicant(s) - enter FULL name of each purchaser, **or** lessee **or** chargee.

5 Reason for application - I certify that the applicant(s) intend(s) to:-
(enter X in the appropriate box)

P purchase **L** take a lease of **C** take a registered charge on
 H convert to commonhold ^(e)

the land described in panel 6, being part of the land in the above title.

6 Property details

Administrative area (including district or borough if any): ^(f)

Part to be searched - complete either (a) **or** (b) below. ^(g)

(a) Where an estate layout plan has been approved:

(i) the plot number(s) is/are _____

(ii) the date of approval of the estate plan is _____

OR

(b) Address (including postcode) or short description of the land:

as shown _____ on the attached plan
NB. A plan must be supplied when (a) above is not completed. ^(g)

7 Enter the key number^(h) (if any) and the name and (DX) address of the person lodging the application (**use BLOCK LETTERS**).

Key number: _____

Name:

DX No: _____ DX Exchange:

Address including postcode (if DX not used):

Reference: ⁽ⁱ⁾

8 Enter, using **BLOCK LETTERS**, the name and either address (including postcode) **OR** (if applicable) the DX No and exchange of the person to whom the result is to be sent. (Leave blank if result is to be sent to the address in panel 7.)

Reference: ⁽ⁱ⁾

9 Type of search (enter X in the appropriate box)

Registered land search
Application is made to ascertain whether any adverse entry^(j) has been made in the register or day list since the date shown in panel 3.

Pending first registration search
Application is made to ascertain whether any adverse entry has been made in the day list since the date of the pending first registration application referred to above.

10 PAYMENT OF FEE ^(k)

Please enter X in the appropriate box.

The Land Registry fee of £ _____ accompanies this application; **or**

Please debit the Credit Account mentioned in panel 7 with the appropriate fee payable under the current Land Registration Fee Order.

Note: If the fee is not paid by either of the above methods the application may be rejected.

Signature

Date

Telephone No.

Annex C: Form OS2 (Official Search of Part) continued

Explanatory Notes

- (a) 'Purchaser' means any person who, in good faith and for valuable consideration, acquires or intends to acquire a legal estate in land, and includes a lessee or a chargee. An official search made by any person other than a 'purchaser', as so defined, should, provided the land is registered, be made in Form OS3.
- (b) The application must be sent to the district land registry that deals with the area in which the land is situated.
- (c) The name(s) of the registered proprietor(s) of the land must be entered as set out in the register of title. If there are more than two registered proprietors/applicants for first registration, enter the first two only.
- (d) The statement printed on an official copy of the register contains the date (subsisting entries date) and time at which the entries shown on the copy were subsisting. The statement will also show the date on which the copy was issued.

Where a person accesses a register on-line from the registrar's computer (under rule 131 of the Land Registration Rules 2003 a date (on-line subsisting entries date) is shown which has the same function as the subsisting entries date. The time the entries were subsisting will also be shown.

The search from date must be either:

- (i) a subsisting entries date taken from an official copy; or
- (ii) an on-line subsisting entries date shown on register entries transmitted by the registrar's computer system.

The date stated in a Land or Charge Certificate as the date on which the Certificate was officially examined with the register cannot be used.

For the definition of "search from date" see rule 129 of the Land Registration (Official Searches) Rules 1993.

- (e) The name(s) of the applicant(s) intending to make an application for registration with unit-holders under the Commonhold and Leasehold Reform Act 2002 (Act) should be entered in panel 4 and an 'X' should be entered alongside 'H' in panel 5. See the Act and the explanatory notes in respect of the Act for further information.
- (f) Please enter the administrative area (county and district, county, county or London borough etc.) in which the property is situated.
- (g) Except as stated below the application must be accompanied by a plan (in duplicate) showing, by a suitable colour reference, the precise extent to be searched. The plan should be drawn to an acceptable scale (generally not less than 1/2500). When necessary sufficient dimensions must be shown on the plan to define the part affected and to fix its position by tying it to those existing physical features which are depicted by firm black lines on the published large scale Ordnance Survey Map. The plan submitted should be a copy of that which will be bound up in the protected instrument. The use of a plan which does not meet the above criteria may result in the application being rejected.

For official use only

Record of Fee paid

The application need **not** be accompanied by a plan in the case of a registered building estate where the estate layout plan has already been approved by the Registry for use in connection with official searches. It will then suffice if the application refers to plot number(s) shown on the approved plan and the date of approval of that plan. If the official search procedure is to operate effectively, however, it is essential that the plot number(s) are stated correctly, particularly where the property comprises two or more separately numbered plots or parcels (e.g. a house in a block of dwellings with its garage in a separate garage block).

- (h) Where a key number has been allocated it should be used. If you wish the result to be issued to an address different from that associated with the key number, enter your key number and reference but otherwise leave panel 6 blank Complete panel 7 instead.
- (i) Any reference should be restricted to a maximum of 25 characters including oblique strokes and punctuation.
- (j) Any entry made in the register since the search from date of this application but subsequently cancelled will not be revealed.
- (k) For the fee payable and the debiting of credit accounts see the current Land Registration Fee Order. Either enclose a cheque for the fee payable (made out to "H M Land Registry") or, if you hold a credit account with the Land Registry/Land Charges Department, ensure that the key number for that account has been entered in panel 7. If you hold a credit account but do not request it to be debited, and no cheque is enclosed, the registrar may nevertheless debit your account.
- (l) Fuller information about the official search procedure is contained in:

Practice Advice Leaflet 5, entitled 'Searches of Registered Land and Land Subject to a Pending First Registration Application', and;

Practice Leaflet 7, entitled 'Development of Registered Building Estates'.

Practice Advice Leaflet ** 'Commonhold etc.***.

These leaflets are available free of charge from any district land registry.

Crown copyright (ref: LR/HQ) **/**

Annex D: Form OC1 (Applications of Official Copies of Register/Title Plan)

Application for Official Copies of Register/Title Plan and/or a certificate in Form CI

HM Land Registry OC1

_____ District Land Registry

Please complete the numbered panels on this form in typescript or BLOCK LETTERS. No covering letter is necessary.
Applications for official copies of specified documents must be made on Form OC2.
Use one form per title.

1 Title Number (if known)	
2 Flat No. if applicable	Property Description
Postal number or description	
Name of road	
Name of locality	
Town	
Administrative area (including district or borough if any)	
Postcode	

For official use only	Record of fees paid.
	Fee Debited. £ _____

3 Application

I _____ (enter here name and address of person or firm making the application) of _____ apply for

official copy(ies) of the **register** of the above mentioned property;

official copy(ies) of the **title plan** of the above mentioned property;

official copy(ies) of the register of the **caution against first registration** of the above mentioned property;

official copy(ies) of the title plan of the **caution against first registration** of the above mentioned property;

official copy(ies) of the **register and title plan** of the common parts in a commonhold development.

4 PAYMENT OF FEE

Please enter X in the appropriate box:-

the Land Registry fee of £ _____ accompanies this application.

or

please debit the Credit Account mentioned below with the appropriate fee payable under the current Land Registration Fee Order.

FOR COMPLETION BY APPLICANTS WHO ARE CREDIT ACCOUNT HOLDERS	YOUR KEY NUMBER:- _____
	YOUR REFERENCE:- (See over) _____

5 Where the title number is NOT quoted in Panel 1, please enter X in the appropriate box(es):-

As regards this property, I am interested in the

Freehold estate

Leasehold estate

Caution against first registration

6 In case there is an application for registration pending against the title, please enter X in the appropriate box :-

I require an official copy back dated to the day prior to the receipt of that application, or

I require an official copy on completion of that application.

3 Application (cont.)

a certificate in Form CI in which case, **either**:-

an estate plan has been approved and the plot number is _____ or

no estate plan has been approved and a certificate is to be issued in respect of the land shown _____ on the attached plan and copy.

Signature of applicant :- _____ Date _____ Daytime telephone No :- _____

7 Reference _____

Where you have requested that the fee be paid by Credit Account the appropriate fee has been debited.

Please enter above using BLOCK LETTERS the name and either address (including postcode) OR (if applicable) the DX number of the person to whom the official copies are to be sent.

Annex D: Form OC1 (Application for Official Copies of Register/Title Plan) continued

For official use only

Official Copies to be dated: Register _____ Title Plan _____

Authorised by:- _____ Date _____

Other action _____

Despatched by _____ Date _____

Notes for the guidance of applicants

- a) The application must be sent to the district land registry serving the area in which the land is situated. A list of addresses of the district land registries is set out in Explanatory Leaflet 9 which is obtainable free from any land registry office.
- b) Please enter the administrative area (county and district, county, county or London borough etc.) in which the property is situated.
- c) Where application is made for a certificate CI and no estate plan has been approved a plan must be lodged in duplicate. It should be drawn to a suitable scale (generally not less than 1/2500) and must show by suitable markings the extent of the land affected and, where necessary, figured measurements to fix the position of the land by tying it to existing physical features depicted by firm black lines on the plan of the registered title.
- d) If there is a pending application and you are applying for an official copy in connection with a further transaction, it is possible for negotiations to proceed on the strength of a back-dated official copy of the register which can be brought up-to-date in effect by making a non-priority official search in Form OS3 in which the date of that official copy is entered as the date for the commencement of the search. The certificate of the result of search will reveal details of the pending application for registration and will state whether or not it has yet been approved for entry on the register.
If negotiations proceed on this basis, and assuming that your prospective transaction is a transfer, lease or charge, the normal search in Form OS1 or OS2 can be made as usual immediately before the completion of the transaction.

If a back dated official copy is not required, see panel 6 overleaf, your application for official copies will be returned to you and you will be informed when the pending application has been completed. You should reodge your application for official copies at that time.

- e) Full information on all aspects of applications for official copies is set out in Practice Leaflet 13 which is obtainable free from any land registry office.
- f) Any reference should be limited to 25 characters (including oblique strokes and punctuation).
- g) Commonhold Developments
- ⟨ If you are applying for official copies of the common parts title in a commonhold development, you will receive official copies of both the register and title plan.
 - ⟨ Further information in connection with official copies on titles within a commonhold development can be found in Practice Advice Leaflet ** "Commonhold".

Crown copyright (LR/HQ) **/**

Annex E: Form SIM (Search of the Index Map) continued

Explanatory Notes

1. The purpose and scope of Official Searches of the Index Map are described in Practice Leaflet 15 obtainable free of charge from any district land registry.
2. Please send this application to the appropriate district land registry. This information is contained in Explanatory Leaflet 9 obtainable free of charge from any district land registry.
3. Please enter the administrative area (county and district, county, county or London Borough etc.) in which the property is situated.
4. Please provide the Ordnance Survey Map Reference if known. Where this is not supplied by you it will be entered by the Land Registry. This reference should be quoted on any subsequent application for first registration.
5. Please ensure that the appropriate fee payable under the current Land Registration Fee Order accompanies your application. If paying fees by cheque or postal order, these should be crossed and payable to "HM Land Registry".

Where you have requested that the fee be paid by Credit Account, receipt of this certificate of result in confirmation that the appropriate fee has been debited.
6. Any reference should be limited to 25 characters (including oblique strokes and punctuation).

Crown copyright (LR/HQ) **/**

Regulatory Impact Assessment for Commonhold

Overview

1. The Commonhold and Leasehold Reform Act 2002 provides primary legislation for the creation in England and Wales of freehold estates in commonhold land. The Rules are necessary to enable the Land Registry to effect such registration of commonhold land under the Act.

Who will be affected?

2. The following may be affected by the Rules on commonhold.

Developers

3. If there is no need for the developer to retain the common parts and if the units are intended to be disposed of freehold, then the commonhold scheme gives developers a further alternative means of disposing of the development.
4. There are currently several methods which can be adopted by developers who wish to impose obligations on subsequent buyers or tenants but where they do not wish to retain control and responsibility for the common parts. For example, the developer may:
 - set up a management company and transfer ownership of the common parts to that company. Membership in the company may be devolved to the subsequent buyers within the development;
 - require personal covenants to be entered into by a buyer for the benefit of the developer. A restriction is then placed on the registered title requiring a buyer to enter into a direct covenant to perform the estate obligations with the owner of the common parts; or
 - create an estate rent charge.

Using commonhold avoids the need for these types of schemes.

5. Commonhold will not allow a developer to:
 - retain a rental income; or
 - exercise control over the common parts (although a developer who also

Annex F: Partial Regulatory Impact Assessment (continued)

retains a unit would, as a member of the commonhold association, share the running of the commonhold association with all other members).

6. It is not possible to create a freehold estate in commonhold land out of a leasehold estate. Many industrial and business developments have a freehold reversion above the developer's headlease and a conversion to commonhold could only be with the freeholder's consent. The mechanics for consent will be laid down in the Regulations.

Lenders

7. In the case of an existing development, a conversion to commonhold could only be permitted with a lender's consent. The mechanics for consents will be laid down in the Regulations.
8. In a new commonhold development, a lender will be in a position to determine its lending criteria from the outset and to attach whatever conditions it considers appropriate.

Conveyancing Professionals

9. The new regime will require conveyancing professionals to be aware of the new law and its related requirements.

Owners of existing developments who would want to convert

10. Owners of existing developments may be affected by the new regime. They could only convert to commonhold if all owners and all other interested parties (such as lenders) consent.

Options

11. The commonhold system offers an alternative to the current position where positive covenants are used.

Costs

12. No additional costs are expected in using the new commonhold scheme, save for additional registration costs. However, applicants will be able to choose if they wish to use the commonhold provisions or to use current alternatives.

Annex F: Partial Regulatory Impact Assessment (continued)

Contact Point

13. If you have any queries or comments about this Partial Regulatory Impact Assessment which would inform the final Regulatory Impact Assessment please send them to:-

Lynn Jones
HM Land Registry
Lincoln's Inn Fields
London WC2A 3PH

Tel: 020 7917 8888 Ext 4866

e-mail: lynn.jones@landreg.gsi.gov.uk

Consultation Co-ordinator

If you have any complaints or comments about the consultation process, you should contact Mick Lewis on **020 7917 5981** or email him at **mick.lewis@landreg.gsi.gov.uk**. Alternatively, you may wish to write to him at the address below:

Mick Lewis
Consultation Co-ordinator
HM Land Registry
Lincoln's Inn Fields
London WC2A 3PH

General principles of consultation

The criteria in the Code of Practice on Written Consultation issued by the Cabinet Office is as follows:

- A. Timing of consultation should be built into the planning process for a policy or service from the start, so that it has the best prospect of improving the proposals concerned, and so that sufficient time is left for it at each stage.
- B. It should be clear who is being consulted, about what questions, in what timescale and for what purpose.
- C. A consultation document should be as simple and concise as possible. It should include a summary, in two pages at most, of the main questions it seeks views on. It should make it as easy as possible for readers to respond, make contact or complain.
- D. Documents should be made widely available, with the fullest use of electronic means (though not to the exclusion of others), and effectively drawn to the attention of all interested groups and individuals.
- E. Sufficient time should be allowed for considered responses from all groups with an interest. Twelve weeks should be the standard minimum period for a consultation.
- F. Responses should be carefully and open-mindedly analysed, and the results made widely available, with an account of the views expressed, and reasons for decisions finally taken.
- G. Departments should monitor and evaluate consultations, designating a consultation co-ordinator who will ensure the lessons are disseminated.

