

This guidance is tailored specifically for official receivers. It is discretionary and not designed for use by third parties. This version was the most up to date guidance available to official receivers as at 10 March 2020.

7. HM Land Registry and protecting property interests

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The following abbreviations are used in this guidance:

EA2002: Enterprise Act 2002

LR: Land Registry

LCD: Land Charges Department

LRA2002: Land Registration Act 2002

LRR2003: Land Registration Rules 2003

LCA1972: Land Charges Act 1972

LRA1925: Land Registration Act 1925

LRA1988: Land Registration Act 1988

General

7.1 Scope of the guidance

The contents of this guidance relate to winding-up and bankruptcy proceedings unless specific reference is made to the contrary. Where reference is made to 'land' in this chapter it will mainly include freehold and leasehold titles (normally where the lease has been granted for more than 7 years).

7.2 General

HM Land Registry is an executive agency of the Department for Business, Enterprise and Industrial Strategy and is divided into two departments: the Land Charges Department (LCD) and the Registration of Title Department which is commonly referred to as 'Land Registry' (LR). The Chief Land Registrar heads the two departments. Both departments deal with the recording of certain interests in, or charges over, land.

[HM Land Registry](#) has a useful website, which includes a link to the Business e-services portal.

7.3 Land Registration Act 2002

The Land Registration Act 2002 (LRA2002) received Royal Assent on 26 February 2002 and came into force on 13 October 2003. The Act provides a framework for the development of electronic conveyancing.

Full details of the LRA2002 including the Practice Guides, the forms, the LRA2002 and the Land Registration Rules 2003 (LRR2003) can be found at [HM Land Registry](#). All of the forms can be easily obtained from the website.

7.4 Organisation of HM Land Registry

The LR is responsible for keeping and maintaining the Land Register of England and Wales and for recording dealings (e.g. sales and mortgages) once the land is registered. The Registers of Scotland deal with land in Scotland

7.5 Contacting HM Land Registry

When dealing with a winding-up order or bankruptcy order the official receiver should make contact with the LCD or the LR to protect any land (or charge affecting land) owned either jointly or solely by the company or by the bankrupt. A brief outline of

the procedure to protect an individual's property is provided in [How to protect the trustee's interest in a property at Land Registry](#).

Access to the information recorded by both the LCD and the LR is available to the official receiver to assist in the discovery and/or protection of any land or charge(s).

7.6 Compulsory registration

All areas of England and Wales are subject to compulsory registration of title with the LR when land is transferred in the circumstances referred to in Section 4 of the LRA2002.

Owners of land may, generally, voluntarily apply for registration at any time.

Under the LRA2002¹ leases out of unregistered estates or registered titles for a term of more than 7 years from the date of the grant are compulsorily registerable as are many transfers or assignments of unregistered leases which have more than 7 years to run². Most transfers of registered leases, irrespective of the length of the term of the lease are compulsorily registerable.

1. LRA2002, s4 and s27

2. Housing Act 1985, s154

7.7 Registered and unregistered land

Any land registered under the provisions in paragraph 7.6 is referred to as 'registered land'. Land which is not registered land is referred to as 'unregistered land'. The owner of unregistered land will have a bundle of deeds, which form a record of previous sales, mortgages and other dealings with the land. However if the land is mortgaged, the lender normally holds the deeds as security for their loan. There is usually no public record of the information contained in the deeds.

7.8 Land Charges Department

The LCD operates under the provisions of the Land Charges Act 1972. The department maintains central registers of land charges, pending actions and writs and orders affecting land and other mortgages or charges registered against the names of owners of property which is not registered under the Land Registration Act 1925 i.e. unregistered land.

The LCD is situated at PO Box 292, Plymouth PL5 9BY. It is to this section of HM Land Registry that notification of the presentation of a bankruptcy petition or the making of a bankruptcy order is sent. Bankruptcy petitions and bankruptcy orders

are registered at the LCD whether or not it is known that the debtor owned land and whether or not they own any registered land or registered charges¹.

1. LCA1972 and LRA1925 - Register of pending court actions and writs and orders r6.13 or r6.43, Form 6.14, r6.34(2)(a) or r6.46(2)(a) and Form 6.26(LRRABO)]

7.9 Record of matters affecting unregistered land

The LCD also maintains a record of matters which affect unregistered land. This department maintains a record of restrictive covenants, rights and mortgages relating to unregistered land. These are registered against the name of the landowner at the time the entry was made, rather than against the land or property.

A record is kept at the relevant Land Registry office of cautions against first registration which have been lodged against unregistered land.

7.10 Land Registry

The LR is responsible for keeping and maintaining the Land Register of England and Wales. Its main purpose is to register title to land in England and Wales and to record dealings once the land is registered. The object of registering title to land is to create and maintain a register of land owners whose title is guaranteed by the State and thus simplify the sale (transfer) and mortgage of such land. A registered title is the legal evidence of title to land.

7.11 The Land Register

The Land Register is a record of all registrations in England and Wales. The register provides an up-to-date official record of the legal ownership. When a parcel of land or a charge affecting land is registered, details are recorded in the Land Register. Upon registration a title number is allocated to the land, although a charge on just part of the registered land may be allocated a different number. If the official receiver is aware of the title number it should be quoted in all correspondence with the LR. The Land Register is split into three parts:-

- the property register
- the proprietorship register
- the charges register

7.12 The property register

The property register identifies the geographical location and extent of the registered property, i.e. usually the address and a reference to an official plan which is prepared for each title. It may also give details of any rights that benefit the land, e.g. a right of way over adjoining land. It also indicates whether the land is freehold or leasehold. In the case of a leasehold title, it gives brief details of the lease. The official title plan is based on the large-scale maps of the Ordnance Survey.

7.13 The proprietorship register

The proprietorship register specifies the quality of the title, e.g. absolute title. It also provides the name and address of the legal owner(s) and shows whether there are any restrictions on their power to sell, mortgage or otherwise deal with the land, e.g. bankruptcy restriction (previously known as an inhibition).

Land registration is not concerned with trusts and therefore the proprietorship register will not normally reveal that the property is held in trust for another, unless the legal owner is described as a trustee. A partnership in England and Wales cannot own land. If, for example, land is owned jointly by a husband and wife who traded in partnership together, it may be that the property is part of their separate estates or held in trust for the partnership.

7.14 The charges register

The charges register records details of registered mortgages and notice of other financial burdens secured on the property. It does not disclose details of the amounts of money involved. It also gives notice of other rights and interests to which the property is subject such as leases, rights of way or covenants restricting the use of the property.

7.15 Authority for search of the Land Register

Anybody can now obtain information, on payment of any fee payable, which is held on the register of a registered title¹.

1. LRA1988, s112

7.16 Why search the register?

The official receiver has access to all the information maintained in the Land Register. A search of the Register will be required if:-

- the official receiver wishes to ensure registration of bankruptcy proceedings against a title of a specific property or charge
- doubt exists regarding the ownership of a specific property or charge in winding-up or bankruptcy proceedings, e.g. the bankrupt is unsure about who owns property or states that he has never had an interest in a property but has paid the mortgage on it
- the official receiver has received information from a third party indicating possible ownership of a property which has not been disclosed, e.g. a creditor provides specific details regarding the bankrupt having an interest in a property
- the company director or bankrupt is failing to co-operate with the official receiver and a search of the known address may possibly lead to the lodging of a form J restriction (previously a caution) on the property which may result in the company director or bankrupt contacting the official receiver
- the official receiver suspects that the company director or bankrupt is providing misleading information, e.g. regarding the ownership of property;
- in a non-surrender case, the search may reveal an asset of the company or bankrupt and/or possibly the current whereabouts of a company director or the bankrupt

Registration of court orders

7.17 Registration of bankruptcy petition - In pending actions register

The LCD maintains a central register of pending court actions under the Land Charges Act 1972 (LCA1972). Immediately after a bankruptcy petition is presented, the court must notify the LCD to enable details of the petition to be entered in that register.¹ This registration will be made against the name of the individual whether or not they are known to own any land. This entry alerts third parties to the possibility that a person of that name may be made bankrupt.

1. Rule 10.13

7.18 Registration of bankruptcy petition - In Land Register - Bankruptcy Notice - solely owned property

The LCD informs the LR daily of new bankruptcy petitions. The LR makes an entry on all title registers where it appears that a sole owner of the land may be subject of a bankruptcy petition. Under the LRA2002, section 86(2) this entry is called a bankruptcy notice (previously a creditors' notice) and is entered in the proprietorship register. Notices entered under the LRA 1925 in respect of the burden of interests affecting a registered estate or charge are treated for the purposes of the LRA2002 as if they had been entered as agreed notices (paragraph 2(1) of Schedule 12, LRA2002).

The entry will take the following form:

BANKRUPTCY NOTICE entered under section 86(2) of the Land Registration Act 2002 in respect of a pending action, as the title of the proprietor of the registered estate appears to be affected by a petition in bankruptcy against [name of debtor], presented in the [name] Court (Court Reference Number) (Land Charges Reference Number PA).

A similar entry would be made against the sole owner of a registered charge (i.e. mortgagee) but in the charges register. The entry will take the following form:

BANKRUPTCY NOTICE entered under section 86(2) of the Land Registration Act 2002 in respect of a pending action, as the title of the proprietor of the charge dated referred to above appears to be affected by a petition in bankruptcy against [name of debtor], presented in the [name] Court (Court Reference Number) (Land Charges Reference Number PA).

The registered proprietor is informed of the entry in accordance with Rule 165(2) of the LRR2003. There are indemnity provisions which may be called upon if there is loss to an estate due to failure by the Chief Land Registrar to register a notice.

7.19 Jointly owned property

No protection is available at this stage of the proceedings in respect of jointly owned property as a bankruptcy notice cannot be registered against such property except as outlined in paragraph 7.25.

7.20 Dealings with registered land after petition and before bankruptcy order

A bankruptcy notice (which can only be registered against solely owned registered property) does not prevent the registered proprietor dealing with their land or charge. If an application to register a transfer, charge or lease by the registered proprietor of the land is actioned after the entry of the bankruptcy notice, the registration will be made subject to the bankruptcy notice unless it can be shown that the interest of the transferee, chargee or lessee has priority over the bankruptcy proceedings, e.g. the dealing is protected by an official search of the register, issued before the date of the bankruptcy notice, that gives it priority over the creditors' rights¹.

1. LCA1972 section 284

7.21 Dealings with registered property - No notice of petition

If a bankruptcy petition is not protected by a bankruptcy notice in the proprietorship register, then a purchaser or chargee in good faith and for money or money's worth, when registered, takes title free of the creditors' rights unless at the date of the disposition they had notice of the petition. For this purpose a purchaser (of registered land) is under no liability to make a search against the individual's name under the LCA1972 to see if a petition has been registered as a pending action with the LCD.

7.22 Dealings with unregistered property

Under section 5(8) of the LCA1972, a bankruptcy petition does not bind a purchaser of a legal estate in unregistered land in good faith, for money or money's worth, unless it is for the time being registered in the register of pending actions. Thus a purchaser of unregistered land will, on the face of it, be bound by the petition whether they make a Land Charges search or not provided the petition is protected by registration. If the petition is not so protected it may be that a purchaser who had actual knowledge of the petition could not rely upon section 5(8) of the above Act as they would not appear to be acting in good faith.

7.23 Vacation of registration - Pending action

Under section 8 of the LCA1972, a registration of a bankruptcy petition as a pending action with the LCD will be automatically vacated after 5 years unless it is vacated in one of the following circumstances

- the petition is dismissed or withdrawn with permission of the court and an order is made at the same time permitting vacation of the registration of the petition as a pending action. The court will send to the debtor two sealed

copies of the order. It is the debtor's responsibility to request the LCD and the LR to vacate any registration

- the bankruptcy order is annulled (see paragraph 7.31)

7.24 Vacation of registration - Bankruptcy notice

The registration of the bankruptcy notice on the proprietorship register remains in force until a bankruptcy restriction is registered. It will also remain in force if the LCD automatically vacates an entry in the register of pending actions. The cancellation of the entry at the LCD will not cause the LR to cancel any bankruptcy notices automatically. Separate application must be made to the LR by the debtor for a bankruptcy notice to be removed. The debtor can apply to cancel the registration in the proprietorship register following the action in paragraph 7.23. Additionally, when the trustee in bankruptcy wants to register themselves as proprietor of the property, the bankruptcy notice will remain in force until the registration is complete or the property is conveyed by the official receiver or trustee.

7.25 Protection of jointly owned property - Official receiver acting as interim receiver

The LR cannot register a bankruptcy notice against jointly owned property. Where the official receiver is acting as interim receiver and becomes aware of registered land owned by the debtor jointly with others they should consider applying for a restriction against the property to protect the creditors' interest. The official receiver must first make application to the court for permission to apply for a restriction. The official receiver should withdraw the restriction if they cease to act as interim receiver.

If the land is unregistered and solely owned the official receiver should consider registering a caution against first registration. If a bankruptcy order is subsequently made the caution should be withdrawn.

7.26 Registration of the bankruptcy order in the writs and orders register

The LCD keeps a central register of writs and orders under the LCA1972. After a bankruptcy order is made, the official receiver must send notice of the bankruptcy order to the Chief Land Registrar at the LCD within 24 hours of notification of the bankruptcy order unless the court orders that the notice should not be sent or that

advertisement or the proceedings should be stayed. The LCD will enter the details in the register of writs and orders under the name of the bankrupt whether or not the bankrupt is known to own any land. This entry alerts third parties to the fact that a person of that name has been made bankrupt. Under section 6(3) of the LCA1972, no fee is charged for this registration.

7.27 Registration of the bankruptcy order in the Land Register - Bankruptcy restriction and solely owned property

The LCD informs the LR daily of new bankruptcy orders. The LR then makes an entry on all title registers where it appears that the sole owner of the land may be the subject of a bankruptcy order. This entry will be made in the proprietorship register and under the LRA2002, section 86(4) this entry is called a bankruptcy restriction (previously a bankruptcy inhibition). Inhibitions entered under the LRA1925 are entries that prohibit dispositions from being entered in the register and therefore are treated as restrictions for the purposes of the LRA2002 (paragraph 2(2) of Schedule 12, LRA2002).

The entry would take the following form:

BANKRUPTCY RESTRICTION entered under section 86(4) of the Land Registration Act 2002, as the title of the proprietor of the registered estate appears to be affected by a bankruptcy order made by the [name] Court (Court Reference Number) against [name of debtor] (Land Charges Reference Number WO). No disposition of the registered estate is to be registered until the trustee in bankruptcy of the property of the bankrupt is registered as proprietor of the registered estate.

A similar entry would be made against the sole owner of a registered charge (i.e. mortgagee) but in the charges register. The entry would take the following form:

BANKRUPTCY RESTRICTION entered under section 86(4) of the Land Registration Act 2002, as the title of the proprietor of the charge dated referred to above appears to be affected by a bankruptcy order made by the [name] Court (Court Reference Number) against [name of debtor] (Land Charges Reference Number WO). No disposition of the charge is to be registered until the trustee in bankruptcy of the property of the bankrupt is registered as proprietor of the charge.

This entry alerts third parties to the possibility that the owner of the land/charge may be bankrupt. Under Rule 166(2) of the LRR2003 the Chief Land Registrar must give notice of the registration to the proprietor of the land or charge.

7.28 Registration of bankruptcy order – Follow up

The official receiver should ensure that a bankruptcy restriction has been registered at the land registry against each registered estate/charge where they are aware that the bankrupt is the sole registered proprietor and sole beneficial owner of a registered interest in land. A search of the proprietorship and charges register should be carried out to confirm that the restriction has in fact been registered.

Where the bankrupt is the sole registered proprietor but the property interest is held under a trust, the legal estate would not vest in the official receiver and a bankruptcy restriction would not be appropriate.

Once the official receiver is satisfied that a legitimate trust exists they should seek to have the bankruptcy restriction removed.

7.29 Jointly owned property

It is not possible to register a bankruptcy restriction where a property is owned jointly by the bankrupt and others. Reference should be made to paragraph 7.36 for guidance on protecting jointly owned property.

7.30 Effect of registration of bankruptcy order

The effect of a bankruptcy restriction is that no dealing affecting the property or charge in respect of which the restriction has been entered can be registered until the restriction is cancelled, except by the trustee in bankruptcy. The bankruptcy restriction does not prejudice dealings with interests or charges over land which have priority over the bankrupt's estate. For example, the proprietor of a registered charge, which was registered before a bankruptcy restriction (and any bankruptcy notice) was entered in respect of the registered land, could exercise its power of sale, notwithstanding the entry of the bankruptcy restriction in the proprietorship register.

The trustee receives protection by the registration of a bankruptcy restriction without registration of the trustee's title or Form J restriction.

7.31 Vacation of registration of bankruptcy order

Under section 8 of the LCA1972, the entry against the name of the bankrupt in the register of writs and orders at the LCD will lapse automatically after 5 years. This cancellation will not cause the LR to cancel any bankruptcy notices or bankruptcy restrictions. The Chief Land Registrar will only remove these after an enquiry or if the court so orders (see paragraph 7.32).

7.32 Annulment of bankruptcy order

If the court makes an order annulling a bankruptcy order it will usually also order that the petition be dismissed. In such cases, provision should be made in the order for the vacation of the registration of the bankruptcy petition and the bankruptcy order. The application to remove the entry from the Land Charges register or the title register is the bankrupt's responsibility and not that of the official receiver.

7.33 Vacation of registration in other circumstances

A bankruptcy restriction will be vacated where the property is disposed of, e.g. by sale by the trustee or by a prior registered chargee under its power of sale or where the trustee is registered as proprietor of the land or charge (see paragraph 7.43).

7.34 Vacation of registration and discharge from bankruptcy

When a bankrupt is discharged from the bankruptcy proceedings, the registration of a bankruptcy petition or bankruptcy order at the LCD will not be cancelled unless there is a specific order of the court directing cancellation. The production of a certificate of discharge is insufficient for the LCD. If an order for vacation is obtained the registration of the bankruptcy petition and bankruptcy order will be vacated. Such an order has no effect on the vesting of the property. Consequently any land or charge which has vested in the trustee in bankruptcy will remain so vested and will not re-vest in the discharged bankrupt. Therefore a bankruptcy notice or bankruptcy restriction will not be removed from a registered title if such an order is lodged.

7.35 Removal of a bankruptcy restriction where property vests

Because the legal interest in a registered estate/charge vests in the official receiver where the bankrupt is the sole registered proprietor and sole beneficial owner a

bankruptcy restriction will not be removed without evidence that the legal estate has re-vested in the bankrupt.

The application to cancel the bankruptcy restriction form (RX3) must be submitted to the Land Registry. The appropriate legislative provisions to quote in the application is either:

- Section 283A(2) IA 86 (period in which to deal with the property interest has expired)
- Section 283A(3) IA86 (property interest has been dealt with, e.g. a charging order has been made)
- Section 283A(4) IA86 (where e.g. a charging order application is dismissed)
- Section 261 EA02 (interest has re-vested under the transitional arrangements in cases where the bankruptcy petition was presented before the Enterprise Act 2002 came into force).

It is important to quote the provision that is appropriate for the mode of re-vesting which has occurred.

7.36 Removal of a bankruptcy restriction where property does not vest

If the property interest has never vested, e.g. the property interest is held by the bankrupt under a trust, or the property has been sold prior to the bankruptcy order being made but the purchaser's solicitors had not yet registered their application a different process needs to be followed. In these circumstances the official receiver should write to the Land Registry and explain that the legal estate has not vested and that the official receiver does not have an interest in the property. Application to withdraw the bankruptcy restriction should be submitted on form RX4 along with the letter.

7.37 Jointly owned property - Protection

No registration of a bankruptcy notice or a bankruptcy restriction will be made against any jointly owned land in which the bankrupt has an interest, even where all the owners are subject to bankruptcy proceedings. The reason that a bankruptcy restriction cannot be registered is that in such cases the legal title (the only estate which is registerable) is not vested in the bankrupt alone (and consequently does not vest in the trustee of the bankrupt's estate) but in the joint proprietors and the joint legal estate is not severable. The bankrupt's beneficial interest is in the proceeds of sale. The Chief Land Registrar is not concerned with the beneficial interest in the property (which is severable).

7.38 Form J restriction and Form A restriction

Accordingly, dispositions by the registered proprietor(s) will not be prevented unless a Form J restriction is registered A Form A restriction should also be requested to protect the interest in land if one is not already in place. Both of these restrictions can be applied for at the same time on the same application (using form RX1)¹.

¹ . Land Registry Practice guide 34, para 5.2

7.39 Registration of Form A restrictions in bankruptcy cases

When applying for a Form J restriction the official receiver should also apply for a Form A restriction unless one is already in place. Application for a Form A restriction is made by amending the text in box 9 of form RX1 to read *“The applicant applies to enter a restriction [in standard form J & A] against the estate referred to in panel 3 in the following words:”*. The words *“A restriction in Form A”* should be added following the standard text in Form J at the bottom of box 9. The registrar will acknowledge receipt of the request for registration and the date of acknowledgement will be the date of registration. If an acknowledgement is not received the official receiver may consider it prudent to apply for copies of the registry entries.

The Form A restriction states the following:

“No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court. “

The Form A restriction indicates that a sole survivor of joint registered proprietors cannot (unlike a sole beneficial owner) give a valid receipt for purchase monies and that a further trustee of the trust for sale needs to be appointed so that the purchase monies are received by at least two proprietors. It should be noted that a trustee appointed for the trust for sale need not be the trustee in bankruptcy.

7.40 Registration of winding-up order by liquidator

There is no mechanism for automatically making entries in the registers when a company proprietor of registered land or of a registered charge goes into liquidation. The appointment of the official receiver as liquidator of a company may be noted on the proprietorship or charges register maintained by the relevant District Registry if a

company is the owner of land or charge(s). Registration of the winding-up order should ensure that if a disposition executed by the company (other than a disposition under the contractual powers of a receiver, appointed under a charge) is lodged for substantive registration, the LR will ensure that it was executed in the presence of the liquidator. Application for a restriction to be entered on the proprietorship register must be made using Form RX1 together with the appropriate fee. The Chief Land Registrar will, when he/she approves such an application, enter a restriction in the proprietorship register as follows: -

“(Date) By an Order of the court dated (date of winding up order) (name of official receiver) Official Receiver of The Insolvency Service (address of official receiver’s office) has become the liquidator of (name of company).”

(Date) RESTRICTION: No disposition by the proprietor of the registered estate other than a transfer on sale is to be completed by registration unless made pursuant to powers granted by the Insolvency Act 1986.

If the official receiver considers that registration of the winding-up order is necessary they should make application on Form AP1 to the relevant District Registry with a certified true copy of the winding-up order and the certificate of their appointment by the Secretary of State under section 399 of the Insolvency Act 1986 together with the appropriate fee.

Dealing with amendments or variations to court orders

7.41 Amendment to bankruptcy order

At any time after the making of a bankruptcy order, the official receiver or trustee may amend the title of the proceedings or any part of it. Where such an amendment is made, the official receiver must send notice, as soon as reasonably practicable, to the Chief Land Registrar at the LCD unless the court orders that the notice should not be sent or that advertisement of the proceedings should be stayed (see paragraph 7.42). The Chief Land Registrar will effect any amendments to the register or make any registrations that are required. Where the proceedings are consolidated under the Insolvent Partnerships Order 1994, the official receiver should similarly notify the LCD.

The application should include:-

- details of the pending action number (PA(B)), which can be obtained by reference to the court file (in the case of a creditor petition bankruptcy order)

- the writ or order (bankruptcy) number (WO(B)), which should be recorded in the acknowledgement from the LCD of the application to register the bankruptcy order

7.42 Stay of advertisement or proceedings in bankruptcy cases

If a stay of advertisement or of the proceedings is granted before dispatch of the notice to the LCD, the official receiver should refrain from dealing with Form LRRABO (application for registration of a bankruptcy order), if the court so orders, until such time as the stay is removed. If the official receiver considers that their powers have been limited by the court, e.g. a stay of all proceedings has been granted, and the official receiver is aware of jointly owned property, he/she should seek permission of the court to register a restriction where the bankrupt's interest is in the proceeds of sale of registered land. Where an order is made for a stay of advertisement or proceedings the LCD or the LR should not be requested to vacate any prior registration of the petition or bankruptcy order unless the court so orders, which will usually be on the annulment of the proceedings¹.

1. Rules 10.32(3) and 10.135, LRRABO

7.43 Registration of bankruptcy order in transfer cases

The notice to the LCD should not be delayed because the bankruptcy proceedings are in the process of being transferred to another court. Form LRRABO should be sent to the LCD by the official receiver appointed by the Secretary of State to be the official receiver in relation to the proceedings, using their local office key number to effect the registration. The local official receiver will thus deal with any subsequent dealings with the LR and the LCD. Once the transfer has been completed the official receiver should only make application to the LCD for an amendment of the court details in the register of writs and orders if the court has amended the title of the proceedings, requiring notice of the amended title to be given to the Chief Land Registrar). If no such application is made then any documents relating to the bankrupt's property will be sent to the official receiver attached to the court in which the bankruptcy order was made. Any documents so received should be forwarded immediately to the official receiver to whom the case was transferred.

Other registration matters

7.44 Registration of after-acquired property

If the official receiver as trustee claims any land or charge owned by the bankrupt as after-acquired property they should seek to protect their interest. To protect solely or jointly owned property a Form J restriction against dealings should be registered without delay.

HM Land Registry Form RX1 should be used to lodge a Form J restriction against dealings in a property, accompanied by:

- a letter to the LR stating that the official receiver as trustee is satisfied that the land or charge(s) form part of the bankrupt's estate
- evidence that the official receiver has claimed the property. Such evidence should consist of a statutory declaration exhibiting a copy of the notice given to the bankrupt and evidence of service of the notice

In the case of jointly owned property the official receiver should also register a Form A restriction (see paragraph 7.39).

The official receiver should then take appropriate action to realise the asset which may include seeking the appointment of an insolvency practitioner.

7.45 Registration of trustee as proprietor

The official receiver as trustee may be registered as proprietor of solely owned land or charge(s) in place of the bankrupt.¹ The application must be made on Land Registry Form AP1. The official receiver must provide the Chief Land Registrar with an office copy of the bankruptcy order, a certificate signed by the official receiver stating that the land or charge is comprised in the bankrupt's estate and the appropriate fee [HM Land Registry](#)).

1. LRR2003, rule 168(1),

7.46 Identification of the debtor by LR

When a bankruptcy petition or a bankruptcy order is registered at the LCD, the LCD provides the LR Bankruptcy Unit with details of the bankruptcy proceedings and a list of title numbers which may be affected. In the light of all available information, the LR then has to decide whether the debtor, the subject of the bankruptcy proceedings, is the same person as the registered proprietor of the land or of any charges on the

titles which have been revealed. If it appears that the debtor is the registered proprietor then an appropriate entry is made on the register of the title affected. If it is clear that the debtor is not the registered proprietor then no action is taken. The registered proprietor is informed of the entry that has been made. Where the entry is made in respect of the land and there is a registered charge which secures further advances, then the chargee is notified of the entry.

7.47 Debtor not fully identified

Where the LR cannot determine whether the debtor is the registered proprietor an enquiry is made of the registered proprietor at their address for service as to whether they are the person referred to in the bankruptcy proceedings. If the registered proprietor signs the statement that they are not the person referred to then no action is taken. If they confirm on the statement that they are the debtor then the entry is made. If the registered proprietor fails to respond within the time allowed by the LR then a further enquiry form is sent out. If there is still no response then, usually, an entry is made.

7.48 Removal of entries in the register - Proceedings not related to proprietor

Where the official receiver obtains details of a bankruptcy entry made by the LR against a person's title to land or a charge and that person is not affected by the bankruptcy proceedings, the official receiver should advise that person to contact the LR immediately. If the entry was made recently then the LR will remove it upon the person signing and returning a disclaimer (supplied by the LR) stating that they were not the subject of the bankruptcy proceedings. If the entry was made some years ago then the LR may require a statutory declaration to the same effect.

7.49 Land charges entry after discharge from bankruptcy

Because discharge does not re-vest property in the former bankrupt, it does not entitle them to have any bankruptcy entries at the LCD cancelled.

The official receiver may be contacted by a former bankrupt in the period between their automatic discharge and the 5 year automatic vacation of the Land Charges entry, because the LCD shows that the individual is still subject to the bankruptcy order. Where the former bankrupt seeks to acquire property or re-mortgage property after their discharge they may experience difficulties, e.g. in obtaining a mortgage.

If the official receiver receives an enquiry in the period outlined above they should draw the former bankrupt's attention to the provisions of Rule 10.144 (order made by the court) or Rule 10.145 (order made by the adjudicator), which states that if the bankrupt is discharged from the proceedings the court or adjudicator will, on the application of the discharged bankrupt, issue a certificate of discharge. Any certificate of discharge obtained from the court should be sufficient to satisfy the other parties to a transaction that the individual has been discharged from bankruptcy.

Where an individual is made bankrupt on a petition presented on or after 1 April 2004 and they have an interest in a dwelling-house which is the sole or principal residence of the bankrupt, bankrupt's spouse/civil partner or former spouse/civil partner, the official receiver should have regard to the guidance in the guidance relation to chapter 28 Freehold & leasehold property.

7.50 Discharged bankrupt's application to vacate the register

Sometimes a discharged bankrupt may apply to the court, under section 1(6) of the Land Charges Act 1972, for an order for the registration of the bankruptcy petition and the bankruptcy order to be vacated. Upon receipt of a court order and the appropriate fee the LCD will vacate the entries. Unlike an order annulling a bankruptcy order such an order does not re-vest the property in the discharged bankrupt. Any land or charge (whether registered or unregistered), which has vested in the trustee, will remain so vested. Therefore a bankruptcy notice or bankruptcy restriction will not be removed from a registered title if such an order is lodged.

7.51 The family home - Interest in dwelling-house re-vesting in bankrupt

Where the bankrupt's interest in a dwelling-house which falls within s283A of the Insolvency Act 1986 re-vests in the bankrupt, the official receiver is required to make an application to the chief land registrar to amend the register(s). For further information see chapter 28 Freehold & leasehold property.

Searches of HM Land Registry records

7.52 HM Land Registry Portal

The [Land Registry portal](#) offers instant access to Land Registry information and for the electronic submission of Land Registry applications.

To access the information held on the Land Register the full address of the property is required. Where the full address details are not known the official receiver should continue to use the paper/postal system.

7.53 Use of HM Land Registry forms

The HM Land Registry forms used by the official receiver can be downloaded from [HM Land Registry](#) . Photocopies of such forms are not acceptable. When using any HM Land Registry form, the title number of a specific property should be quoted whenever it is available. Where the title number is not known, the application should be marked in capital letters at the top 'PLEASE SUPPLY THE TITLE NUMBER'. An additional fee may be payable for this service. The current fees are outlined in the [Land Registration Fees Order 2009](#), which took effect from 6 July 2009. The most commonly used forms are described in the following paragraphs.

7.54 Public inspection of application forms - HM Land Registry Form CIT

The LRR2003, rule 140 sets out the right of the official receiver, named in Schedule 5, LRR2003, to inspect and obtain copies of documents, or to make a search of the Index of Proprietors' Names in connection with insolvency proceedings. Application forms for official copies of records or documents held by LR are themselves open to inspection. The official receiver must staple or permanently attach Form CIT (Application in connection with court proceedings, insolvency and tax liability) to all applications for inspection and copies of documents or the search of the Index of Proprietors' Names made to the LR. Certificate K in Part 2 of Form CIT must be completed and signed by the official receiver: Failure to complete this part of Form CIT will lead to the LR not being able to process the application. Form CIT and any other form attached as part of the application are not open to public inspection. If Form CIT is not attached to any application then LR is under a statutory obligation to issue official copies of any application form the official receiver uses.

7.55 Information provided where search of specific property made [Form OC1]

If a search using Form OC1 is made, the Chief Land Registrar will provide an official copy of the entries in the Land Register relating to the specific property. The document states the title number of the property and is split into three parts:-

- Property register - this reveals whether the property is freehold or leasehold and gives the full postal address of the property
- Proprietorship register - this states the nature of the title (e.g. absolute) and provides the name and address of the legal owner. The date of registration of the current owner is also given. Details of any restrictions on the owner's power to sell, mortgage or deal with the property are provided
- Charges register - this details the charge(s) against the property providing the date(s) the charge(s) were registered and the details of the chargee(s). The name(s) and address(es) of all current registered chargees or cautioners is provided in their order of registration (which does not necessarily govern their order of priority)

7.56 Search to ensure registration against specific solely owned property

Where the official receiver becomes aware of specific land in the sole name of a bankrupt they should effect a search of the register of the relevant title. If the official copy of the proprietorship register or charge(s) register records a bankruptcy restriction, i.e. the property is solely owned, then the official receiver need take no further action regarding the registration with HM Land Registry

7.57 Request for registration against specific solely owned property

If the official receiver's enquiries reveal that there is no record of the bankruptcy proceedings, i.e. the bankruptcy restriction has not been registered, on the Register of Title for a property or land solely owned by the bankrupt, they should first ensure that the LCD has been notified of the bankruptcy order and if form LRRABO has not been issued, it should be sent immediately.

This may be necessary where the bankrupt has a common name. In this situation the official receiver should send an office copy of the bankruptcy order, with form LRRABO, to the relevant Land Registry office requesting registration of a bankruptcy restriction against the title(s) of the bankrupt. An acknowledgement should be obtained.

7.58 Other searches affecting unregistered property

A search of the LCD at Plymouth may be made using Land Registry Form K015. A fee per name is payable. The search may indirectly indicate that the company or bankrupt is or was the owner of unregistered property, e.g. it could reveal a second or subsequent legal charge or an entry to protect restrictive covenants. It should be noted that unregistered land may be owned even though the Land Charges search reveals no entries, e.g. where it is unencumbered in which case details of the land are not known to HM Land Registry.

An office copy of the actual entry, based upon the application for the entry, may be obtained by the submission of Form K019 to the LCD.

7.59 Additional searches in company liquidation

Where the official receiver is dealing with a company in liquidation they should carry out a search at Companies House. The Register of Charges filed at Companies House, which should have been maintained by the company, should be inspected for details of any charges created.

Protecting property/land

7.60 - Form J restrictions - General

Under the LRA2002 cautions against dealings were abolished. Under the LRA2002 Form J restrictions are available to protect the interest in a jointly owned property. The general effect of the LRA2002 is to preserve the nature and effect of existing cautions against dealings. This is achieved by providing that sections 55 and 56 LRA1925 continue to have effect in relation to existing cautions (paragraph 2(3) of Schedule 12, LRA2002). A Form J restriction can be registered by the official receiver as trustee or by an insolvency practitioner as trustee to protect the equitable interest of a bankrupt's estate that vests in the trustee.

A Form J restriction, when registered, is placed on the Proprietorship Register of property as a warning to anybody having possible dealings with that property. A Form J restriction will warn any prospective purchaser of the trustee's interest. The Form J restriction will also warn other parties, e.g. a finance company thinking of providing funds secured by a charge on the property.

A Form J restriction reads as follows:

No disposition of the registered estate, other than a disposition by the proprietor of any registered charge registered before the entry of this restriction, is to be registered without a certificate signed by the applicant for registration or their conveyancer that written notice of the disposition was given to [name of trustee in bankruptcy] (the trustee in bankruptcy of [name of bankrupt person]) at [address for service].

This wording cannot be amended as it is prescribed by the Land Registration Act 2002, section 43(2)d, and by the Land Registration Rules 2003, Schedule 4, as amended by the Land Registration (Amendment) Rules 2008.

7.61 Instances where a Form J restriction should be registered - Bankruptcy

The official receiver will not have an interest in the legal estate of a jointly owned property but will have an interest in the proceeds of sale. The official receiver, when acting as trustee, should consider registering a Form J restriction with the relevant Land Registry office in the following circumstances:

- where the property is a jointly owned dwelling house
- where the property is or is suspected to be jointly owned with another but is not a dwelling house e.g. it is suspected that the bankrupt has an interest under a trust of the property but is not registered as proprietor
- where the property is jointly owned but is not a dwelling house and it is not readily saleable at the time but there is every reason to believe that the circumstances will enable disposal at a later date

Any suspicion that a debtor has an interest in a property will firstly need to be based on sound enough evidence for the Land Registry to be prepared to accept the application in the first place, and secondly, if the entry of the restriction was ever challenged in court, the official receiver would want to be able to show that they had acted reasonably in entering the restriction or they would be liable in damages.

7.62 Notice to mortgagees

The registration of a Form J restriction has only limited effect because it does not prevent dealings with the property. Accordingly, the official receiver must contact all known mortgagees as soon as possible after the bankruptcy order is made¹. To protect their interest in the property, whilst trustee, the official receiver must serve notice on the mortgagees asking them to account to the official receiver if they realise their securities or if any other action is taken against the property.

1. Form MP3

7.63 Protection of interest in land owned by a company in liquidation

Where the official receiver is the liquidator of a company that is the registered proprietor of any registered land or a registered charge it is possible to make application for an entry at the Land Registry to note the official receiver as liquidator. The application should be made using Land Registry form 'AP1' and the application needs to be accompanied by evidence of the official receiver 'becoming' liquidator (i.e. a certified copy of the winding-up order).

The entry would normally read as follows:

“(Date) By an order of the court dated [Date of WUO] [Name of OR] of [OR office address] has become liquidator of [Company name]”

A fee is payable. Where the official receiver requires a restriction to be placed against the estate/charge then an application using form 'RX1' should be submitted along with the form 'AP1' application. A fee is also normally payable for this type of restriction unless the court has ordered that a restriction be made, in which case no fee would be payable. The wording of the restriction against a registered estate would read:

“(Date) RESTRICTION: No disposition by the proprietor of the registered estate other than a transfer on sale is to be completed by registration unless made pursuant to powers granted by the Insolvency Act 1986.”

Where the company is the registered proprietor of a registered charge the restriction would read:

“(Date) RESTRICTION: No disposition by the proprietor of the Charge dated [Charge date] in favour of [Company name] referred to above is to be registered other than a discharge, a transfer of charge for value or a transfer in exercise in the power of sale, unless made pursuant to the powers granted by the Insolvency Act 1986.”

7.64 Registration of Form J restriction without reasonable cause

The official receiver should exercise extreme care when applying to register a Form J restriction. All details included in the application must be accurate.

The LRA2002, section 77(1) states that a person must not exercise the right to lodge a Form J restriction with the registrar without reasonable cause. If they do, they owe a duty to anyone who suffers damage and the person adversely affected may bring an action for damages.

7.65 Protection of unregistered land

The official receiver may have to deal with unregistered land owned by the bankrupt. The only protection available for the trustee, without seeking a caution against first registration (applicable to only solely owned unregistered land until October 2005) or first registration of the unregistered land (only available where the unregistered land is solely owned), is that afforded by the registration of the PA(B) and the WO(B) at the LCD and the control of the title deeds where possible. The official receiver must ensure that the bankruptcy order is registered at the LCD.

7.66 - solely owned unregistered land

If the unregistered land is solely owned the legal estate vests in the trustee in bankruptcy. The official receiver should endeavour in all cases to obtain and hold the title deeds for the unregistered land from the bankrupt. If a mortgagee is in possession of the title deeds the official receiver must ensure that the mortgagee is aware of the trustee's interest in the unregistered land.

Under the LRA2002, section 15(3), the trustee, as legal owner, is unable to lodge a caution against first registration over unregistered land. After October 2005, apart from ensuring that the LCD have registered the bankruptcy order and having attempted to secure the title deeds there is only one other measure of protection of unregistered solely owned land available to the official receiver, as trustee, and that is applying for first registration of the land. If the official receiver as trustee is concerned about the level of protection over the unregistered solely owned land he may consider, as legal owner, applying for first registration of the unregistered land. Application for first registration must be made using HM Land Registry Form FR1 which can be obtained from the website. There is a fee payable for first registration in accordance with the current Land Registration Fees Order. The fee should be charged to the appropriate estate and a debit balance may be incurred for this purpose, if necessary.

7.67 Effect of registration of caution against first registration

The registration of such a caution at the relevant Land Registry office has limited effect. The person who lodged the caution will be entitled to notice of any application made for the registration of that estate that may affect their interest. The official receiver must contact all known mortgagees without delay. The official receiver will only be entitled to make representations as to why registration of land should not be made or should be registered only on certain terms, when registration of the land is subsequently sought.

7.68 Protection of jointly owned unregistered land

Under the LRA2002, section 86, the trustee's interest in jointly owned unregistered land is not classed as an interest affecting a qualifying estate. As a result of this and the fact that the trustee is not the legal owner the trustee is unable to obtain a caution against first registration over the unregistered land. Where the unregistered land is jointly owned the official receiver should attempt to obtain and hold the title deeds of the unregistered land. Where the title deeds are held by a mortgagee the official receiver must ensure that their interest in the unregistered land is noted and acknowledged. The only form of protection of the jointly owned unregistered land available to the trustee is the bankruptcy entries at the LCD and the possible control of the title deeds. As the official receiver as trustee is not the legal owner of the unregistered land they are unable to apply for first registration of the land. If the joint owners of the unregistered land arrange for the land to be registered the trustee will be in a position to apply for a Form J restriction to protect their interest.

7.69 Procedure for registration of a Form J restriction against dealings (registered land)

Where the official receiver as trustee considers it necessary to register a Form J restriction they should make application on [HM Land Registry](#) form RX1.. A fee is payable in accordance with the current Land Registration Fees Order. The fee should be charged to the relevant estate and a debit balance may be incurred if insufficient funds are available. The details of the property must clearly identify it and, if necessary, a map or plan should accompany the application. Part 13 of Form RX1 requires evidence that the applicant has sufficient interest in the making of the entry of the restriction applied for. Under the LRR2003, rule 93(j) a trustee in bankruptcy will be regarded as having a sufficient interest. The following information should be inserted at Part 13 of Form RX1:

- on (date) a bankruptcy order was made against (name of bankrupt) in the (Court details). I am trustee of the bankrupt's estate
- the bankrupt is one of the registered proprietors of the land in title number (xxx) and at the date of the bankruptcy order the bankrupt had a beneficial interest in the proceeds of sale of the land
- the bankrupt's beneficial interest forms part of the bankrupt's estate and has been vested in me under section 306 of the Insolvency Act 1986

Once completed Form RX1 should be submitted via the Land Registry Portal using the electronic Document Registration Service (e-DRS). Where it is not possible to use the Land Registry Portal users are able to send paper applications (with any other standard Land Registry applications) to HM Land Registry Bankruptcy Unit.

The Chief Land Registrar will check the application to see that the person requesting registration of a Form J restriction is claiming an interest which on the face of it is capable of being registered but will not consider whether the claim can be substantiated. The Chief Land Registrar will acknowledge receipt of Form RX1 by sending a PDF document which will be available through the Notifications tab of the Land Registry Portal. The notification will also appear as a PDF document under PDF downloads, the PDF and notification will only be available for 15 days. The registration date of the Form J restriction is when the application is received and entered into the Land Registry's 'day list'. When registration of a Form J restriction is requested in bankruptcy cases the official receiver as trustee should also request registration of a Form A restriction. The registration of a Form J restriction will not lapse after a period of time, it will remain in the register until it is cancelled or withdrawn.

7.70 Address on forms used in conjunction with registration of Form J restrictions

When producing Land Registry form RX1 used in conjunction with the registration of Form J restrictions, Insolvency Service, PO Box 10089, Birmingham, B2 4WH must appear as the default address at Panel 9 instead of the local office. The reason is that once the restriction has been registered, most properties will be dealt with by the LTADT rather than the home office. The LTADT will forward any subsequent Land Registry correspondence to the appropriate office dealing with the case. Using this address covers the problem of dealing with properties in matters where the official receiver has relocated some years after the original restriction was lodged and a redirection of mail (maximum of 1 year) is no longer effective. The local office address should be entered at Panel 7 to ensure correspondence regarding the RX1 is returned directly to the official receiver.

7.71 Effect of registration of a Form J restriction

Prospective purchasers or chargees of registered land would normally obtain an office copy of the Register of Title from the Land Registry, which would show all the entries made before the date of the office copy. A caution (pre LRA2002) or a Form J restriction lodged by the official receiver as trustee or liquidator will be shown on the

register. In addition, once contracts have been exchanged or before an advance of money is made, an official search of the register would normally be made which would reveal any entries made since the date of the office copy, previously requested, and the delivery of the official search.

In order to ensure that the vendor or chargor is in a position to give good title to the land, the purchaser or chargee will normally require the vendor or chargor to obtain from the person who registered the caution (pre LRA2002) or Form J restriction details of what is required before that person will withdraw their caution (pre LRA2002) or Form J restriction. The official receiver, therefore, has the opportunity to consider the appropriate action.

7.72 Effect of a purchaser or chargee unaware of caution (pre LRA2002) or Form J restriction

There may be circumstances where, despite the caution (pre LRA2002) or Form J restriction or because a purchaser or chargee has not carried out an official search or the search was carried out prior to the registration of a caution (pre LRA2002) or Form J restriction, the purchaser or chargee is unaware of the existence of the caution (pre LRA2002) or Form J restriction and the transaction is entered into.

An example might be where a finance company obtains a second charge on registered land and only becomes aware of the caution (preLRA2002) or Form J restriction after it applies for registration of its charge the legal estate has remained vested in bankrupt and the joint owner (now on trust for trustee in bankruptcy and joint owner rather than the bankrupt and joint owner), and an advance of capital money to two trustees able to give a valid receipt (S27(2) LPA 1925) then the trustee in bankruptcy's interest will be overreached (to the extent of the value of the advance).

Equally, if an application is made to the Land Registry to register a transaction as a result of which capital monies arising have been paid to two or more trustees, and a certificate is given to the Land Registry that the person named in the Form J restriction has been notified of the transaction, it will be registered because the interest protected by the Form J restriction will have been overreached.

It is important, if notice is received by the official receiver that land subject to a Form J restriction is to be sold or charged and the capital monies arising paid to two or more trustees, that the official receiver acts promptly to ensure that their interest in the capital monies will be realised.

7.73 Rights of prior registered chargeholders

The registration by the official receiver as trustee of a Form J restriction will not affect the rights or powers of any prior registered chargee(s) to execute a transfer of the property under its power of sale. Accordingly the official receiver should, in company and bankruptcy cases, contact all prior chargee(s) in order to protect the official receiver's interest in the property and serve notice on them to account to the official receiver if they realise their securities.

7.74 Charging orders

The official receiver may apply to the court for a charging order to protect any interest in a dwelling house which is comprised in the bankrupt's estate and which is occupied by the bankrupt, their spouse/civil partner or their former spouse/civil partner. Certain charging orders can be protected by the registration at LR of a Form K restriction under the LRA2002, section 42(4).

7.75 Vacation of office by practitioner acting as trustee (Amended March 2011)

Where an insolvency practitioner is removed, resigns or otherwise vacates office, details of any unrealised property should be notified to the official receiver. The official receiver as trustee ex-officio should without delay ensure that adequate protection in the form of a bankruptcy restriction or a caution (pre LRA2002) or a Form J restriction is currently registered against the title of any land or charge which still constitutes part of the bankrupt's estate. If the position regarding protection is in doubt a specific search should be made. HM Land Registry see a caution against dealings (pre LRA2002) or a Form J restriction as personal to the applicant so when an insolvency practitioner ceases to act as trustee of a bankruptcy estate, passing the case to the official receiver to deal with as trustee ex-officio, the benefit of any caution (pre LRA2002) or Form J restriction placed by the (former) trustee is, strictly speaking, lost, as it is personal and not capable of being transferred. If the trustee's interest was protected by a caution (pre LRA2002) or Form J restriction, the caution (pre LRA2002) or Form J restriction should be withdrawn by lodging HM Land Registry Form WCT (Application to withdraw a caution) or HM Land Registry Form RX4 (Application to withdraw a restriction), signed by the practitioner or their solicitor. At the same time the official receiver should apply for a fresh Form J restriction to protect their interest.

7.76 Withdrawal of a caution against dealings or Form J restriction

An application to withdraw either a caution against dealings or Form J restriction should be submitted via the Land Registry Portal using the electronic Document Registration Service (e-DRS).

Using the Land Registry Portal

7.77 General

The [Land Registry portal](#) offers instant access to Land Registry information and allows for the electronic submission of certain applications through the electronic Document Registration Service (e-DRS). Official receivers are connected to this facility and authorised user access can be granted to staff that require access to Land Registry information as part of their work. Each official receiver's command has at least one Business Unit Administrator (BUA) who is responsible for maintaining user accounts within the command concerned and is the first point of contact for any [Land Registry Portal](#) related queries by staff. The BUA will act as a contact between the Land Registry and individual offices.

To access the information held on the Land Register the full address of the property is required. Where the full address details are not known the official receiver should continue to use the paper/postal system.

7.78 Information Services

Land Registry e-business services users can use the Portal to request information from the Land Register over the internet. Information that can be obtained includes, for example, searches of the index map, official copies of documents, registers and/or title plans. To carry out searches and request information the 'Information Services' tab in the left hand pane of 'My Portal' should be selected. To obtain an official copy of the register the user must provide a title number or at least one of the following:

- flat/house number and postcode
- flat/house number, street and town
- postcode

Where a document, title view or official copy is available to view immediately a link will be sent to the user taking them to the document requested. Where the document is not available for download immediately the user will be notified once the document

is available. The fees chargeable are set out in the Land Registration Fee Order 2012.

7.79 Land Registry e-DRS

The Land Registry electronic Document Registration Service (e-DRS) has been introduced to allow users to submit applications to the Land Registry through the Land Registry online transactional service known as 'the Portal'. The service can be used for applications affecting up to twenty different title numbers. The Document Registration Service is accessed through a link in the left hand pane of 'My Portal Home'.

7.80 Making a Land Registry application through the e-DRS

Prior to logging into the Portal the staff member should produce the relevant application and save a PDF version of it to Wisdom. If any evidence is required to be submitted along with the application (e.g. the bankruptcy order) this should also be scanned or saved as a PDF before logging into the Portal.

After logging into the Portal the following procedure should be followed to make an application

- the Document Registration tab should be selected from the left hand navigation pane of 'My Portal Home'
- the reference number for the application should be entered. The title numbers for the application should be entered
- the application type should be selected from the 'Application' box,
- The PDF version of the application should be located using the 'Browse' button following the 'File location' tab
- the appropriate method of certification should then be selected
- the 'Attach' button should be selected

Where evidence is required in support of an application the guidance at paragraph 7.81 should be followed. Where a joint application is being made the guidance at paragraph 7.84 should be followed.

7.81 Lodging evidence in support of an application

Evidence is lodged in the same way as an application through e-DRS but instead of selecting an application type from the 'Application' box the 'Court Order' or

'Evidence' option should be selected as appropriate. The file name of the PDF evidence should accurately reflect the nature of the evidence.

7.82 Additional information required by the Land Registry

Where an application has been lodged electronically through e-DRS and the Land Registry require further documentation they will send an 'Electronic Requisition' using the Land Registry Portal. Users will be able to view the requisitions within the 'Notifications' tab. The 'Reply to Requisition' tab should be used to submit any further documentation required. It is important that users monitor the Portal closely after an application has been submitted to ensure that the application is progressing appropriately.

7.83 Form J applications through e-DRS

The e-DRS should therefore be used for all Form J applications apart from when the official receiver does not have the full address of the property. In such circumstances an e-DRS application will not be accepted by the Land Registry and a postal application will have to be made.

7.84 Joint Form J applications through e-DRS

Where two or more bankruptcy estates have an interest in a registered property it is still possible to process a Form J restriction using a single application submission through the e-DRS. The benefit of this is that only the one set of fees is payable and that is based upon the number of titles affected (i.e. £20 for up to three titles and £10 per additional title). A separate form RX1 should be completed in respect of each case but the forms should be annotated in the top right hand corner as 'form 1 of 2' and 'form 2 of 2'. The first form should have the fee paid box of panel 4 detailing the actual fee paid (e.g. £20). Panel 4 of 'form 2 of 2' should state the fee paid is "nil – see form 1 of 2". It is important that the fee is allocated appropriately between the two estates so the reference numbers used must be accurate (see paragraph 7.87). The form RX1 marked 'form 2 of 2' will need to be submitted through the eDRS as a supporting document rather than as an application.

7.85 Saving a copy of the Land Registry application as a PDF document

All applications submitted to the Land Registry through the e-DRS must be submitted in Portable Document Format (PDF). A PDF document can be generated by using the normal procedure to print a document but by selecting the printer named 'PDFCreator'. When 'OK' is selected a dialogue box will appear and selections will need to be made. The document should be given an appropriate name and saved to a convenient location so that it may be uploaded to Wisdom. Any evidence required in support of a Land Registry application (e.g. a bankruptcy order) should be converted to PDF format either using the procedure outlined above or by scanning the paper document as a PDF.

7.86 Authorising applications submitted through e-DRS

All Land Registry Portal users within the Service have the required authorisation to submit applications through e-DRS. To use the system users are required to [login](#) to the Portal. Local offices will have procedures in place to ensure that the system is being used appropriately and the ORS Central Management Group will conduct audits regarding the efficiency of the process.

Insolvency Service Land Registry Portal Users are authorised to submit applications through e-DRS so applications do not require signing or dating in order to be accepted as it is understood that the registered user submitting the document will have sufficient authority to make the application. The Business Unit Administrator has the required access to monitor and review all applications submitted and will form part of the locally implemented system of monitoring and control.

7.87 Reference numbers for applications submitted through e-DRS

There has been no change to the reference numbers required when submitting documents electronically than what is used when paper applications are made. It is important that the reference used allows EAS to properly identify the case and the office that made the application (e.g. BKT00885685-LTADT). Where an application for a Form J restriction is made jointly in respect of a jointly owned property where both owners are bankrupt it is important that the fee is apportioned correctly (i.e. 50/50) between the two estates. For this to be done correctly the reference in box 7 of both forms should refer to both bankruptcy estates, the official receiver's office making the application and also identifying that the application as a joint one (e.g. JNT/BKT00885685/00885730). This reference cannot exceed 25 characters (including spaces).

7.88 Confirmation that an application has been processed

Once an application has been submitted a message will be generated confirming the submission. A copy of the confirmation message should be saved to Wisdom by selecting 'Download as PDF' and then by saving the document as you would any other. As soon as an application has been processed by the Land Registry the Portal will be updated to reflect this within the 'PDF Downloads' section of the 'General Facilities' menu. Staff should diarise a review date to check that any application submitted via the Portal is being progressed appropriately.

7.89 Land Registry training material

There are a number of short online training courses available on the Land Registry website. The training covers:

- [Information Services](#)
- [e-DRS](#)
- [General Facilities](#)
- [Administrative Services](#)

The [Land Registry Business e-Service Technical Manual - Part 2](#) is another useful resource on using the Land Registry Portal.