
Filing of Leases

THE FILING OF LEASES RULES, 1925. DATED NOVEMBER
11, 1925.

1925 No. 1128 (L. 33)

10 & 11 Geo. 5. c. 81.
15 & 16 Geo. 5. c. 28.
12 & 13 Geo. 5. c. 16.

I, the Right Honourable Sir Ernest Murray Pollock, Bart., Master of the Rolls, by virtue and in pursuance of the Administration of Justice Acts, 1920 and 1925, and of the Law of Property Act, 1922, and every other power enabling me in that behalf hereby make the following Rules for the purposes of paragraph 20 of the Fifteenth Schedule of the said last mentioned Act.

Deposit and index of instruments. 1.—(1) Any person may, subject to the payment of the prescribed fee, deposit at the Central Office of the Supreme Court the original or counterpart of any instrument to which these Rules apply.

(2) There shall be deposited, together with any such instrument, a short description of the instrument in Form No. 1 in the Schedule to these Rules.

(3) An alphabetical index of the name of each lessee, lessor, or underlessee under any deposited instrument, and of the names of the assignors or assignees under any such instrument shall be kept in the Filing Department of the Central Office.

(4) The instruments to which these Rules apply are leases, underleases, and assignments of leases and underleases, and office copies of any such lease, underlease, or assignment.

Requisition for search.

2. Any person who desires—

(a) to search the alphabetical index or the file of instruments; or

(b) to inspect any deposited instrument

shall deliver at the Filing Department a requisition for that purpose signed by himself or by his solicitor, together with the prescribed fee.(a)

(a) See the Filing of Leases Fee Order (S.R. & O. 1925 No. 1149) printed in Annual Practice, 1949, p. 2878.

3.—(1) The requisition shall be in Form No. 2 in the Schedule to these Rules and shall state— Form and contents of requisition.

- (a) the name, address and description of the applicant and, where a solicitor is acting on behalf of the applicant, the name and address of that solicitor, and
- (b) the purpose for which the search and inspection are required, and
- (c) the interest which the applicant has or claims to have under the instrument or in any reversion expectant upon the term implied therein by operation of law,

and shall contain a declaration that the statements made in the requisition are true.

(2) Where the requisition is signed by a solicitor, it shall state that he is duly authorised to act on behalf of the applicant.

(3) The requisition shall be filed in the Central Office.

4. If the requisition complies with these Rules and the applicant appears to have an interest (whether or not being a charge) either beneficial or in a fiduciary capacity under the instrument or any reversion expectant upon the term implied therein by operation of law, the applicant shall be allowed to search for and inspect the instrument. Any doubt arising under this rule shall be referred to the Senior Master of the Supreme Court who shall decide whether the search and inspection shall be allowed. Acceptance or refusal of requisition.

5.—(1) When a search has been authorised, the applicant may require an office copy of the deposited instrument or any part thereof to be issued to him with or without any endorsements thereon or with or without any plan. Office copies.

(2) The request for the issue of an office copy shall be in Form No. 3 in the Schedule to these Rules and shall contain an undertaking to pay the prescribed fee when ascertained.

(3) When the office copy is ready for issue, notification thereof shall be sent by post to the applicant or his solicitor, with a memorandum of the amount of the fee payable.

(4) The applicant or his solicitor shall, after the payment of the prescribed fee, apply for the office copy to be delivered to the bearer of the request or to be sent by post, at the risk of the applicant, to the applicant or his solicitor. Any such application shall be in the Form No. 4 in the Schedule to these Rules and, where it includes a request that the office copy shall be sent by post, shall be accompanied by a stamped envelope (draft size) addressed to the person to whom the copy is to be sent.

6.—(1) On presentation at the Filing Department of a copy of any deposited instrument for the purpose of having it stamped as an office copy, the copy shall be examined and, if found correct, shall, subject to the payment of the prescribed fee, (a) be stamped as an office copy. Conversion of copies into office copies.

(a) See the Filing of Leases Fee Order (S.R. & O. 1925 No. 1149) printed in Annual Practice, 1949, p. 2878.

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(2) Where the instrument to which any copy so presented has annexed to it or endorsed upon it any plan or endorsements, the copy presented shall be accompanied by a tracing of the plan and a copy of the endorsements.

Notes
authorised
on a search.

7. No copies of or extracts from any deposited instrument shall be made except as provided in the foregoing provisions of these Rules, and no person authorised to inspect an instrument under these Rules shall be allowed to use any ink when inspecting a deposited instrument, but any person so authorised shall be entitled in the course of inspection to take a note in pencil of—

- (a) the date of the instrument,
- (b) the parties to the instrument,
- (c) the parcels, plan and rent,
- (d) the nature of the covenants, and
- (e) the endorsements, if any, upon the instrument.

Application
forms.

8.—(1) Copies of the Forms prescribed under these Rules will be supplied free of cost on application at the Central Office Filing Department.

(2) The forms shall be adhered to with such modifications only as the circumstances of each case may render necessary.

Short title,
commence-
ment.

9.—(1) These Rules may be cited as the Filing of Leases Rules, 1925.

(2) These Rules shall come into operation on the first day of January, nineteen hundred and twenty-six.

Dated the 11th day of November, 1925.

Ernest M. Pollock, M.R.

THE SCHEDULE

FORM No. 1

Application under the Fifteenth Schedule to the Law of Property Act, 1922, for deposit of an Instrument.

In the Supreme Court of Judicature.

To the Registrar,
Filing Department, Central Office,
Royal Courts of Justice, London.

IN THE MATTER OF a Lease [an Underlease] dated.....
.....and made between.....
.....
.....
.....
of property at.....

Rules under special Acts or Measures (Filing of Leases)

[WE.....of.....
Solicitors on behalf of].....
 of.....(the Applicant)
 herewith deposit the original [counterpart] of the above mentioned Lease
 [Underlease] [or an Assignment dated.....
and made between.....

 being an Assignment of the above mentioned Lease [Underlease]] [or an
 Office Copy of a Lease [an Underlease] [an Assignment] dated.....
and made between

which was formerly deposited in
 this Office and has perished or become undecipherable] and apply for the
 same to be filed.

Name and
 address and
 description of
 applicant.
 Strike out the
 inappropriate
 words.

Dated this.....day of.....1925.

Signed
 Address.....
 Description

To be signed
 by the appli-
 cant or his
 solicitor.

Note.—This application must be stamped with the prescribed fee.

FORM No. 2

REQUISITION under the Fifteenth Schedule to the Law of Property Act,
 1922, for a Search.

In the Supreme Court of Judicature.

To the Registrar,
 Filing Department, Central Office,
 Royal Courts of Justice, London.

IN THE MATTER OF a Lease [an Underlease] [an Assignment] dated
and made between

 affecting property at.....

Describe the
 instrument
 and strike
 out the in-
 appropriate
 words.

WE
 of
 Solicitors duly authorised to act on behalf of].....
 of
 in the County of.....(hereinafter called
 "the Applicant") require[s] to search the alphabetical index and file of
 instruments deposited in the Central Office pursuant to paragraph twenty
 of the Fifteenth Schedule to the said Act for the purpose of finding and
 inspecting the above mentioned instrument.

Name and
 address and
 description of
 applicant.

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State shortly the purpose for which the search and inspection are required to be made.

The Applicant requires to make the search and inspection for the purpose of.....

State the interest or charge.

The Applicant has or claims to be entitled to the following interest in the property comprised in the above mentioned instrument, namely—

State the facts or instrument under which the claim is made.

The claim to the said interest is made by virtue of.....

THE above statements are to the best of my [our] knowledge and belief true in all respects.

Dated this.....day of.....19 .

To be signed by the applicant or his solicitor.

Signed
Address.....
Description

Note.—This application must be stamped with the prescribed fee.

FORM No. 3

REQUEST for Office Copy to be prepared.

In the Supreme Court of Judicature.

To the Registrar,
Filing Department, Central Office,
Royal Courts of Justice, London.

Describe the instrument and strike out the in-appropriate words.

IN THE MATTER of a Lease [an Underlease] [an Assignment] datedand made between

State if only parts are required.

I [We] request an Office Copy of the above mentioned instrument [the following parts of the above mentioned instrument namely.....]

being an instrument filed in this Office pursuant to paragraph twenty of the Fifteenth Schedule to the Law of Property Act, 1922, to be prepared and I [we] undertake to pay the prescribed fees for the same when ascertained.

Dated this.....day of.....19 .

To be signed by the applicant or his solicitor.

Signed
Address.....
Description

Rules under special Acts or Measures (Friendly Societies)

FORM No. 4

REQUEST for Office Copy to be delivered or sent by post.

In the Supreme Court of Judicature.

To the Registrar,
Filing Department, Central Office,
Royal Courts of Justice, London.

IN THE MATTER of a Lease [an Underlease] [an Assignment] dated
..... and made between..... Describe the
..... instrument
..... and strike
..... out the in-
affecting property at..... appropriate
..... words.

I [We] direct that the Office Copy of the above mentioned instrument
[or parts thereof] prepared at my [our] request be delivered at my [our]
risk to bearer [be sent by post at my [our] risk to the address shown on
the accompanying stamped envelope].

Dated this.....day of.....19 .

Signed To be signed
Address..... by the appli-
Description cant or his
solicitor.

Note.—This direction must be stamped with the prescribed fee.
