

You are required by law to register your lease with the Land Registry. This provides a permanent public record of your legal right to the land and it must be done for leases longer than seven years. The process for registering is not very complicated but it needs to be done correctly otherwise the Land Registry may reject the application.

Land Registry form AP1 – the Application to Change the Register

Land Registry form DI – concerning Overriding Disclosable Interests under question 11 on form AP1.

DVS Reports from the Valuation Office Agency - which includes a valuation of your allotment site(s).

Before starting the registration process you will also need:

- **Your completed lease**, signed both by your society and by the Council
- **A cheque for £40** made payable to *Land Registry* to cover their fee

If your society has more than one lease, you will need to apply to register each one separately, each with a cheque, DVS report and covering letter.

BEFORE YOU START

Make several copies of your lease. You will need one copy for the Land Registry (plus the original) and the other copies can be given to your elected officers for safe keeping.

- You may also wish to scan your new lease to make future sharing easier and you might even place it on your website if you have one so that your members can see it.
- **Create a certified copy of the lease** to send to the Land Registry along with the original. To do this, the person who signs the form (see panel 15 below) should write on one of the copies of the lease as follows:

I certify that this is a true copy of the original

[Signature]

[Full name]

[Full postal address]

- **Decide who is going to be the *applicant* who signs the Land Registry form.**
 - For Unincorporated Associations where ‘trustees’ signed the lease, the *applicant* should be one of the trustees whose name appears on the lease. This helps to keep things simple.
 - For Coops / Companies, the *applicant* should be the society itself as named on the lease.

COMPLETING FORM AP1

The form AP1 on the BFAHS website has been completed for you where the answers are the same for all societies and leases. The following notes tell you how to deal with the remaining 'panels' on that template form.

Panel 1 – if your allotment site has a postcode, enter it here.

Panel 2 – The title number of your site is shown on the front page of your lease (Prescribed Clauses) in box LR2. It probably starts AGL..... Enter that number here, including the letters. If there's more than one title number, enter them all.

Panel 3 – There are two alternatives here:

- 1 If the area of your site outlined in red on the plan attached to your lease is the same as the area outlined in red on the Land Registry plan sent to you by the Council with the draft lease several months ago, then tick the box which says *the whole of the title(s)*
- 2 If the area outlined in red on the lease plan is smaller or larger than the area outlined in red on the Land Registry plan(s), then tick the box which says *part of the title(s) as shown* and write immediately underneath that box "Area edged in red on plan attached to lease"

Panels 4 and 5

Panel 6 – Enter here the full name of the applicant.

Industrial and Provident Societies should enter in the space provided their company registration number as registered with the Financial Conduct Authority (formerly the FSA).

Panel 7 – Enter the name and address of the person signing the form in the spaces provided – see the note on Panel 15 below for who this should be. Include an email address and phone number where possible. Ignore the bits about 'Key number' etc.

Panel 8 – Leave blank.

Panel 9 – This tells the Land Registry where they should send any formal documents about the site in future, other than returning your original lease which will go back to the applicant. In panel 9, tick the bottom box which says *the following addresses* and provide the following details:

- For unincorporated associations, the address of each of the trustees as given on the lease.
- For Industrial and Provident Societies, the registered address of the society.

Panels 10 – Leave blank.

Panel 11 – Here you have to say whether, as far as you know, anybody has any rights over your allotment land other than your society and the Council as set out in the lease. The most likely example would be the established, private legal right of a neighbouring

householder to get access to his property by using your entrance way – but there may be others. (You do not however have to tell the Land Registry about public rights of way over your land or about any ‘local land charges’. Nor should you mention licensed private gates which, being licensed, do not create property rights. It would be unwise to mention any ‘rights’ which neighbours might say they have, if you think they’re just trying it on.) If there are genuine rights, however, you should tick the box in panel 11 and fill in Land Registry form DI which can be found on the Federation website.

If you’re not sure about Panel 11 or have problems with form DI, please contact ????????

Panels 12 and 13 – These panels are about the identity of the parties to the lease. You should not need to give evidence of identity because all the allotment sites have nominal (zero) value as shown by the DVS report and come with a peppercorn rent ???.

Panel 12 – already filled in for you

Panel 13 – leave blank.

Panel 14 – This is partly filled in for you with the Council’s details. In the box marked ‘Tenant’:

- For Unincorporated Associations, enter the full names of the trustees as shown on the lease
- For Coops /Companies, enter your society’s name as shown on the lease.

Leave the rest of the panel blank.

Panel 15 – Save and print the completed form, then sign and date it as follows:

- For Unincorporated Associations, the *applicant* should sign.
- For Coops /Companies, the form should be signed by an authorised officer who signed the lease.

SENDING OFF YOUR APPLICATION

You will need to send to the Land Registry:

- **The covering letter** with the name of your site as given in the DVS report added in the blank space in the 2nd paragraph. It would be sensible to include an email address and telephone number in case the Land Registry have any queries. To keep things simple, the letter should be signed by the person who signed the form AP1.
- **Your original lease** - The Land Registry will return it.
- **The certified copy** of the lease endorsed by the applicant
- **The completed form AP1** printed off and signed, and in a few cases **form DI**
- **The correct DVS report** which includes your site
- **A cheque for £40** payable to *Land Registry /On-line cheaper*

You are strongly advised to send the package to the Land Registry by Post Office Special Delivery (or similar secure delivery service) at a cost of c. £6-10. This means that it will be insured, its delivery will be recorded and you can track its progress on the Post Office website.

The Land Registry will send you a postal acknowledgement within a few days and normally register a new lease in about three weeks for Industrial and Provident Societies. Unincorporated Associations are taking up to eight weeks because the Land Registry asks the Council to complete a form. When registration is completed, the Land Registry will send you a letter, a copy of the Register of Title with a copy of the registered site plan, the original lease and the DVS report.

Once your lease is registered, the Land Registry will send you a notification plus a copy of your new entry in their Register together with your original lease and the DVS report. The front page of the notification will quote a new title number (starting AGL...or something similar) for your lease. Please let Richard King or Andrew Brown know what that new title number is since the Council have asked us to provide them with a consolidated list for all the sites.

For Unincorporated Associations: The Land Registry's notification letter may say that *"Your application contained inconclusive information as to whether the proprietors hold the property as beneficial joint tenants or as tenants in common ..."* and that a restriction has been entered in the Register. The restriction on the Register of Title will read *"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."* You are invited to sign a certificate if you are beneficial joint tenants and the restriction is not required. Do not sign it as you are not beneficial tenants. Although you are acting jointly, you hold the property on trust for your allotment society, not for your own benefit. You do not need to do anything about the Land Registry letter. The restriction needs to stay on the register and the Land Registry will automatically deal with things.

REFERENCES

If you want to check the original guidance documents from the Land Registry and HMRC which have been digested in order to prepare these notes, here they are:

Land Registry Practice Guide 25 – Leases – when to register (notably section 7.2):

www.landregistry.gov.uk/professional/guides/practice-guide-25

Land Registry Public Guide 20 – Evidence of identity – non-conveyancers (notably section 7):

www.landregistry.gov.uk/public/guides/public-guide-20

Certified copies:

www.landregistry.gov.uk/public/faqs/what-is-meant-by-a-certified-copy

Stamp Duty Land Tax (HMRC website - notably the section on *Leasehold property purchases where the lease is granted for seven years or more*):

www.hmrc.gov.uk/sdlt/reliefs-exemptions/no-sdlt-return.htm

KEEPING THE LEASE SAFE

Obviously the signed and sealed lease is an important document which your society should keep safe for all of its life over the next 21 years. Most allotment societies keep their files with various officers who are expected to hand them to their successors. But this arrangement doesn't always work well and files can become lost. You are advised to make several bound copies of the lease for the use of the society and to put the original in your bank. All of the high street banks offer this service to their own customers. You should place the original lease in a stout envelope with any accompanying documents from the Council or the Land Registry, and with a record sheet on the outside of the envelope stating what the contents are, when deposited and to whom they belong because even banks can misplace documents. The same record sheet, recording where the lease is, should be bound into the front of the lease copies, ensuring that several society officers know where the original is kept.

For legal reasons you should also keep all previous leases your society may have held for your allotment site and these too can be deposited at the bank with your new lease.