Land Registry Practice Guide 40 Oct 2005



Land Registration Act 2002 Scope of this guide

This guide provides background information about the plans records held and maintained by Land Registry. It also explains the pre-registration requirements for lodging plans in different types of applications and covers various other plans-related services we offer. It is aimed at legal advisers and land professionals such as surveyors; you should interpret references to "you" accordingly. Land Registry staff will also refer to it.

Information is also available in other practice guides and public guides (written in a non-technical way) – see section *9 Enquiries and comments*.

Land Registry plans

A summary of — Land Registry plans records — pre-registration requirements — other plans related services

Update – This edition of the guide replaces the March 2003 edition. Section 3 and Appendix 3 have been amended as a result of a review of our practice on determining boundaries.

Contact details

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Land Registry plans

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1 Introduction

This guide describes the following subjects that involve plans and the work of Land Registry.

- Ordnance Survey map.
- Boundaries.
- Index map.
- Title plans.
- Plans for applications.

Land Registry maintains a map that records whether any registered title (other than a relating franchise or lordship) affects a parcel of land – s.68, Land Registration Act 2002 ("LRA 2002"). This map is based on the Ordnance Survey map and is called the index map – r.10(a), Land Registration Rules 2003 ("LRR 2003"). See section *4 Index map*.

Each individual registered title has a title plan. Its purpose is to provide a plan of the land included in a registered title and the extent of land affected by entries on that individual register. It must always be viewed in conjunction with the register. The title plan used to be known as the 'filed plan' and you may still see it described in this way.

The only types of registered titles that do not have title plans are relating franchises and lordship titles. A verbal description of these registrations is held in the index of relating franchises and manors – r.10(b), LRR 2003.

As our title plans are based on the Ordnance Survey map (r.5(a), LRR 2003) an insight into its conventions and accuracy is contained in section *2 Land Registry plans based on the Ordnance Survey map*.

This guide also provides information on the boundaries of registered titles. The majority of titles only establish the general boundary of the land. This is an approach that allows land to be registered and dealt with while avoiding the need for extensive enquiry into the exact line of a boundary (which may give rise to a dispute). See section *3 Boundaries*.

One of the most important factors that Land Registry takes into account when preparing a title plan is the plan lodged with an application. It is in the applicant's interest that the plan lodged with their application or used in a deed meets basic standards of accuracy. See section *6 Requirements for identification of land to be registered*.

2 Land Registry plans based on the Ordnance Survey map

2.1 Ordnance Survey base map

Until quite recently, Land Registry title plans and the index map were based on the large-scale paper maps published by Ordnance Survey.

These maps were published at the following scales. 1/1250 scale (1cm = 12.5 m) in urban areas. See Example 1. 1/2500 scale (1cm = 25 m) in rural areas. See Example 2. 1/10000 scale in mountain and moorland areas. See Example 3.



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Example 2 Scale 1/2500



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Example 3 Scale 1/10000



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Land Registry title plans (as described in section *5 Title plans*) are now produced using Ordnance Survey's definitive large-scale digital map data. This is supplied and maintained in a single consistent format but is surveyed and digitised at different scales (the same as the previously published paper maps) according to location. See Example 4.

The index map (as described in section *4 Index map*) has been converted into an electronic map format using the Ordnance Survey digital map as its base.

Example 4 Digital map data



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2.2 Scale and accuracy

Perfect accuracy in survey measurement and the drawing of features on a plan is unattainable even when using the highest order of survey techniques. Ordnance Survey maps are therefore subject to specified accuracy tolerances. This will mean, for example, that measurements scaled between features shown on the Ordnance Survey map will not exactly match the actual distance measured between the same features on the ground. Different levels of accuracy apply dependent on the scale of the map and the original method used to create it. Ordnance Survey publishes expected confidence levels in the accuracy of their maps in terms of absolute and relative accuracy.

Further details on the scale and accuracy of Ordnance Survey maps, including examples of its application, are contained in Appendix 1. This information is also available on Ordnance Survey website at www.ordnancesurvey.co.uk

The copying, reducing or enlarging of any plan is likely to distort its accuracy.

2.3 Feature representation on Ordnance Survey maps

The Ordnance Survey map shows permanent physical features, normally at ground level, together with a variety of descriptive information and symbols. Generally, the Ordnance Survey map shows features over 0.3m high by firm

black lines and those less than 0.3m high by dotted black lines. Within private gardens the only features the Ordnance Survey map shows are permanent buildings over 12 sq metres in area, roads and tracks over 100m long and other continuous features such as streams and features that mark the line of an administrative boundary.

The way features are shown on an Ordnance Survey map will depend on the scale of the map. For example, a feature such as a small jut or porch of a main building may not be shown at all on a 1/2500 map but could be shown on a map at 1/1250 scale. Another example would be where there are two features close together on the ground but only one feature is shown on the Ordnance Survey map. This is because the gap between the features cannot be shown at the scale at which the map was drawn.

Ordnance Survey publishes details of how features are shown on their largescale maps. Further information is available on the Ordnance Survey website address mentioned in section *2.2 Scale and accuracy*.

2.4 Availability of Ordnance Survey maps

You can obtain Ordnance Survey maps in a variety of forms including, for example, customised extracts and enlargements. It is not Land Registry's role to supply extracts of Ordnance Survey maps it holds, either generally or for conveyancing purposes. Ordnance Survey, through its stockists, can supply up-to-date extracts of its maps.

You will find information on your nearest Ordnance Survey stockist on the Ordnance Survey website address mentioned in section *2.2 Scale and accuracy*.

2.5 Copyright

All Land Registry plans are Crown copyright and all rights are reserved. Please email any enquiries regarding copyright to copyright@landregistry.gov.uk

Example 5

Aerial photograph of physical features with corresponding Ordnance Survey map at 1/1250 scale.



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3 Boundaries

3.1 Definition of a boundary

The word 'boundary' has no special meaning in law. In land ownership, it is understood in two ways.

- The legal boundary is the line, which is not visible on the ground, that divides one person's land from another's. It is an exact line having no thickness. It is rarely identified with any precision either on the ground or in the deeds.
- **The physical boundary** is a feature such as a fence, wall or a hedge.

The legal boundary may be intended to follow the physical boundary but this is not always the case. For example, the legal boundary may run somewhere within a feature or, along one particular side or, beyond its near or far side, or include all or any part of an adjoining roadway or stream.

Example 5 shows a photograph of physical boundaries in a residential area and how they are represented on an Ordnance Survey map.

3.2 General boundaries and Land Registry plans

The precise position of the legal boundary is often unclear because of:

- the difficulty in defining the boundary as mentioned in the preceding paragraph
- the deeds are often silent on this issue
- the legal presumptions which may apply to determine ownership (see Appendix 2).

This means the great majority of land in England and Wales is registered with **general boundaries** only. As a result, it is not possible to identify the position of the legal boundary from the register of title and title plan.

For further information see Public Guide 6 – Boundary questions.

3.3 Determined boundaries

3.3.1 What is a determined boundary?

This is a procedure that allows for the exact line of a boundary to be determined and recorded on a registered title (s.60, LRA 2002).

An alternative and less demanding method for adjoining owners to clarify a boundary is by entering into a formal boundary agreement and applying for it to be noted on the individual registers. This will effectively record the agreement, but will not determine the exact line of the boundary of the registered title under s.60, LRA 2002. Public Guide *6 – Boundary questions* contains more information about boundary agreements.

3.3.2 Determined boundary plan requirements

- The plan supporting an application to determine the exact line of a boundary must:
 - show sufficient surrounding physical features to allow the position of the boundary to be drawn on the Ordnance Survey map.
 If the plan does not allow the boundary to be identified on the Ordnance Survey map the application will be rejected
 - identify the start, end and any turning points of the determined boundary
 - be drawn accurately to a stated recognised scale. We advise that this is no smaller than 1/200.
- Measurements shown on the plan need to be both precise and accurate to 10mm and should be taken from at least two defined points on surrounding permanent features. In this context 'permanent features' are taken to be physical features, which it is reasonable to assume will remain

in position for at least 10 years, taking into account the nature and construction or character. The measurements must be taken horizontally, that is not along a slope.

- Any measurements must be from precise points on physical features such as the corners of buildings. Measurements from features that are subject to natural growth or decay cannot meet the accuracy requirements. If possible measurements should be taken from both sides of the boundary.
- The specific relationship of the boundary to physical features must be shown. For example, on which side of the feature the boundary lines runs or through which point of the feature the boundary passes.
- As the plan lodged with the application will be used to record the boundary and filed at Land Registry it should only include information and detail that is relevant. Any superfluous information that could clutter the plan or possibly contradict the relevant information should be left off.
- We will insist that any coordinates used in the surveying process, other than National Grid coordinates, do not appear on the plan – see section *3.3.5 Use of National Grid coordinates.*
- The plan must not bear any statement of disclaimer.
- The plan should be no larger than A3 size (if necessary more than one plan can be used).

Certificate of accuracy

Following consultations with the Royal Institution of Chartered Surveyors (RICS), The Survey Association (TSA) and Ordnance Survey, it was agreed as good practice for plans prepared by a chartered land surveyor or other suitably qualified professional to be endorsed with a certificate as to its accuracy:

"I certify that the measurements shown on this plan have a relative accuracy of +/- 10mm".

3.3.3 Involving adjoining owners

To have the best chance of successfully determining the exact line of a boundary, the owners of the adjoining land should be involved in agreeing the boundary and in the process of appointing a suitably qualified surveyor to draw up the plan. Use panel 9 of form DB when the application is being made with the adjoining owner's agreement.

Appendix 3 contains guidance for completing form DB.

If an application is made without the agreement of the adjoining owner and we think there is an arguable case, we will serve notice on them. They may object and the additional costs of having that disagreement resolved can be very high, particularly where a number of adjoining owners are involved. An application to determine the boundary lodged without the involvement of the adjoining owner is not a solution to a boundary dispute.

Where the adjoining land is not registered documentary evidence of ownership will be required. We need this to verify that the named owner on form DB is correct and to check for evidence regarding the boundary. Ideally the adjoining owner should lodge the original deeds under cover of a form FR1 and apply for voluntary registration.

Example 6 Example of a plan to determine the exact line of a boundary



3.3.4 Method of application to determine a boundary

Application must be made in form DB and accompanied by a plan, or a plan and a verbal description, identifying the exact line of the boundary claimed (r.118, LRR 2003). A separate form DB and plan is required for each boundary or part of the boundary involving different owners.

Appendix 3 contains guidance for completing form DB.

The application must be accompanied by written evidence to establish the exact line of the boundary. This could take the form of an agreement with the adjoining owner (see section *3.3.3 Involving the adjoining owners*). We will cancel the application if we are not satisfied that an arguable case has been shown.

A fixed fee is payable, see the current Land Registration Fee Order.

3.3.5 Use of National Grid coordinates

The most meaningful way of showing the exact line of the boundary is by using dimensions from precise points on permanent physical features. Future owners may be able to use these simple measurements without the need for professional help. On this basis using dimensions is always preferable to using National Grid coordinates.

The only coordinates that will be accepted are National Grid coordinates. If they are used they must be precise to 10mm. They also need to be to a relative accuracy of 10mm and absolute (positional) accuracy of 300mm. Record the coordinates as a set of two eight digit metric numbers with the eastings first, eg Easting (m) 652,968.97, Northing (m) 303,713.39. If such coordinates appear on the plan we will require that Ordnance Survey, a Chartered Land Surveyor or other suitably qualified professional certifies their accuracy. If coordinates are used and the following endorsement cannot be provided on the plan, the plan will not meet the requirements of r119(1), LRR 2003 and we will cancel the application:

"I certify that the measurements shown on this plan are accurate to 10mm and that the National Grid coordinates shown have a relative accuracy of 10mm and an absolute (positional) accuracy of 300mm".

3.4 Fixed boundaries

This procedure was used to fix the precise position of a boundary. It was superseded by the determined boundaries provisions referred to above. Fixing a boundary was a very expensive process and only a handful of titles have ever had boundaries fixed under this procedure. A boundary fixed before the commencement of the LRA 2002 does not offer any special protection against adverse possession.

3.5 Ownership of fences

The register will only show information concerning the ownership of boundary features where this information was available in the deeds lodged for registration. The most common marking on deed plans which indicates ownership of a boundary is a 'T' mark.

We will reproduce 'T' marks on the title plan when they are expressly referred to in deeds lodged for registration and the relevant entries from the deeds are set out on the register.

Alternatively, when it is simpler to do so, the boundaries affected by 'T' marks will be referred to the register. An entry referring to a 'T' mark is normally a statement concerning the ownership of a boundary structure or the liability to maintain and repair it.

'T' marks on a deed plan which are not referred to in the deed have no special force or meaning in law and, unless an applicant specifically requests that such 'T' marks be shown on the title plan, we will normally ignore them.

There are various notions that the way a wall or fence is constructed indicates ownership (eg that the posts and arris rails of a fence are on the owner's side). There is, however, no legal foundation for such beliefs. Deeds may contain covenants to maintain a wall or fence but on their own, such covenants do not necessarily confer ownership. Where the ownership or responsibility for maintenance of a boundary cannot be determined, that boundary feature is generally best regarded as a party boundary. Any alterations or replacement of the boundary should only be done with the agreement of the adjoining owners.

3.6 Party Wall etc Act 1996 (the Act)

The purpose of this Act is to regulate the manner in which works to party walls and other works adjacent to boundaries are carried out. In general terms the Act does not affect ownership of land although it does provide that the owner who has carried out works remains the owner of those works until the neighbour pays a share of the costs. We cannot offer advice about the Act; this should be sought from an appropriate professional adviser (eg solicitor, licensed conveyancer or surveyor).

3.7 Accretion and diluvion (non-tidal rivers and streams)

The boundary between registered titles abutting a natural non-tidal river or stream changes if the course of the stream changes naturally over a period of time. This gradual build up of deposits on one bank and the erosion of the other is known as accretion and diluvion. The fact that a title plan may show the boundary in a particular position does not affect the loss and gain of land resulting from the operation of accretion and diluvion (s.61(1), LRA 2002).

An agreement between adjoining owners about the operation of accretion and diluvion must be registered to have any effect (s.61(2), LRA 2002). The application must be accompanied by the consent of the proprietors of both titles and any registered charges (unless they are party to the agreement) (r.123, LRR 2003).

The position of the registered boundary does not change if the course of the stream is artificially altered or is changed by any sudden means whether or not it is natural.

4 Index map

4.1 Purpose

We maintain a map showing every registered title (other than a relating franchise or lordship) within the whole of England and Wales. This map is based on the large scale Ordnance Survey map and is known as the index map.

The index map enables the title number of any property that is registered to be established. Once the title number is known, the individual title plan and register of any registered title can be accessed. We do not hold any title information on properties that are not registered.

4.2 Format

The index map is held in electronic map format and can be accessed using a title number, Ordnance Survey map reference or sometimes the address of the property.

4.3 Specification

For each registered title, a separate colour edging (an index map polygon) is created and shown on the index map. A polygon consists of an area of pink colouring surrounded by red edging showing the position of the land in a title. Each property contains its own access point to further information known as its seedpoint. Seedpoint details include the address and where the property is registered, the title number and class of title (see Example 7).

The land contained in any registered title cannot be established from the information on the index map alone. This will only be identified from the individual title plan (see section *5 Title plans*).

The index map also contains information on cautions against first registration.

Postal address information is shown on the index map and this is updated when new information becomes available. We also have a database of addresses cross-referenced to title numbers.

In addition to showing registered properties the index map also shows properties that are in the process of being registered.

The Ordnance Survey map on which the index map is based may become out of date where new development occurs. As new topographical detail becomes available we will update the index map from time to time to reflect this change.

Example 7 Electronic index map showing properties registered with examples of seedpoint information for a registered and unregistered property.

Note: The map is reproduced from an electronic image and is for illustrative purposes only.



5 Title plans

5.1 How we prepare title plans

Land Registry title plans are based on the Ordnance Survey map. We prepare a title plan for each registered title based on the information contained in the original title deeds and using the unique title number allocated. Where the plans in deeds are compatible with the detail shown on the Ordnance Survey map we do not usually undertake a survey of the land (see section *5.2 Surveys*). We retain each title plan, the majority of which are in electronic form.

The scale of a title plan is usually 1/1250 in urban areas and 1/2500 in rural areas. Where a title plan covers a large rural area it may be prepared at 1/5000 or 1/10,000 scale. Enlargements of detail may be added to title plans where necessary. For information on the accuracy of the title plan see section *2.2 Scale and accuracy*.

The title plan is usually prepared on the version of the Ordnance Survey map that is current at the time the land is first registered. Ordnance Survey maps are updated from time to time but the version of the Ordnance Survey map on which the title plan is based may not show all the features as they appear on the ground at a future date (see section *5.8 Revision, replacement and amendment of the title plan*). In addition to showing the land in a registered title, a title plan may contain other plan references which identify any parts of the land or adjoining land affected by entries in the register, eg easements, covenants or areas of land removed from the title.

Where a boundary of the land is not defined by a physical feature on the Ordnance Survey map, we will indicate it on the title plan by a dotted line. We may add other available particulars of the boundary. For example, where boundaries are not defined by physical features, dimensions given on the deed plan may be shown on the title plan (see section *5.5 Measurements*). These will define the extent of the land or relate the position to adjacent physical features, but they do not determine the boundary's exact line (see section *3.3 Determined boundaries*).

Extracts of the Ordnance Survey map on which the title plans are prepared often show information not directly relevant to the registration. For example, map symbols such as Ordnance Survey field or parcel numbers on the map have no special significance in relation to the registered title unless such markings are used as plan references for land affected by easements or covenants. In that case we ring the Ordnance Survey field or parcel number in blue and make an entry referring to it in the register.

When preparing title plans we follow the conventions published by the British Standards Institute under BS 1192 Part 3 of the British Standards for Construction Drawing Practice. This is reproduced in Appendix 4.

Every official copy of a title plan is supplied with the following note.

"This title plan shows the general position of the boundaries: it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Public Guide 7 Title plans".

Two typical title plans with a number of plan references together with extracts from their respective registers are shown in Examples 8 and 9.

5.2 Surveys

Applications for registration or enquiries sometimes prompt the need for a survey. The majority of surveys are carried out by Land Registry surveyors.

The remainder are carried out by Ordnance Survey. Only a small percentage of applications require a survey.

Surveys are usually undertaken for one or more of the following reasons. — To supply new topographical detail.

- To check the accuracy of existing detail where it conflicts with evidence in the title deeds.
- To provide a range of site information required during the process of registration (eg ground measurements, age and nature of boundary features, land use and occupation, photographs).

We keep all survey reports indefinitely, except when the information obtained in the survey was just an update of new topographical information.

We also hold copies of various versions of the Ordnance Survey map and, when appropriate, copies of these may be issued in correspondence.

5.3 The land in a title

In order to identify the land in any title, the title plan must always be viewed in conjunction with the entries in the register.

We normally show the land in a registered title by red edging on the title plan. The red edging follows the inside of the line of the physical boundaries or the plotted lines of undefined boundaries surrounding the property (see Examples 8 and 9). In exceptional circumstances, the edging may follow the outside of the line or the land may be shown by pink colouring. These methods may be used on very small areas of land, eg sites of walls, where the use of normal edging is impractical. We also use pink colouring to show land on a caution title plan.

Where an island of land is excluded from a title we will show it by green colouring or hatching (see Example 9) and add a note of this exclusion to the property register and the title plan.

Any parts removed from a title plan to another title will usually be edged with green and the title number added in green (see Example 8). Another method we use is green colouring without showing the new title numbers. In each case we will add an explanatory note to the register and sometimes to the title plan.

Where a registration includes only part of a building, eg a room over a passageway, we will make an explanatory note in the property register and sometimes add a plans reference to the title plan. For clarification, we may show complex floor levels on a supplementary plan that we prepare at a larger scale and attach to the title plan.

Where the layout of the property is complex (eg multiple overlapping floor levels) we may supplement a title plan with a deed which is referred to in the property register.

For further information on title plans (see Public Guide 7 – Title plans).

5.4 Easements

Where possible, we make verbal descriptions of easements in the register instead of plan references. We do this provided the subject matter described (eg a passageway) is clearly identifiable on the title plan.

When a plan reference is necessary, we normally show the extent of beneficial rights of way by brown colouring or brown hatching, and subjective rights of way by blue colouring or blue hatching.

It is helpful if the conventions mentioned in section *5.1 How we prepare title plans*, particularly with regard to rights of way, are followed when deed plans are prepared. Where the colour references for rights of way on existing deeds do not follow the conventions, we will reproduce the references shown in the deed on the title plan where practicable.

The position of specific drainage rights granted by a deed are normally shown on the title plan by a coloured broken line.

On developing estates, easements granted and reserved in individual deeds by the vendor are likely to be similar. Such easements may include rights of way over estate roads and common passageways, and rights of drainage. The title plan of the vendor's title will not show individual references for the numerous rights of way and other easements of this kind to which the title is subject. We make a general verbal entry in the register to cover such matters.

5.5 Measurements

We may show dimensions on the title plan only if they are shown on a deed plan. These measurements do not determine the boundary's exact line (see section *3.3 Determined boundaries*). We will not add dimensions to boundaries that are already defined on the Ordnance Survey map, or to undefined boundaries that are simply an extension of a solid line shown on the Ordnance Survey map.

Dimensions on a title plan or measurements in a register may be shown in imperial or metric units or, in certain circumstances, both. The way they are shown on a particular title or register will depend on:

- how they appeared in the derivative deed
- the date of the derivative deed
- the date they were added to the title plan or register
- whether they form part of a verbatim extract used on the register.

This is because, since 1995, metric units have been used. Prior to this date, either imperial or metric units could be used.

Additionally, any qualifying words used such as "about" or "approximately" will be reproduced on the title plan or in the register.

There has not been a wholesale conversion of any imperial measurements appearing on title plans or registers created prior to 1995. Any request made by a registered proprietor for measurements to be converted from imperial to metric will normally be carried out without any fee. Any conversion of imperial measurements is made precisely to four decimal places.

Where it is unavoidable to show metric and imperial dimensions together on the same title plan, we make a warning note on the title plan stating that both are shown.

5.6 Areas

Some Ordnance Survey maps on which the title plan is prepared may show areas with a field or parcel number. This information has no special significance in relation to the land in a registered title and we cannot guarantee that the areas quoted are correct (see also section *5.1 How we prepare title plans*).

5.7 Plans supplementary to the title plan

As stated in section *5.3 The land in a title*, we sometimes show complex floor levels on a supplementary plan or on an enlargement to the title plan. We also sometimes use supplementary plans to show easements or covenants which need a plan reference to clarify the register entry.

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5.8 Revision, replacement and amendment of the title plan

As a general rule, once a title plan has been prepared, we will only make an amendment to the title boundary with the agreement of the registered proprietor or as a result of a specific application. During the processes of registration it sometimes becomes necessary to consider updating title plans in accordance with the latest survey information. In these circumstances we may prepare a new title plan and add a suitable note to the register. We call this replacing a title plan.

We may also revise title plans to show later Ordnance Survey map information where land has been sold from the title.

Example 8 Title plan with extract of register



Note: The plan is a reduced copy of the original and has been reproduced for illustrative purposes only.

| | M Land Registry | Title Number : CS256672 | | |
|----------------|---|--|--|--|
| | | Edition Date : 7 January 2003 | | |
| | Property Register register describes the land and estate comprised in t | the title. | | |
| | CORNSHIRE : | MARADON | | |
| 1. | (16 August 1999) The Freehold land show above Title filed at the Registry and b | | | |
| 2. | (16 August 1999) The land has the bene pipe shown by a brown broken line on the outside the land in this title. | | | |
| 3. | (22 November 2001) The land edged and numbered in green on the filed plan has been removed from this title and registered under the title number or numbers shown in green on the said plan. | | | |
| 4. | (7 January 2003) The land edged and le to the land in this title on 7 January | | | |
| - | | | | |
| C: | Charges Register | | | |
| This | register contains any charges and other matters that | affect the land. | | |
| | | | | |
| 1. | (16 August 1999) A Conveyance of the 1. 10 May 1936 made between (1) Arthur Fra Andrew Downey (Purchaser) contains the | | | |
| 1. | 10 May 1936 made between (1) Arthur Fra | ank Whitworth (vendor) and (2) Raymond following covenants:- | | |
| 1. | 10 May 1936 made between (1) Arthur Fra Andrew Downey (Purchaser) contains the | ank Whitworth (vendor) and (2) Raymond following covenants:- or as follows:- ess of any kind shall at any time be | | |
| | 10 May 1936 made between (1) Arthur Fr. Andrew Downey (Purchaser) contains the "The Purchaser covenants with the Vender (1) That no trade manufacture or busing | ank Whitworth (vendor) and (2) Raymond following covenants:- or as follows:- ess of any kind shall at any time be operty hereby conveyed." on the filed plan is subject to such imposed thereon before 23 June 1999 | | |
| 1. 2. 3. | 10 May 1936 made between (1) Arthur Fra Andrew Downey (Purchaser) contains the "The Purchaser covenants with the Vende (1) That no trade manufacture or busing set up or carried on in or upon the pro- (16 August 1999) The land tinted blue restrictive covenants as may have been and are still subsisting and capable of | ank Whitworth (vendor) and (2) Raymond following covenants:- or as follows:- ess of any kind shall at any time be operty hereby conveyed." on the filed plan is subject to such imposed thereon before 23 June 1999 f being enforced. on the filed plan is subject to rights | | |

Example 9 Title plan with extract of register



Note: The plan is a reduced copy of the original and has been reproduced for illustrative purposes only.



6 Requirements for identification of land to be registered

6.1 Identification of land in deeds lodged for registration

Applications for first registration and transfers, or leases of part of the land in registered titles are likely to require a plan to be attached to the appropriate deed. All such applications should be supported by suitable plans (see sections *6.5 Plans for use in deeds* and *6.7 Detailed plan requirements under Land Registration Rules 2003*). There are separate rules covering different types of application (see sections *6.2 First registrations, 6.3 Transfers of part and dispositionary leases* and *6.4 Unusual land extents*).

It is of the utmost importance that the land to be registered is described fully and accurately in the deed inducing registration.

When drawing up a deed it is important to ensure that the plan and description of the property are accurate and relate to the current state of the property. Simply carrying forward an earlier property description may be misleading, particularly if part of the land has already been sold. It is also important to check whether any beneficial easements referred to in the property description are still exercisable.

Any measurement quoted in a newly drawn deed must be in metres. An imperial measurement may only be used as a supplementary indication if placed in brackets after the metric measurement.

It is never necessary to specify the area of land in a deed.

6.2 First registrations

An application for first registration must be accompanied by sufficient details, plan or otherwise, so that the land can be clearly identified on the Ordnance Survey map.

In most cases a plan will be necessary. A verbal description may sometimes be adequate, for example in the case of a house with a clear postal description which is shown on the Ordnance Survey map with well established, fully defined boundary features. A verbal description without a plan is inadequate if there is any uncertainty about the land included (for example, where there are open side passageways, open plan frontages, undefined rear gardens or a separate garage/buildings).

See Examples 10 and 11.

Example 10 Properties not capable of being accepted for first registration without a plan





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Example 11 Properties which may be capable of being accepted for first registration by postal address only



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Example 12

Extract from vendor's/lessor's title plan showing parts which may be described in a transfer/lease without a plan ie the parts edged and numbered 1, 2 and 3 in blue.



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6.3 Transfers of part and dispositionary leases

A transfer of part or lease must always be accompanied by a plan unless the land transferred or leased is clearly defined on the vendor's/lessor's title plan and can be described verbally (see Example 12).

Where an approved estate plan exists, any plan used in the transfer/lease must be based on the current approved version.

A verbal description referring to only plot numbers on an estate plan or to a postal address is not acceptable.

The vendor/lessor must sign the plan to the transfer or lease. Where the vendor/lessor is a company, the plan should be signed by officers of the company with authority to sign on behalf of the company. The officers of the company whose signatures appear in the form of execution at the end of the transfer or lease itself can be be taken to have the necessary authority.

There are situations where we will reject any dealing of part or lease application because of a defective plan. Further information is available in our Practice Guide *49* – *Rejection of applications for registration*.

6.4 Unusual land extents

Unless all the land above and below the surface is included in an application, a plan of the surface, on, under or over the land to be registered together with sufficient information to define the vertical and horizontal extents must be provided. For example, registration of cellars, flats or tunnels.

The plan requirements for any unusual application for registration are fundamentally the same as for other applications (see sections 6.5 *Plans for use in deeds* and *6.7 Detailed plan requirements under Land Registration Rules 2003*).

We are always prepared to advise on precise plan requirements for a specific application. For further information, please contact the Customer Information Centre at any Land Registry office.

6.5 Plans for use in deeds

Plans used in deeds originate from a variety of sources. Generally, any plan that has been professionally prepared and is drawn accurately to a scale referred to in section *6.7 Detailed plan requirements under LRR 2003*, should be satisfactory for use in a deed. Hand drawn sketches must not be used.

There are some occasions where a professionally drawn plan may be unsuitable. For example, if it was drawn for an architectural or engineering purpose (large scale) or it was drawn as a location plan or road map (small scale). The most commonly acceptable plans for use in a deed are copy Ordnance Survey maps or copy estate layout plans which we have approved. Transfers and leases of part out of a new development MUST be accompanied by a plan showing the land being dealt with and where an approved estate plan exists, it must be based on the current approved version. A verbal description by reference to plot numbers on the estate layout plan or the postal address is not acceptable.

If the land does not have a clearly defined identity on the vendor's title plan (for example, an edging or number reference), a plan must be prepared for the transfer of part or lease (see Example 11).

There are situations where we will reject any dealing of part or lease application because of a defective plan. Further information is available in our Practice Guide *49 – Rejection of applications for registration.*

6.6 Plans reduced in scale

Where it is clear that the plan contained in a deed or copy deed is a reduced copy of the original, it is only acceptable provided either:

- the original scale has been deleted
- it has been endorsed with a statement to the effect that it is a reduced copy (or in the case of a copy deed, a reduced copy of the plan to the original deed), or
- the actual scale is stated in place of the original scale.

We will reject any dealing of part or lease application in respect of registered land which contain plans that have been reduced from their original scale that still bear the original scale endorsement. (See Practice Guide *49 – Rejection of applications for registration*).

Any plan attached to a certified copy of an original deed must not be a reduced copy of the original. It must be identical to the original in all respects.

6.7 Detailed plan requirements under LRR 2003

Where a plan is required for any new deed or for any application lodged at Land Registry, it should be prepared having regard to the following guidelines.

- Drawn to and show its actual scale.
- Show its orientation (for example, a north point).
- Use preferred scales of 1/1250 1/500 for urban properties.
- Use preferred scales of 1/2500 for rural properties (fields and farms etc).
- Do not base on a scale of imperial measurement (for example 16 feet to 1 inch).
- Do not reduce in scale (see section 6.6 Plans reduced in scale).
- Do not mark or refer to as being for identification only.
- Do not show statements of disclaimer used under Property Misdescriptions Act 1991.
- Show sufficient detail to be identified on the Ordnance Survey map.
- Show its general location by showing roads, road junctions or other landmarks.
- Show the land of the property including any garage or garden ground.
- Show buildings in their correct (or intended) position.
- Show access drives or pathways if they form part of property boundaries.
- Show the land and property clearly (for example by edging, colouring or hatching).
- Have edgings of a thickness that do not obscure any other detail.
- Show separate parts by suitable plan markings (house, parking space, dustbin space).
- Identify different floor levels (where appropriate).
- Show intricate boundaries with a larger scale or inset plan.
- Show measurements in metric units only, to two decimal places.
- Show undefined boundaries accurately and where necessary, by reference to measurements.
- Show measurements that correspond, so far as possible, to scaled measurements.

We will reject any dealing of part or lease application in respect of registered land where the plan to the deed bears a statement of disclaimer (see Practice Guide *49 – Rejection of applications for registration*).

6.8 Property descriptions

Any application for registration must contain a full description of the land to be registered. All of the following details should be included wherever possible.

- Postal number or house name.
- Floor level.
- Road name.
- Locality.

- Town.
 - Administrative area.
 - Postcode.

7 Inadequate identification of land

7.1 Differences between parcels and plans

An application should not contain any discrepancy between the parcels and the plan in a recently executed deed.

Examples are where markings or colourings referred to in the deed do not appear on the plan, or where the deed refers to a plan but no plan has been attached. In these specific situations we will reject any dealing of part or lease application in respect of registered land which contains either of these discrepancies (see Practice Guide *49 – Rejection of applications for registration*).

7.2 Poor quality plans

Difficulty will sometimes arise in identifying the land in an application. This may be because:

- the plan cannot be related to the Ordnance Survey map
- the land is not clearly defined on the plan, eg by edging, colouring or hatching
- markings used on the plan are badly drawn
- the plan is distorted, badly copied, or otherwise unclear.

In these situations we will either reject the application or raise a requisition.

Further information is available in our Practice Guide *49* – *Rejection of applications for registration*. Where there is a problem of this nature affecting an old deed we may ask for the parties to agree to a new plan. Alternatively, we may carry out a survey or make other enquiries before seeking clarification from the parties.

We normally deal with defective plans in modern transfers and leases by requesting either that the existing plan is amended or a new plan is substituted or the boundaries are altered where necessary. Where the plan is very large or complex and the deficiency only relates to a small part of the boundary, we may ask that the parties supply a separate plan endorsed with a statement to the effect that it correctly shows the intention of the parties to the deed.

Whenever a deed plan is substituted or amended, it is essential that all parties concerned in the transaction signify that the new plan correctly identifies the land described in the deed.

7.3 Conveyances by description only

Where the land in a conveyance for first registration is identified by a verbal description only and the land cannot be precisely identified on the Ordnance Survey map, we may requisition for a plan to be supplied to show the land intended to be conveyed (see section *6.2 First Registrations*). Although an extract from the relevant Ordnance Survey map may be supplied when this type of requisition is made, it is stressed that we may still need to carry out further investigations before title is approved.

7.4 Plans for identification purposes only

Plans described as "for identification purposes only" are not satisfactory for land registration purposes.

Statements of disclaimer as described in section *6.7 Detailed plan requirements under LRR 2003* are not acceptable.

7.5 Completion of the title plan as an alternative to raising requisitions In appropriate circumstances, as an alternative to raising requisitions, we may prepare the title plan and send a letter to the applicant explaining that the extent is different from the deeds and why.

Examples of situations where this may happen are where part of the land in the application:

- clearly falls outside the occupied extent as shown on the latest Ordnance Survey map and therefore appears to be occupied by another owner
- is already registered under another ownership.

Applicants may of course respond to the observations made in these letters.

8 Other plans related services

Copies of all of the practice guides mentioned below can be obtained from any Land Registry office or downloaded from Land Registry's website at www.landregistry.gov.uk

8.1 Search of the index map service

Practice Guide *10 – Official searches of the index map* explains how you can find out whether a property is registered or not and, if so, its title number.

8.2 Title plan official copy service

Practice Guide 11 – *Inspection and applications for official copies* explains how to obtain a copy of the title plan.

8.3 Developing estates – registration services

Practice Guide *41 – Developing estates – registration services* with six supplements deals with this topic. The supplements are: Supplement 1: *Estate boundary approval*. Supplement 2: *Estate plan approval*. Supplement 3: *Approval of draft transfers and leases*. Supplement 4: *Plot sales – transfers and leases*. Supplement 5: *Detailed plan requirements and specification – guidance for surveyors*. Supplement 6: *Voluntary application to note overriding interests*.

8.4 Commonhold

Practice Guide 60 – Commonhold – section 4.3 The CCS plan gives details of the requirements and specifications for commonhold community statement plans.

9 Enquiries and comments

If you have a particular concern which is not covered by this guide, please contact Land Registry in advance of the transaction – see the *Contact details* panel on the front cover of this guide. If the transaction is particularly complex, it may be better if you make your enquiry in writing at the Land Registry office which will process your application.

If you have any comments or suggestions about our guides, please send them to:

Registration Change Group Land Registry Lincoln's Inn Fields London WC2A 3PH (DX1098 London/Chancery Lane WC2). You can obtain further copies of this and of all our guides free of charge from any Land Registry office or you can download them from our website at www.landregistry.gov.uk

10 Forms and fees

You may buy any application forms you require or obtain a copy of the current Land Registration Fee Order from any law stationer. Alternatively, you may also download forms free of charge from our website. Details relating to fees are also on our website and the full text of the Land Registration Fee Order will be found on www.opsi.gov.uk/stat.htm

11 Appendix 1

Scale and accuracy of the Ordnance Survey map

11.1 Accuracy categories

The large scale Ordnance Survey map has been produced at various scales using differing surveying methods resulting in varying levels of accuracy being achieved.

There are four accuracy categories.

- 1:1250 scale.
- 1:2500 scale resurvey/reformed.
- 1:2500 scale overhaul. Maps originally recompiled from pre-1946 County Series mapping.
- 1:10,000 scale.

Ordnance Survey describes accuracy in two ways.

- Relative accuracy the position of a point in relation to another point on a map.
- Absolute accuracy the position of a point in relation to the Ordnance Survey National Grid.

11.2 Relative accuracy

Relative accuracy is the comparison of the distance between features measured on the ground to the corresponding information contained on the map.

Ordnance Survey publishes the following expected relative accuracy values for well defined points within each accuracy category.

1:1250 Scale

If a ground measurement between two points is taken, up to a maximum distance of 60m, there is a 99% chance that the equivalent distance on the map will be represented within +/- 1.0 m.

1:2500 Scale resurvey/reformed

If a ground measurement between two points is taken, up to a maximum distance of 100m, there is a 99% chance that the equivalent distance on the map will be represented within +/- 2.3 m.

1:2500 Scale overhaul

If a ground measurement between two points is taken, up to a maximum distance of 200m, there is a 99% chance that the equivalent distance on the map will be represented within +/- 3.0m.

1:10,000 Scale

If a ground measurement between two points is taken, up to a maximum distance of 500m, there is a 99% chance that the equivalent distance on the map will be represented within +/- 8.8m. The 1:10,000 map also contains

some generalisation of detail.

11.3 Absolute accuracy

Absolute accuracy is the measure which indicates how closely the coordinates of a point in Ordnance Survey map data agree with the 'true' National Grid coordinates of the same point on the ground. As the true position can never be known exactly, the statistic is quoted relative to the best known position determined by precise survey methods.

Ordnance Survey publishes the following expected absolute accuracy values for well defined points within each category of mapping contained in the National Topographic Database.

1:1250 Scale

The mapping of 99% of the points on the map can be expected to be within 1.0m of their true national grid position.

1:2500 Scale resurvey/reformed

The mapping of 99% of the points on the map can be expected to be within 2.4m of their true national grid position.

1:2500 Scale overhaul

The mapping of 99% of the points on the map can be expected to be within 6.0m of their true national grid position.

1:10,000 Scale

The mapping of 99% of the points on the map can be expected to be within 8.8m of their true national grid position.

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12 Appendix 2

Legal presumptions

A presumption can be described as that which the law presumes about a boundary in the absence of any evidence to the contrary which would rebut it. The presumptions described below are the most commonly encountered.

Roadways

It is presumed that the boundary of land abutting a highway or private right of way extends ad medium filum viae (to the middle of the way) subject, in the case of the highway, to the rights of the highway authority. This presumption is readily rebutted by conveyancing evidence showing contrary ownership.

A conveyance or transfer of land abutting a roadway is presumed to include the roadway ad medium filum viae, even though it describes the land as bounded by the roadway or includes a plan defining the land as excluding the roadway. This presumption will be rebutted where there is evidence of a contrary intention.

Hedge and ditch

Where two properties are divided by a hedge or bank and ditch, the boundary is presumed to be along the opposite edge of the ditch from the hedge or bank. This is based on the principle that an owner, standing on his boundary looking inward, dug his drainage ditch within his boundary, threw up the soil on his home side and then planted a hedge on the mound. This only applies to man-made ditches and does not apply if it can be shown that the ditch is natural or if it can be established that the boundary feature was made while the lands on both sides were in common ownership.

Rivers and streams, non-tidal

The boundary between properties abutting a natural non-tidal river or stream is presumed to follow the centre line and the boundary changes if the course of the stream changes naturally over a period of time – see also section *3.7 Accretion and diluvion.*

Lakes

The bed of a lake belongs to the owner of the surrounding land if the lake is entirely within the boundaries of a single ownership. Otherwise there is no presumption.

Sea shore

The boundary of the land adjoining the sea lies at the top of the foreshore, which is the land lying between the high and low water marks of a mean average tide between spring and neap tides. The foreshore is owned by the Crown unless it has been demised or granted. This also applies to land bordering tidal rivers and inlets. As in the case of non-tidal rivers and streams these boundaries may move gradually as the high water mark moves naturally over the years but will not be effected by sudden movement.

13 Appendix 3

Example form DB

| | A separate application form is required for each boundary (ie for each different adjoining owner | | |
|--|---|---|--|
| | | | |
| | Application to determine the exact line of a boundary | Land Registry | |
| If the land on both sides of the boundary is registered, enter both title | If you need more room than is provided for in a panel, use continuation sheet CS and attach to this for 1. Administrative area and postcode if known | rm. | |
| numbers here. | 2. Title number(s) | - | |
| A fixed fee is required. No | 3. Application and fee <i>A</i> fee calculator for all types of applications can be found on Land Registry s website at www.landregistry.gov.uk/fees | FOR OFFICIAL USE ONLY Record of fee paid | |
| additional fee is required when lodged as part | To determine the Fee paid £ exact line of a boundary • | Particulars of under/over payment | |
| of a substantive registration. | Fee payment method: <i>Place X in the appropriate box.</i> I wish to pay the appropriate fee payable under the current Land Registration Fee Order: | D | |
| Section 3.3.2 General boundaries and Land Registry | □ by cheque or postal order, amount £ made payable to Land Registry . | Fees debited £ | |
| <i>plans</i> describes the plan requirements. Please lodge 2 | by Direct Debit under an authorised agreement with Land Registry. 4. Documents lodged with this form <i>Place X in the appropriate box.</i> | Reference number | |
| copies. | \rightarrow \Box A plan identifying the exact line of the boundary | | |
| Verbal descriptions of the boundary and points which measurements have been taken should be annotated on | A plan and a verbal description (on the plan) identifying the exac The plan must show sufficient surrounding physical features to allow the general position of the map. | | |
| the plan. | ► The following documents are lodged as evidence relied on to estab Number the documents in sequence; copies should also be numbered and listed as separate do DL. If you supply the original document and a certified copy, we shall assume that you reques supplied, we may retain the original document and it may be destroyed. | cuments. Alternatively you may prefer to use Form | |
| | 5. The applicant is: Please provide the full name of the person making the application. | FOR | |
| | The application has been lodged by: Land Registry Key No. (if appropriate) Name (if different from the applicant) Address/DX No. | OFFICIAL USE ONLY Codes Dealing Status | |
| If the adjoining | Reference E-mail | | |
| owner's land is not registered, you will need to lodge copies of their deeds. Ideally the adjoining owner should lodge the original deeds for first registration. | Telephone No. Fax No. 6. Name(s) and address(es) of the person(s) you believe to be the own By adjoining property we mean the land on the other side of the boundary which is the subject of subject of a lease, include the names and addresses of both the landlord and tenant. You do not or tenant) whose title is registered. | of this application. If the adjoining property is the | |

| | | f the applicant s property is the subject of a lease, as appropriate) You do not need to supply details of a landlord o | name(s) and address(es) of the landlord or tenant or tenant whose title is registered. |
|--|-----------|---|---|
| | if . [| different, unless you place X against one or more of the statements be Send title information document to the person sh Raise any requisitions or queries with the person | own below |
| The neighbour should complete this here if there | A | applies only to certain documents, please specify. Jame Address/DX No. Reference E-mail | |
| this box if they have agreed the | | Felephone No. | Fax No. |
| boundary. They should also sign the plan. Problems | 9. W | Vhere the application is being made with the agre the adjoining owner(s) should complete and sign the statement below. | |
| can arise if an application is | I/' | We | (full name(s) in block capitals) as owner(s) of |
| made without this agreement – | | | (title number or address of |
| see section 3.3.3 Involving adjoining owners. | | roperty) agree that the accompanying plan/plan and v f the boundary and I/we consent to this application. | verbal description signed by me/us shows the exact line |
| | Si | igned | |
| | Si | igned | |
| | D | ate | |
| | 10 8 | ignature of applicant | |
| | | r their conveyancer | Date |

14 Appendix 4

BS1192 Part 3 British Standard for Construction Drawing Practice Colourings and markings on Land Registry Title Plans.

| Convention | s | Applications | | |
|---|--|---|--|--|
| 3.201 boundary of registered land | | Example of Title Plan | | |
| 3.202 boundary of land removed from title 3.203 land excluded from title but within area | | | | |
| 3.204 right of way on registered land for use by other land (alternative to 3.205) | | C B | | |
| 3.205 right of way on registered land for use by other land (alternative to 3.204) | | A Registered land in the title to which the Title Plan refers B Land removed from the title (A) | | |
| 3.206 right of way on other land for use by registered land (alternative to 3.207) | | C Land excluded from the title (A) but within the area of the title D Right of way on land in the title (A) for use by other lan | | |
| 3.207 right of way on other land for use by registered land (alternative to 3.206) | | (B and C) E Right of way on other land for use by land in the title (A) (Separate Title Plans are prepared for the land within titles B and C and for the land on which area E occurs.) | | |
| 3.208 drain/cable/ete. any type | 6026 | Explanatory notes | | |
| 3.209 * drain/cable/etc. other types | yellow brown mauve | Deed plans: the preferred scale is 1:500, although 1:1250 can be acceptable; it is very important to Land Registry that sites and their features should be surveyed and drawn accurately. | | |
| 3.210 *† other features. edging | blue yellow brown mauve | Drawings: should be prepared as recommended in BS 1192:Part 1 with particular attention to their suitability for photocopying in colour. Conventions: those shown are normally used by Land Registry on Title Plans, and should also be used on draft plans, proposed layout plans and Deed Plans submitted to Land Registry to avoid difficulties and delays. | | |
| 3.211 † other features, hatching | Not black or green; Not blue or brown if already used, | | | |
| 3.212 *†\$ other features, tinting | pink blue(unless used) yellow brown mauve | Descriptions: in addition to colourings/markings, a description should be given of all features (e.g. " edged inand numbered"; if conventions 3.209 to 3.212 are used, their significance should be described. | | |

- * In descending order of preference.
- † Other features, e.g. fences, restrictive covenants, etc.
- Blue tinting should be used to indicate floor levels.

Land Registry advisory policy

We offer advice to our customers through our publications and enquiry services and through the day-to-day handling of applications.

We provide factual information including official copies of registers, title plans and documents, searches and details of our forms and fees.

We provide procedural advice to explain how the land registration system works and how to make applications correctly. This includes:

- advice in advance of an application, where this is requested
- where an application is defective, advice as to the nature of the problem and what options, if any, are available to put it right
- an approval service for estate layout plans and certain other land registration documents.

There are limits to the advice that we will provide. We will not provide legal advice.

This means that:

- we will not approve the evidence to be produced in support of a registration application before we receive the application
- apart from procedural advice, we will not advise on what action to take
- we will not recommend a professional adviser but can explain how to find one.

We provide advice only about real cases, not about theoretical circumstances. We will not express a view on questions where the law is complex or unclear except where the question arises on a live registration application.

In providing this factual information and procedural advice we will:

- be impartial
- recognise that others may be affected by what we say
- avoid any conflict of interest.

Peter Collis Chief Land Registrar

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