

Registers of Overseas Entities Scenarios

These scenarios set out potential requirements for applications for registration in the land register involving an overseas entity following commencement of the scheme as provided for in the [Economic Crime \(Transparency and Enforcement\) Act 2022](#). Applicants preparing applications involving an overseas entity should familiarise themselves with the relevant provisions of the act to ensure they comply with any requirements necessary in advance of submitting their application for registration.

1. Any application for registration to the land register involving an overseas entity (OE) submitted prior to 5 September 2022.

As this takes place before commencement of the land registration aspects of the scheme, OE is not (at the date of registration) subject to any of the additional applications conditions introduced by the scheme. When answering the new application form questions, the applicant would confirm that OE was an overseas entity but that they are not subject to any registration or updating duties provided for in schedule 4 of the 2022 Act.

2. Disposition, Lease/Sub-Lease or Assignment of Lease/Sub-Lease by person (A) in favour of an overseas entity (OE) and the application to register the deed is submitted on or after 5 September 2022.

As this takes place following commencement of the land registration aspects of the scheme, OE is required to have an 'overseas entity ID' to be able to register the deed in their favour. When answering the new application form question, in addition to confirming that OE is an overseas entity, the applicant must; i) confirm that OE has complied with the duties required in terms of schedule 4 of the 2022 Act necessary for acceptance of the application for registration* and ii) provide an up-to-date overseas ID where prompted.

*In limited circumstances, it may be appropriate for the applicant to confirm OE is not subject to the additional application conditions provided for under schedule 4 of the Act. This would be the case if OE is an 'exempt overseas entity' as defined at para 9 of schedule 1A of the 2012 Act

3. Disposition, Lease/Sub-Lease or Assignment of Lease/Sub-Lease granted by an overseas entity (OE) in favour of person (A) where OE's title was registered in the land register on or after 8 December 2014 and the application to register the deed is submitted before the end of the transitional period (31 January 2023).

As this takes place before the end of the transition period, OE is not (at the date of registration) subject to any of the additional applications conditions introduced by the scheme. When answering the new application form questions, the applicant would confirm that OE was an overseas entity but that they are not subject to any registration or updating duties provided for in schedule 4 of the 2022 Act.

4. Disposition, Lease/Sub-Lease or Assignment of Lease/Sub-Lease granted by an overseas entity (OE) in favour person (A) where OE's title was registered in the land register on or after 8 December 2014 and the application to register the deed is submitted after the transitional period ends (31 January 2023).

As this takes place following the transitional period, OE is required to have an 'overseas entity ID' in order to register the deed granted by them. When answering the new application form question, in addition to confirming that OE is an overseas entity, the applicant must; i) confirm that OE has complied with the duties required in terms of schedule 4 of the 2022 Act necessary for acceptance of the application for registration* and ii) provide an overseas ID where prompted.

*In limited circumstances, it may be appropriate for the applicant to confirm OE is not subject to the additional application conditions provided for under schedule 4 of the Act. This would be the case if the application is subject to one of the exemptions provided for at sub para. 2(2) of

schedule 1A of the 2012 Act or where the OE is an 'exempt overseas entity' as defined at para 9 of schedule 1A of the 2012 Act.

5. Disposition, Lease/Sub-Lease or Assignment of Lease/Sub-Lease granted by an overseas entity (OE) in favour of person (A) where OE's title was registered in the land register before 8 December 2014.

As this overseas entity's title dates from before the pre-commencement period, OE is not subject to any of the additional applications conditions introduced by the scheme. When answering the new application form questions, the applicant would confirm that OE was an overseas entity but that they are not subject to any registration or updating duties provided for in schedule 4 of the 2022 Act.

6. Standard Security granted by overseas entity (OE) whose title was registered in the land register between 8 December 2014 and 31 July 2022 and the application to register the standard security is submitted after the transitional period ends (31 January 2023).

As this takes place following the transitional period, OE is required to have an 'overseas entity ID' in order for the standard security to be registered. When answering the new application form question, in addition to confirming that OE is an overseas entity, the applicant must; i) confirm that OE has complied with the duties required in terms of schedule 4 of the 2022 Act necessary for acceptance of the application for registration* and ii) provide an overseas ID where prompted.

For the sake of clarity, where the application is received before the end of the transition period, OE is not (at the date of registration) subject to any of the additional applications conditions introduced by the scheme. When answering the new application form questions, the applicant would confirm that OE was an overseas entity but that they are not subject to any registration or updating duties provided for in schedule 4 of the 2022 Act.

*In limited circumstances, it may be appropriate for the applicant to confirm OE is not subject to the additional application conditions provided for under schedule 4 of the Act. This would be the case if the application is subject to one of the exemptions provided for at sub para. 2(2) of schedule 1A of the 2012 Act or where the OE is an 'exempt overseas entity' as defined at para 9 of schedule 1A of the 2012 Act.

7. Standard Security granted by overseas entity (OE) whose title was registered in the land register prior to 8 December 2014.

As this overseas entity's title dates from before the pre-commencement period, OE is not subject to any of the additional applications conditions introduced by the scheme. When answering the new application form questions, the applicant would confirm that OE was an overseas entity but that they are not subject to any registration or updating duties provided for in schedule 4 of the 2022 Act

8. Standard Security granted by person (A) in favour of overseas entity creditor (OE).

The additional land register application conditions introduced by the 2022 Act apply only where an overseas entity is the grantor of a standard security and not to the creditor.

When answering the new application form questions, the applicant would confirm that OE was an overseas entity but that they are not subject to any registration or updating duties provided for in schedule 4 of the 2022 Act

9. Application for voluntary registration by an overseas entity (OE) submitted on or after 5 September 2022.

As this takes place following commencement of the land registration aspects of the scheme, OE is required to have an 'overseas entity ID' to be able to register their right. When answering the new application form question, in addition to confirming that OE is an overseas entity, the applicant must; i) confirm that OE has complied with the duties required in terms of schedule 4

of the 2022 Act necessary for acceptance of the application for registration* and ii) provide an up-to-date overseas ID where prompted.

*In limited circumstances, it may be appropriate for the applicant to confirm OE is not subject to the additional application conditions provided for under schedule 4 of the Act. This would be the case if OE is an 'exempt overseas entity' as defined at para 9 of schedule 1A of the 2012 Act

10. Notice of Title completing title in respect of a disposition, lease or assignation of lease in favour of an overseas entity (OE) and the application to register the deed is submitted on or after 5 September 2022.

As this takes place following commencement of the land registration aspects of the scheme, OE is required to have an 'overseas entity ID' to be able to register the notice of title. When answering the new application form question, in addition to confirming that OE is an overseas entity, the applicant must; i) confirm that OE has complied with the duties required in terms of schedule 4 of the 2022 Act necessary for acceptance of the application for registration* and ii) provide an up-to-date overseas ID where prompted.

*In limited circumstances, it may be appropriate for the applicant to confirm OE is not subject to the additional application conditions provided for under schedule 4 of the Act. This would be the case if OE is an 'exempt overseas entity' as defined at para 9 of schedule 1A of the 2012 Act

11. Notice of Title completing title in respect of a deed comprising a disposition, lease, assignation of lease or standard security, the granter of which deed is an overseas entity (OE) whose title was registered in the land register on or after 8 December 2014 and the application to register the notice of title is submitted on or after 5 September 2022.

As this takes place following commencement of the land registration aspects of the scheme, OE is required to have an 'overseas entity ID' in order for the notice of title to be registered. When answering the new application form question, in addition to confirming that OE is an overseas entity, the applicant must; i) confirm that OE has complied with the duties required in terms of schedule 4 of the 2022 Act necessary for acceptance of the application for registration* and ii) provide an overseas ID where prompted.

*In limited circumstances, it may be appropriate for the applicant to confirm OE is not subject to the additional application conditions provided for under schedule 4 of the Act. This would be the case if the application is subject to one of the exemptions provided for at sub para. 4(2) of schedule 1A of the 2012 Act or where the OE is an 'exempt overseas entity' as defined at para 9 of schedule 1A of the 2012 Act.

12. Disposition in favour of an overseas entity (OE) by virtue of s.43(1) or (5) of the 2012 Act (prescriptive claimants) and the application to register the deed is submitted on or after 5 September 2022.

As this takes place following commencement of the land registration aspects of the scheme, OE is required to have an 'overseas entity ID' to be able to register the deed in their favour. When answering the new application form question, in addition to confirming that OE is an overseas entity, the applicant must; i) confirm that OE has complied with the duties required in terms of schedule 4 of the 2022 Act necessary for acceptance of the application for registration* and ii) provide an up-to-date overseas ID where prompted.

*In limited circumstances, it may be appropriate for the applicant to confirm OE is not subject to the additional application conditions provided for under schedule 4 of the Act. This would be the case if OE is an 'exempt overseas entity' as defined at para 9 of schedule 1A of the 2012 Act