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Legal briefing on contractual control agreements

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Legal briefing on the new requirement to register information about contractual control agreements[1]

There is a new statutory requirement for companies and other undertakings to provide HM Land Registry with prescribed information about certain property agreements (known as "contractual control agreements"). The agreements affected are option agreements, pre-emption agreements, conditional contracts (conditional agreements for lease and sale contracts) and promotion agreements which are entered into from 8 June 2026 and control how registered land is transferred or let for development purposes. The beneficiary/grantee of the agreement has the obligation to provide the information, although the information cannot be provided until 6 April 2027 when the new register goes live. Such information will be made public on this register, except for certain sensitive information. The regulations are complex (including exemptions and certain ambiguities) and require careful analysis to determine whether an agreement is caught. This legal briefing provides answers to key questions and answers to assist the analysis.

The relevant regulations giving effect to this new requirement, ***The Provision of Information (Contractual Control) (Registered Land) Regulations 2026*** ("the Regulations") apply to registered land in England and Wales and come into force on **6 April 2027**.

A **key point** to note is that this requirement not only catches agreements entered into from 6 April 2027 but also any relevant agreement entered into between **8 June 2026** (the date that the Regulations were made) and **6 April 2027**. The new register itself is not yet open, but once it is (in **April 2027**), the information can be submitted and the time limits to register the required information are summarised below. It is important that if you are a beneficiary/grantee of a relevant agreement entered into on or after **8 June 2026**, you ensure that you have the relevant information that will need to be sent to the Land Registry once the new register is open. Failure to register within the time limits is a potential criminal offence.

Where the right affects only part of a title, grantees of the right will need to obtain a digital file containing spatial data to sufficiently indicate where the right is located – this is part of the information that is required to be submitted to the Land Registry.

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Dates to note	Action to take
New rights granted on or after **8 June 2026** but before the Regulations come into force on **6 April 2027**	Submit the required information to the Land Registry before **6 October 2027** (once the new service is made available)
New rights granted on or after the Regulations come into force on **6 April 2027**	Submit the required information to the Land Registry within 60 calendar days
Existing right changed, assigned, exercised or determined on or after the Regulations come into force on 6 **April 2027**	Submit the required information to the Land Registry within 60 calendar days



What is the purpose of the new Regulations?

The Government wants to increase transparency in the land market. They are concerned that there are many land deals that do not transfer ownership but give a developer or promoter the right to control or benefit from future development. Those arrangements are currently opaque to the public, local communities and local planning authorities, making it harder to understand land use patterns or identify available land for development. This concern was one shared by the previous Conservative government and discussions between the Government, Land Registry and stakeholders have been ongoing for years.

The purpose of the Regulations is to address the concern over the lack of transparency and this will be achieved by the Government requiring the grantee of the right to provide the Land Registry with information about the right. The Government hopes that improved transparency will support SME developers and local authorities, in particular, to identify suitable sites for development and place-making.

What is the nature of the disclosure duty?

The Regulations introduce a duty to provide prescribed information to the Land Registry within a specified timeframe about "contractual control rights". They are rights contained in certain land agreements, namely:

— an option,

— a conditional contract (this includes sale contracts and agreements for lease where there is a condition precedent such as planning and note that the condition precedent does not have to be development related). There is uncertainty over whether the Regulations catch not only conditional contracts but also for example where completion of the lease is dependent on practical completion of the landlord's works,

— a pre-emption right, or

— certain rights associated with land promotion agreements,

by which an undertaking (typically a developer or promoter) has the power to control how land is transferred or let for development purposes. Such agreements potentially oblige the owner of a "qualifying estate" (i.e. a registered freehold or a lease with at least 15 years remaining at the time of the creation of the right) to transfer the property or grant a lease of at least 15 years. For agreements for lease this would appear to catch relevant development by the landlord or the tenant.

The Regulations apply only where the contractual control right is held for the purposes of an undertaking, such as a business, charity, public or other organised activity; so, not where an individual holds the right for personal purposes.

Where a single contract creates multiple rights that meet the criteria for being a contractual control right, contractual control information will have to be provided about each right that does so. The information only needs to be provided once, even where more than one person is responsible for providing it.

Submission of the prescribed information must be made digitally by a conveyancer acting on behalf of the grantee of the right using a digital service provided by the Land Registry (which will be available from 6 April 2027).

When does this go live?

The Regulations come into force on **6 April 2027**, but they also apply to certain agreements made between the date that the Regulations are made (**8 June 2026**) and 6 April 2027. Those agreements must be submitted to the Land Registry before **6 October 2027**.

Which specific information is required?

Certain core data about the right/agreement (known as "contractual control information") is required including:

- **name of the grantee and grantor**: the parties to the agreement
- **Companies House/Charity Commission registration number/country of incorporation**
- **date and place of birth of the grantor** (if an individual). The Land Registry will not publish this information. In some instances, the registrar may accept that it is unreasonable to expect the grantee to provide this information. For example, an existing right may be assigned without the involvement of the proprietor of the affected land and neither they nor the assignor may hold, or be able to obtain the required information
- **type of contractual control right**: option, pre-emption, right to acquire land under a conditional contract, or right to direct or request a landowner to sell or lease land
- **date, parties and title or description of the underlying agreement**
- **date from which the right can be exercised (unless it is a right of pre-emption)**: or, if that depends on specific conditions being met, a brief description of those conditions
- **initial period of control**: the period from the start of the agreement to the point at which the right must be exercised or may expire, disregarding any provisions to extend it
- **total period of control**: the period from the start of the agreement to the point at which the right must be exercised or may expire, after taking account of any provisions or entitlements to extend it
- **any entitlement for either party to terminate the right**
- **title number(s) (including provisionally allocated title number(s)) of the affected registered estate(s): and, where the right affects only part of a title, geospatial data to sufficiently indicate where the right is located**. One way to provide this data is to upload a digital file containing spatial data (that is, a computer-readable map showing the extent of the affected land) in an approved format, currently Shapefile or GeoJSON using British National Grid (BNG) coordinates. The Land Registry will not be able to accept scanned PDF plans for this purpose
- **address of the land**: description of the physical location of the site covered by the right, including postcode (if available) and Unique Property Reference Number (UPRN) (if available)
- **sub-surface land and airspace**: whether the area subject to the right includes land (including airspace) held separately from the surface land
- **the conveyancer reporting the information to the Land Registry**: their individual professional registration number and the name of the authority that issued it.

Importantly, the required information does not include financial/price information contained in the agreement. It is not necessary to disclose a copy of the underlying agreement to the Land Registry.

When must the information be submitted?

Information must be submitted within 60 days of a trigger event, which includes:

— the grant of a new right
— a written variation of an existing right
— an assignment of the right to a new party (even if the right is no longer a contractual control right (as defined) at the time of the assignment)
— the expiry, exercise, or determination of the right – this includes part expiry, exercise or determination, in which situation the area no longer affected by the right must be indicated for example by uploading spatial data. This trigger event only applies where information about the right has previously been provided

There is one exception to the requirement for the grantee to confirm and update the contractual control information that has already been provided following assignment or variation. This is where the assignment or variation is soon followed by an event that brings the right completely to an end, provided that the grantee confirms that the right has ended before the expiry of the 60-day period for reporting the assignment or variation.

Which situations are exempt from the disclosure duty?

Information is not required for:

— unwritten agreements
— agreements relating to leases for a term of less than 15 years. Also exempt is a contract to take a transfer of a registered lease that has less than 15 years of its contractual term left at the date of the contract
— agreements relating to unregistered land
— restrictive covenants
— right incidental or necessary to security for a contractual obligation to pay consideration to a former owner of the land affected by that right (i.e. an overage payment)
— rights granted exclusively for purposes that do not relate to future development (within the meaning of section 55 of the ***Town and Country Planning Act 1990***) resulting in the provision of one or more dwelling-houses (including flats) or a building where the floorspace created by the development would be at least 100 square metres. Housing development includes the provision of housing by changing the use of an existing building. An option acquired over land generally in the hope that it will increase in value is unlikely to qualify for this exemption - often the hoped-for increase will relate to future development
— rights where the total period of control is less than 18 months (taking into account any provision or entitlement to extend the initial control period)
— rights granted in connection with:
  – section 106 agreements where the right relates exclusively to the provision of infrastructure, amenities or services in connection with a grant of planning permission
  – national security or defence or
  – securing loan repayment.

Does the agreement have to mention "development" to be in scope?

No. The agreement does not need to use the word "development". If one of its purposes is development, as defined by the Regulations – or disposal of land for development – it is likely to be within scope. The test is based on the substance of the right, not specific language.

Only rights that are exclusively for non-development purposes, as defined by the Regulations, fall outside the requirements.

Can the grantee submit the information directly?

No. The Regulations require submission by an individually regulated conveyancer such as an individual solicitor with an up-to-date practising certificate.
The Government seeks the information from the individually regulated conveyancer, in order to provide enhanced assurance that the information provided is complete and accurate and that the person submitting the information is professionally accountable for it.

Will all submitted information be made public?

No. Some sensitive fields (e.g. place and date of birth of grantors) will be collected for verification purposes but will not be published. From 6 April 2028, the Land Registry will provide monthly datasets showing the information held on the register.

What are the consequences of non-compliance with the new requirements?

The Land Registry will refuse to register a notice or restriction linked to an unregistered right. Failure to comply with the Regulations (without reasonable excuse) may also amount to a criminal offence under section 225 of the ***Levelling-up and Regeneration Act 2023*** and may lead to prosecution with a potential penalty of a fine or imprisonment. Both of those consequences make it imperative that the relevant information is provided to the Land Registry within the required timeframe following the trigger event.

Is there any drafting for affected agreements?

Increasingly, drafting in being included in affected agreements to cover the new registration requirement. The key aspect of this drafting relates to the grantor/seller being obliged to assist the grantee/buyer with its obligation to register relevant information relating to the agreement at the Land Registry.

Where can further details be found?

The Land Registry's practice guide on contractual control rights (first published on 26 October 2026) can be found at ***Practice guide 84: contractual control rights - GOV.UK*** (and includes some possible scenarios for the application of the new regime).

Please also see ***Contractual control agreements - GOV.UK*** for further guidance.

The Land Registry's digital platforms for the submission and management of this information are still being developed.

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