



# Land Charges Act 1972

## 1972 CHAPTER 61

*Registration in registers of pending actions, writs and orders and deeds of arrangement*

### **5 The register of pending actions.**

- (1) There may be registered in the register of pending actions—
  - (a) a pending land action;
  - (b) a petition in bankruptcy filed on or after 1st January 1926.
- (2) Subject to general rules under section 16 of this Act, every application for registration under this section shall contain particulars of the title of the proceedings and the name, address and description of the estate owner or other person whose estate or interest is intended to be affected.
- (3) An application for registration shall also state—
  - (a) if it relates to a pending land action, the court in which and the day on which the action was commenced; and
  - (b) if it relates to a petition in bankruptcy, the court in which and the day on which the petition was filed.
- (4) The registrar shall forthwith enter the particulars in the register, in the name of the estate owner or other person whose estate or interest is intended to be affected.
- [<sup>F1</sup>(4A) Where a person has died and a pending land action would apart from his death have been registered in his name, it shall be so registered notwithstanding his death.]
- (5) An application to register a petition in bankruptcy against a firm shall state the names and addresses of the partners, and the registration shall be effected against each partner as well as against the firm.
- (6) No fee shall be charged for the registration of a petition in bankruptcy if the application for registration is made by the registrar of the court in which the petition is filed.
- (7) A pending land action shall not bind a purchaser without express notice of it unless it is for the time being registered under this section.

*Status: Point in time view as at 01/07/1995.**Changes to legislation: There are currently no known outstanding effects for the Land Charges Act 1972, Cross Heading: Registration in registers of pending actions, writs and orders and deeds of arrangement. (See end of Document for details)*

- (8) A petition in bankruptcy shall not bind a purchaser of a legal estate in good faith, for money or money's worth, . . . <sup>F2</sup> unless it is for the time being registered under this section.
- (9) . . . . . <sup>F3</sup>
- (10) The court, if it thinks fit, may, upon the determination of the proceedings, or during the pendency of the proceedings if satisfied that they are not prosecuted in good faith, make an order vacating a registration under this section, and direct the party on whose behalf it was made to pay all or any of the costs and expenses occasioned by the registration and by its vacation.

[<sup>F4</sup>(11)]**Textual Amendments**

- F1** S. 5(4A) inserted (1.7.1995) by 1994 c. 36, ss. 15(3)(5), 20; S.I. 1995/1317, art.2.
- F2** Words repealed by Insolvency Act 1985 (c.65, SIF 66), s. 235(1)(3), Sch. 8 para. 21(2), **Sch. 10 Pt. III** (with saving in Insolvency Act 1986 (c.45, SIF 66), s. 437, **Sch. 11 para. 10**)
- F3** S. 5(9) repealed by Insolvency Act 1985 (c.65, SIF 66), s. 235(3), **Sch. 10 Pt. III** (with saving in Insolvency Act 1986 (c.45, SIF 66), s. 437, **Sch. 11 para. 10**)
- F4** S. 5(11) added by County Courts Act 1984 (c.28, SIF 34), s. 148(1), **Sch. 2 Pt. IV para. 17**

**Modifications etc. (not altering text)**

- C1** S. 5(11) modified by County Courts Act 1984 (c.28, SIF 34), s. 24(2)(f)

**6 The register of writs and orders affecting land.**

- (1) There may be registered in the register of writs and orders affecting land—
- (a) any writ or order affecting land issued or made by any court for the purpose of enforcing a judgment or recognisance;
  - (b) any order appointing a receiver or sequestrator of land;
  - [<sup>F5</sup>(c) any bankruptcy order, whether or not the bankrupt's estate is known to include land,]
  - [<sup>F6</sup>(d) any access order under the Access to Neighbouring Land Act 1992.]
- (2) Every entry made pursuant to this section shall be made in the name of the estate owner or other person whose land, if any, is affected by the writ or order registered.
- [<sup>F7</sup>(2A) Where a person has died and any such writ or order as is mentioned in subsection (1) (a) or (b) above would apart from his death have been registered in his name, it shall be so registered notwithstanding his death.]
- (3) No fee shall be charged for the registration of a [<sup>F8</sup>bankruptcy order] if the application for registration is made by an official receiver.
- (4) Except as provided by subsection (5) below and by [<sup>F9</sup>section 37(5) of the Supreme Court Act 1981] and [<sup>F10</sup>section 107(3) of the County Courts Act 1984] (which make special provision as to receiving orders in respect of land of judgment debtors) every such writ and order as is mentioned in subsection (1) above, and every delivery in execution or other proceeding taken pursuant to any such writ or order, or in obedience to any such writ or order, shall be void as against a purchaser of the land unless the writ or order is for the time being registered under this section.

*Status: Point in time view as at 01/07/1995.*

*Changes to legislation: There are currently no known outstanding effects for the Land Charges Act 1972, Cross Heading: Registration in registers of pending actions, writs and orders and deeds of arrangement. (See end of Document for details)*

[<sup>F11</sup>(5) Subject to subsection (6) below, the title of a trustee in bankruptcy shall be void as against a purchaser of a legal estate in good faith for money or money's worth unless the bankruptcy order is for the time being registered under this section.]

(6) Where a petition in bankruptcy has been registered under section 5 above, the title of the trustee in bankruptcy shall be void as against a purchaser of a legal estate in good faith for money or money's worth . . . <sup>F12</sup> claiming under a conveyance made after the date of registration, unless at the date of the conveyance either the registration of the petition is in force or a receiving order on the petition is registered under this section.

#### Textual Amendments

- F5** S. 6(1)(c) substituted by Insolvency Act 1985 (c.65, SIF 66), s. 235(1), **Sch. 8 para. 21(3)(a)** (with saving in Insolvency Act 1986 (c.45, SIF 66), s. 437, **Sch. 11 para. 10**)
- F6** S. 6(1)(d) added (31.1.1993) by Access to Neighbouring Land Act 1992 (c. 23), s. 5(1); S.I. 1992/3349, **art. 2**.
- F7** S. 6(2A) inserted (1.7.1995) by 1994 c. 36, ss. 15(4)(5), 20; S.I. 1995/1317, **art.2**.
- F8** Words substituted by Insolvency Act 1985 (c.65, SIF 66), s. 235(1), **Sch. 8 para. 21(3)(b)** (with saving in Insolvency Act 1986 (c.45, SIF 66), s. 437, **Sch. 11 para. 10**)
- F9** Words substituted by Supreme Court Act 1981 (c.54, SIF 37), s. 152(1), **Sch. 5**
- F10** Words substituted by County Courts Act 1984 (c.28, SIF 34), s. 148(1), **Sch. 2 Pt. IV para. 18**
- F11** S. 6(5) substituted by Insolvency Act 1985 (c.65, SIF 66), s. 235(1), **Sch. 8 para. 21(3)(c)** (with saving in Insolvency Act 1986 (c.45, SIF 66), s. 437, **Sch. 11 para. 10**)
- F12** Words repealed by Insolvency Act 1985 (c.65, SIF 66), s. 235(1)(3), Sch. 8 para. 21(3)(d), **Sch. 10 Pt. III** (with saving in Insolvency Act 1986 (c.45, SIF 66), s. 437, **Sch. 11 para. 10**)

#### Modifications etc. (not altering text)

- C2** S. 6(4) restricted by County Courts Act 1984 (c.28, SIF 34), s. 107(3)
- C3** S. 6(4) restricted by Drug Trafficking Offences Act 1986 (c.32, SIF 39:1), s. 10(3)
- C4** S. 6(4) modified by Criminal Justice Act 1988 (c.33, SIF 39:1), ss. 79(2), 123(6), **Sch. 8 para. 16**  
S. 6(4) excluded (3.2.1995) by 1994 c. 37, ss. 28(2), 33(2)(7), 34(2)(3) (with 69(2)).

## 7 The register of deeds of arrangement affecting land.

- (1) A deed of arrangement affecting land may be registered in the register of deeds of arrangement affecting land, in the name of the debtor, on the application of a trustee of the deed or a creditor assenting to or taking the benefit of the deed.
- (2) Every deed of arrangement shall be void as against a purchaser of any land comprised in it or affected by it unless it is for the time being registered under this section.

## 8 Expiry and renewal of registrations.

A registration under section 5, section 6 or section 7 of this Act shall cease to have effect at the end of the period of five years from the date on which it is made, but may be renewed from time to time and, if so renewed, shall have effect for five years from the date of renewal.

**Status:**

Point in time view as at 01/07/1995.

**Changes to legislation:**

There are currently no known outstanding effects for the Land Charges Act 1972, Cross Heading: Registration in registers of pending actions, writs and orders and deeds of arrangement.