



# 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.
  - [<sup>F1</sup>(c) a bankruptcy application.]
- (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; <sup>F2</sup>...
  - (b) if it relates to a petition in bankruptcy, the court in which and the day on which the petition was filed, [<sup>F3</sup>and]
  - [<sup>F4</sup>(c) if it relates to a bankruptcy application, the date on which the bankruptcy application was made.]
- (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>F5</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.

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[<sup>F6</sup>(6A) No fee shall be charged for the registration of a bankruptcy application.]

- (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.
- (8) A [<sup>F7</sup>bankruptcy application or] petition in bankruptcy shall not bind a purchaser of a legal estate in good faith, for money or money's worth, . . . <sup>F8</sup> unless it is for the time being registered under this section.
- (9) . . . . . <sup>F9</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>F10</sup>(11)]

#### Textual Amendments

- F1** S. 5(1)(c) inserted (6.4.2016) by The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/481), reg. 1, **Sch. 1 para. 4(2)(a)(i)**
- F2** Word in s. 5(3)(a) omitted (6.4.2016) by virtue of The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/481), reg. 1, **Sch. 1 para. 4(2)(b)(i)**
- F3** Word in s. 5(3)(b) inserted (6.4.2016) by The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/481), reg. 1, **Sch. 1 para. 4(2)(b)(ii)**
- F4** S. 5(3)(c) inserted (6.4.2016) by The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/481), reg. 1, **Sch. 1 para. 4(2)(b)(iii)**
- F5** S. 5(4A) inserted (1.7.1995) by 1994 c. 36, ss. **15(3)(5)**, 20; S.I. 1995/1317, **art.2**.
- F6** S. 5(6A) inserted (6.4.2016) by The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/481), reg. 1, **Sch. 1 para. 4(2)(c)**
- F7** Words in s. 5(8) inserted (6.4.2016) by The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/481), reg. 1, **Sch. 1 para. 4(2)(d)**
- F8** 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**)
- F9** 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**)
- F10** 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—

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- (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>F11</sup>(c) any bankruptcy order, whether or not the bankrupt's estate is known to include land,]
  - <sup>F12</sup>[(d) any access order under the Access to Neighbouring Land Act 1992.]
- <sup>F13</sup>(1A) No writ or order affecting an interest under a trust of land may be registered under subsection (1) above.]
- (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>F14</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>F15</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>F16</sup>section 37(5) of the <sup>F17</sup>Senior Courts Act 1981]] and <sup>F18</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.
- <sup>F19</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 <sup>F20</sup>bankruptcy application or] 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>F21</sup> claiming under a conveyance made after the date of registration, unless at the date of the conveyance <sup>F22</sup>either—
- (a) the registration of the application or the petition is in force; or
  - (b) a receiving order on the application or the petition is registered under this section.]

#### Textual Amendments

- F11** 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**)
- F12** 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**.
- F13** S. 6(1A) inserted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 12(3)** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art.2**.
- F14** S. 6(2A) inserted (1.7.1995) by 1994 c. 36, ss. 15(4)(5), 20; S.I. 1995/1317, **art. 2**.
- F15** 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**)
- F16** Words substituted by [Supreme Court Act 1981 \(c.54, SIF 37\)](#), s. 152(1), **Sch. 5**

**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)

- F17** Words in Act substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/1604, art. 2(d)
- F18** Words substituted by County Courts Act 1984 (c.28, SIF 34), s. 148(1), **Sch. 2 Pt. IV para. 18**
- F19** 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**)
- F20** Words in s. 6(6) inserted (6.4.2016) by The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/481), reg. 1, **Sch. 1 para. 4(3)(a)**
- F21** 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**)
- F22** Words in s. 6(6) substituted (6.4.2016) by The Enterprise and Regulatory Reform Act 2013 (Consequential Amendments) (Bankruptcy) and the Small Business, Enterprise and Employment Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/481), reg. 1, **Sch. 1 para. 4(3)(b)**

#### 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), 69(2) (with 66(2)).

#### <sup>F237</sup> **The register of deeds of arrangement affecting land.**

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#### Textual Amendments

- F23** S. 7 omitted (1.10.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 6 para. 2(7)(b)** (with Sch. 6 para. 3); S.I. 2015/1732, art. 2(e)(i)

## **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.

**Changes to legislation:**

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