



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.
 - [^{F1}(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; ^{F2}...
 - (b) if it relates to a petition in bankruptcy, the court in which and the day on which the petition was filed, [^{F3}and]
 - [^{F4}(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.
- [^{F5}(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.

Changes to legislation: There are currently no known outstanding effects for the Land Charges Act 1972, Section 5. (See end of Document for details)

[^{F6}(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 [^{F7}bankruptcy application or] petition in bankruptcy shall not bind a purchaser of a legal estate in good faith, for money or money's worth, . . . ^{F8} unless it is for the time being registered under this section.

(9) ^{F9}

(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.

[^{F10}(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)**

Changes to legislation:

There are currently no known outstanding effects for the Land Charges Act 1972, Section 5.