



Local Land Charges Act 1975

1975 CHAPTER 76

Definition of local land charges

1 Local land charges.

- (1) A charge or other matter affecting land is a local land charge if it falls within any of the following descriptions and is not one of the matters set out in section 2 below:—
- (a) any charge acquired either before or after the commencement of this Act by a local authority [^{F1}or National Park authority], water authority [^{F2}sewerage undertaker] or new town development corporation under the ^{M1}Public Health Acts 1936 ^{M2} and 1937, . . . ^{F3}, the ^{M3}Public Health Act 1961 or [^{F4}the Highways Act ^{M4}1980 (or any Act repealed by that Act)] [^{F5}or the Building Act ^{M5}1984], or any similar charge acquired by a local authority [^{F1}or National Park authority] under any other Act, whether passed before or after this Act, being a charge that is binding on successive owners of the land affected;
 - (b) any prohibition of or restriction on the use of land—
 - (i) imposed by a local authority [^{F1}or National Park authority] on or after 1st January 1926 (including any prohibition or restriction embodied in any condition attached to a consent, approval or licence granted by a local authority [^{F1}or National Park authority] on or after that date), or
 - (ii) enforceable by a local authority [^{F1}or National Park authority] under any covenant or agreement made with them on or after that date,being a prohibition or restriction binding on successive owners of the land affected;
 - (c) any prohibition of or restriction on the use of land—
 - (i) imposed by a Minister of the Crown or government department on or after the date of the commencement of this Act (including any prohibition or restriction embodied in any condition attached to a consent, approval or licence granted by such a Minister or department on or after that date), or
 - (ii) enforceable by such a Minister or department under any covenant or agreement made with him or them on or after that date,

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being a prohibition or restriction binding on successive owners of the land affected;

- (d) any positive obligation affecting land enforceable by a Minister of the Crown, government department or local authority [^{F1}or National Park authority] under any covenant or agreement made with him or them on or after the date of the commencement of this Act and binding on successive owners of the land affected;
- (e) any charge or other matter which is expressly made a local land charge by any statutory provision not contained in this section.

(2) For the purposes of subsection (1)(a) above, any sum which is recoverable from successive owners or occupiers of the land in respect of which the sum is recoverable shall be treated as a charge, whether the sum is expressed to be a charge on the land or not.

[^{F6}(3) For the purposes of this section and section 2 of this Act, the Broads Authority shall be treated as a local authority [or National Park authority].]

Textual Amendments

- F1** Words in s. 1 inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para.14** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**
- F2** Words inserted by Water Act 1989, (c.15, SIF 130), s. 190(1), Sch. 25 para. 52 (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26, paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F3** Words repealed by Highways Act 1980 (c. 66, SIF 59), s. 343(2), **Sch. 24 para. 26**
- F4** Words substituted by Highways Act 1980 (c. 66, SIF 59), s. 343(2), **Sch. 24 para. 26**
- F5** Words inserted by Building Act 1984 (c. 55, SIF 15), s. 133(1), **Sch. 6 para. 16**
- F6** S. 1(3) added by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), Sch. 6 para. 14, **Sch. 7**

Modifications etc. (not altering text)

- C1** S. 1(1)(c) modified by Highways Act 1980 (c. 66, SIF 59), **ss. 73(12), 74(12), 79(16), 177(11)**
- C2** S. 1(1)(d) modified by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), **s. 33(10)**

Marginal Citations

- M1** 1936 c. 49.
- M2** 1937 c. 40.
- M3** 1961 c. 64.
- M4** 1980 c.xx (59).
- M5** 1984 c.35 (15).

2 Matters which are not local land charges.

The following matters are not local land charges:—

- (a) a prohibition or restriction enforceable under a covenant or agreement made between a lessor and a lessee;
- (b) a positive obligation enforceable under a covenant or agreement made between a lessor and a lessee;
- (c) a prohibition or restriction enforceable by a Minister of the Crown, government department or local authority [^{F7}or National Park authority] under

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- any covenant or agreement, being a prohibition or restriction binding on successive owners of the land affected by reason of the fact that the covenant or agreement is made for the benefit of land of the Minister, government department or local authority [^{F7}or National Park authority];
- (d) a prohibition or restriction embodied in any bye-laws;
 - (e) a condition or limitation subject to which planning permission was granted at any time before the commencement of this Act or was or is (at any time) deemed to be granted under any statutory provision relating to town and country planning, whether by a Minister of the Crown, government department or local authority [^{F7}or National Park authority];
 - (f) a prohibition or restriction embodied in a scheme under the ^{M6}Town and Country Planning Act 1932 or any enactment repealed by that Act;
 - (g) a prohibition or restriction enforceable under a forestry dedication covenant entered into pursuant to section 5 of the ^{M7}Forestry Act 1967;
 - (h) a prohibition or restriction affecting the whole of any of the following areas:—
 - (i) England, Wales or England and Wales;
 - (ii) England, or England and Wales, with the exception of, or of any part of, Greater London;
 - (iii) Greater London.

Textual Amendments

- F7** Words in s. 2 inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para.14** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

Modifications etc. (not altering text)

- C3** S. 2 modified (30.9.2022) by Environment Act 2021 (c. 30), **ss. 120(3)**, 147(3) (with s. 144, Sch. 19); S.I. 2022/48, reg. 5(a)
- C4** S. 2(a)(b) excluded (1.11.1993) by 1993 c. 28, **s. 70(11)**; S.I. 1993/2134, **art. 5**.
- C5** S. 2(c) excluded (22.7.2008) by Crossrail Act 2008 (c. 18), **s. 44(3)**
- C6** S. 2(c) excluded (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 18(3)**, 70(1)
- C7** S. 2(c) excluded (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 15(3)**, 64(1)

Marginal Citations

- M6** 1932 c. 48.
- M7** 1967 c. 10.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act modified by [2023 asc 3 s. 22\(6\)](#)
- Act modified by [2023 asc 3 s. 77\(3\)](#)