



Local Land Charges Act 1975

1975 CHAPTER 76

Local land charges registers, registration and related matters

3 Registering authorities, local land charges registers, and indexes

- (1) Each of the following local authorities—
 - (a) the council of any district,
 - (b) the council of any London borough, and
 - (c) the Common Council of the City of London,shall be a registering authority for the purposes of this Act.
- (2) There shall continue to be kept for the area of each registering authority—
 - (a) a local land charges register, and
 - (b) an index whereby all entries made in that register can readily be traced,and as from the commencement of this Act the register and index kept for the area of a registering authority shall be kept by that authority.
- (3) In this section " index " includes any device or combination of devices serving the purpose of an index.
- (4) For the purposes of this Act the area of the Common Council of the City of London includes the Inner Temple and the Middle Temple.

4 The appropriate local land charges register

In this Act and any other statutory provision, unless the context otherwise requires, " the appropriate local land charges register", in relation to any land or to a local land charge, means the local land charges register for the area in which the land or, as the case may be, the land affected by the charge is situated or, if the land in question is situated in two or more areas for which local land charges registers are kept, each of the local land charges registers kept for those areas respectively

5 Registration

- (1) Subject to subsection (6) below, where the originating authority as respects a local land charge are the registering authority, it shall be their duty to register it in the appropriate local land charges register.
- (2) Subject to subsection (6) below, where the originating authority as respects a local land charge are not the registering authority, it shall be the duty of the originating authority to apply to the registering authority for its registration in the appropriate local land charges register and upon any such application being made it shall be the duty of the registering authority to register the charge accordingly.
- (3) The registration in a local land charges register of a local land charge, or of any matter which when registered becomes a local land charge, shall be carried out by reference to the land affected or such part of it as is situated in the area for which the register is kept.
- (4) In this Act, " the originating authority", as respects a local land charge, means the Minister of the Crown, government department, local authority or other person by whom the charge is brought into existence or by whom, on its coming into existence, the charge is enforceable; and for this purpose—
 - (a) where a matter that is a local land charge consists of or is embodied in, or is otherwise given effect by, an order, scheme or other instrument made or confirmed by a Minister of the Crown or government department on the application of another authority the charge shall be treated as brought into existence by that other authority; and
 - (b) a local land charge brought into existence by a Minister of the Crown or government department on an appeal from a decision or determination of another authority or in the exercise of powers ordinarily exercisable by another authority shall be treated as brought into existence by that other authority.
- (5) The registration of a local land charge may be cancelled pursuant to an order of the court.
- (6) Where a charge or other matter is registrable in a local land charges register and before the commencement of this Act was also registrable in a register kept under the Land Charges Act 1972, then, if before the commencement of this Act it was registered in a register kept under that Act, there shall be no duty to register it, or to apply for its registration, under this Act and section 10 below shall not apply in relation to it.

6 Local authority's right to register a general charge against land in certain circumstances

- (1) Where a local authority have incurred any expenditure in respect of which, when any relevant work is completed and any requisite resolution is passed or order is made, there will arise in their favour a local land charge (in this section referred to as " the specific charge "), the following provisions of this section shall apply.
- (2) At any time before the specific charge comes into existence, a general charge against the land, without any amount being specified, may be registered in the appropriate local land charges register by the registering authority if they are the originating authority and, if they are not, shall be registered therein by them if the originating authority make an application for that purpose.

- (3) A general charge registered under this section shall be a local land charge, but section 5(1) and (2) above shall not apply in relation to such a charge.
- (4) If a general charge is registered under this section pursuant to an application by the originating authority, they shall, when the specific charge comes into existence, notify the registering authority of that fact, and any such notification shall be treated as an application (subject to subsection (5) below) for the cancellation of the general charge and the registration of the specific charge.
- (5) Where a general charge is registered under this section its registration shall be cancelled within such period starting with the day on which the specific charge comes into existence, and not being less than 1 year, as may be prescribed, and the specific charge shall not be registered before the general charge is cancelled.
- (6) If the registration of the general charge is duly cancelled within the period specified in subsection (5) above and the specific charge is registered forthwith upon the cancellation or was discharged before the cancellation, then, for the purposes of section 10 below, the specific charge shall be treated as having come into existence at the time when the general charge was cancelled.

7 Effect of registering certain financial charges

A local land charge falling within section 1(1)(a) above shall, when registered, take effect as if it had been created by a deed of charge by way of legal mortgage within the meaning of the Law of Property Act 1925, but without prejudice to the priority of the charge.