



Local Land Charges Act 1975

CHAPTER 76

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ELIZABETH II



Local Land Charges Act 1975

1975 CHAPTER 76

An Act to make fresh provision for and in connection with the keeping of local land charges registers and the registration of matters therein. [12th November 1975]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Definition of local land charges

1.—(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, water authority or new town development corporation under the Public Health Acts 1936 and 1937, the Highways Act 1959, the Public Health Act 1961 or the Highways Act 1971, or any similar charge acquired by a local 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 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 on or after that date), or

(ii) enforceable by a local 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,

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 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.

Matters
which are
not local land
charges.

2. 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 under 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 ;

- (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 ;
- (f) a prohibition or restriction embodied in a scheme under the Town and Country Planning Act 1932 or any 1932 c. 48. enactment repealed by that Act ;
- (g) a prohibition or restriction enforceable under a forestry dedication covenant entered into pursuant to section 5 of the Forestry Act 1967 ; 1967 c. 10.
- (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.

Local land charges registers, registration and related matters

3.—(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,

Registering authorities, local land charges registers, and indexes.

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.

The appropriate local land charges register.

4. 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

Registration.

5.—(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.—(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.

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

(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.

Effect of registering certain financial charges.
1925 c. 20.

7. 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.

Searches

Personal searches.

8.—(1) Any person may search in any local land charges register on paying the prescribed fee.

(2) Without prejudice to subsection (1) above, a registering authority may provide facilities for enabling persons entitled to search in the authority's local land charges register to see photographic or other images or copies of any portion of the register which they may wish to examine.

Official searches.

9.—(1) Where any person requires an official search of the appropriate local land charges register to be made in respect of any land, he may make a requisition in that behalf to the registering authority.

1972 c. 70.

(2) A requisition under this section must be in writing, and for the purposes of serving any such requisition on the Common Council of the City of London section 231(1) of the Local Government Act 1972 shall apply in relation to that Council as it applies in relation to a local authority within the meaning of that Act.

(3) The prescribed fee shall be payable in the prescribed manner in respect of every requisition made under this section.

(4) Where a requisition is made to a registering authority under this section and the fee payable in respect of it is paid in accordance with subsection (3) above, the registering authority shall thereupon make the search required and shall issue an official certificate setting out the result of the search.

Compensation for non-registration or defective official search certificate

Compensation for non-registration or defective official search certificate.

10.—(1) Failure to register a local land charge in the appropriate local land charges register shall not affect the enforceability of the charge but where a person has purchased any land affected by a local land charge, then—

(a) in a case where a material personal search of the appropriate local land charges register was made in respect of the land in question before the relevant time, if at the time of the search the charge was in existence but not registered in that register; or

- (b) in a case where a material official search of the appropriate local land charges register was made in respect of the land in question before the relevant time, if the charge was in existence at the time of the search but (whether registered or not) was not shown by the official search certificate as registered in that register,

the purchaser shall (subject to section 11(1) below) be entitled to compensation for any loss suffered by him by reason that the charge was not registered in the appropriate local land charges register or, as the case may be, was not shown by the official search certificate as registered in that register.

(2) At any time when rules made under this Act make provision for local land charges registers to be divided into parts then, for the purposes of subsection (1) above—

- (a) a search (whether personal or official) of a part or parts only of any such register shall not constitute a search of that register in relation to any local land charge registrable in a part of the register not searched ; and
- (b) a charge shall not be taken to be registered in the appropriate local land charges register unless registered in the appropriate part of the register.

(3) For the purposes of this section—

- (a) a person purchases land where, for valuable consideration, he acquires any interest in land or the proceeds of sale of land, and this includes cases where he acquires as lessee or mortgagee and shall be treated as including cases where an interest is conveyed or assigned at his direction to another person ;

(b) the relevant time—

- (i) where the acquisition of the interest in question was preceded by a contract for its acquisition, other than a qualified liability contract, is the time when that contract was made ;

- (ii) in any other case, is the time when the purchaser acquired the interest in question or, if he acquired it under a disposition which took effect only when registered under the Land Registration Act 1925 c. 21. 1925, the time when that disposition was made ;

and for the purposes of sub-paragraph (i) above, a qualified liability contract is a contract containing a term the effect of which is to make the liability of the purchaser dependent upon, or avoidable by reference to, the outcome of a search for local land charges affecting the land to be purchased.

(c) a personal search is material if, but only if—

(i) it is made after the commencement of this Act, and

(ii) it is made by or on behalf of the purchaser or, before the relevant time, the purchaser or his agent has knowledge of the result of it ;

(d) an official search is material if, but only if—

(i) it is made after the commencement of this Act, and

(ii) it is requisitioned by or on behalf of the purchaser or, before the relevant time, the purchaser or his agent has knowledge of the contents of the official search certificate.

(4) Any compensation for loss under this section shall be paid by the registering authority in whose area the land affected is situated ; and where the purchaser has incurred expenditure for the purpose of obtaining compensation under this section, the amount of the compensation shall include the amount of the expenditure reasonably incurred by him for that purpose (so far as that expenditure would not otherwise fall to be treated as loss for which he is entitled to compensation under this section).

(5) Where any compensation for loss under this section is paid by a registering authority in respect of a local land charge as respects which they are not the originating authority, then, unless an application for registration of the charge was made to the registering authority by the originating authority in time for it to be practicable for the registering authority to avoid incurring liability to pay that compensation, an amount equal thereto shall be recoverable from the originating authority by the registering authority.

(6) Where any compensation for loss under this section is paid by a registering authority, no part of the amount paid, or of any corresponding amount paid to that authority by the originating authority under subsection (5) above, shall be recoverable by the registering authority or the originating authority from any other person except as provided by subsection (5) above or under a policy of insurance or on grounds of fraud.

(7) In the case of an action to recover compensation under this section the cause of action shall be deemed for the purposes of the Limitation Act 1939 to accrue at the time when the local land charge comes to the notice of the purchaser ; and for the purposes of this subsection the question when the charge came to his notice shall be determined without regard to the provisions of section 198 of the Law of Property Act 1925 (under which registration under certain enactments is deemed to constitute actual notice).

1939 c. 21.

1925 c. 20.

(8) Where the amount claimed by way of compensation under this section does not exceed the limit for the time being imposed on the jurisdiction of a county court by paragraph (b) of section 40(1) of the County Courts Act 1959 (money recoverable by statute), proceedings for the recovery of such compensation may be begun in the county court. 1959 c. 22.

(9) If in any proceedings for the recovery of compensation under this section the court dismisses a claim to compensation, it shall not order the purchaser to pay the registering authority's costs unless it considers that it was unreasonable for the purchaser to commence the proceedings.

11.—(1) Where there appear to be grounds for a claim under section 10 above in respect of an interest that is subject to a mortgage— Mortgages,
trusts for
sale and
settled land.

(a) the claim may be made by any mortgagee of the interest as if he were the person entitled to that interest but without prejudice to the making of a claim by that person ;

(b) no compensation shall be payable under that section in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage) ;

(c) any compensation payable under that section in respect of the interest that is subject to the mortgage shall be paid to the mortgagee or, if there is more than one mortgagee, to the first mortgagee and shall in either case be applied by him as if it were proceeds of sale.

(2) Where an interest is held on trust for sale any compensation payable in respect of it under section 10 above shall be dealt with as if it were proceeds of sale arising under the trust.

(3) Where an interest is settled land for the purposes of the Settled Land Act 1925 any compensation payable in respect of it under section 10 above shall be treated as capital money arising under that Act. 1925 c. 18.

Miscellaneous and supplementary

12. An office copy of an entry in any local land charges register shall be admissible in evidence in all proceedings between all parties to the same extent as the original would be admissible. Office copies
as evidence.

13. A solicitor or a trustee, personal representative, agent or other person in a fiduciary position, shall not be answerable in respect of any loss occasioned by reliance on an erroneous official search certificate or an erroneous office copy of an entry in a local land charges register. Protection
of solicitors,
trustees etc.

Rules.

14.—(1) The Lord Chancellor may, with the concurrence of the Treasury as to fees, make rules for carrying this Act into effect and, in particular, rules—

- (a) for regulating the practice of registering authorities in connection with the registration of local land charges or matters which, when registered, become local land charges ;
- (b) as to forms and contents of applications for registration, and the manner in which such applications are to be made ;
- (c) as to the manner in which the land affected or to be affected by a local land charge is, where practicable, to be identified for purposes of registration ;
- (d) as to the manner in which and the times at which registrable matters are to be registered ;
- (e) as to forms and contents of requisitions for official searches and of official search certificates ;
- (f) for regulating personal searches and related matters ;
- (g) as to the cancellation without an order of the court of the registration of a local land charge on its cesser, or with the consent of the authority or body by whom it is enforceable ;
- (h) for prescribing the fees, if any, to be paid for the filing of documents with a registering authority, the making of any entry on a register, the supply of copies of, or the variation or cancellation of, any such entry, and the making of any search of a register.

(2) Without prejudice to the generality of subsection (1) above, the power to make rules under that subsection shall include power to make rules (with the concurrence of the Treasury as to fees) for carrying into effect the provisions of any statutory provision by virtue of which any matter is registrable in any local land charges register.

(3) The power to make rules under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Expenses.

15. There shall be paid out of money provided by Parliament—

- (a) any administrative expenses incurred by a Minister of the Crown or government department in consequence of this Act ;
- (b) any expenditure incurred by a Minister of the Crown or government department in the payment of any amount recoverable from him or them under this Act by a registering authority ;

- (c) any increase attributable to this Act in the sums so payable under any other Act.

16.—(1) In this Act, except where the context otherwise requires— Interpretation.

“the appropriate local land charges register” has the meaning provided by section 4 above;

“the court” means the High Court, or the county court in a case where the county court has jurisdiction;

“land” includes mines and minerals, whether or not severed from the surface, buildings or parts of buildings (whether the division is horizontal, vertical or made in any other way) and other corporeal hereditaments;

“official search certificate” means a certificate issued pursuant to section 9(4) above;

“the originating authority”, as respects a local land charge, has the meaning provided by section 5(4) above;

“personal search” means a search pursuant to section 8 above;

“prescribed” means prescribed by rules made under section 14 above;

“the registering authority”, in relation to any land or to a local land charge, means the registering authority in whose area 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 the areas of two or more registering authorities, each of those authorities respectively;

“statutory provision” means a provision of this Act or of any other Act or Measure, whenever passed, or a provision of any rules, regulations, order or similar instrument made (whether before or after the passing of this Act) under an Act, whenever passed.

(2) Except in so far as the context otherwise requires, any reference in this Act to an enactment is a reference to that enactment as amended, extended or applied by or under any other enactment, including this Act.

17.—(1) The Land Charges Act 1972 shall be amended as follows:— Amendments
of other
statutory
provisions.

(a) for section 1(3) there shall be substituted—

“ (3) Where any charge or other matter is registrable in more than one of the registers kept under this Act, it shall be sufficient if it is registered in one such register, and if it is so registered the person entitled to the benefit of it shall not be prejudicially 1972 c. 61.

affected by any provision of this Act as to the effect of non-registration in any other such register.

(3A) Where any charge or other matter is registrable in a register kept under this Act and was also, before the commencement of the Local Land Charges Act 1975, registrable in a local land charges register, then, if before the commencement of the said Act it was registered in the appropriate local land charges register, it shall be treated for the purposes of the provisions of this Act as to the effect of non-registration as if it had been registered in the appropriate register under this Act; and any certificate setting out the result of an official search of the appropriate local land charges register shall, in relation to it, have effect as if it were a certificate setting out the result of an official search under this Act.”;

(b) in section 2(4) and in section 2(5) the words “(not being a local land charge)” shall be inserted after “any of the following”.

(2) Schedule 1 to this Act (which contains consequential amendments of other Acts and of a Measure) shall have effect.

Power to
amend local
Acts.

18.—(1) Subject to the provisions of this section, the Lord Chancellor may by order made by statutory instrument repeal or amend any relevant local Act provision that appears to him to be inconsistent with, or to require modification in consequence of, any provision of this Act.

(2) For the purposes of this section, a relevant local Act provision is a provision—

- (a) contained in any local Act passed before this Act, and
- (b) providing for any matter to be, or to be registered as, a local land charge or otherwise requiring or authorising the registration of any matter in a local land charges register.

(3) An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament and may be varied or revoked by a subsequent order under this section.

(4) Before making an order under this section the Lord Chancellor shall consult any local authority appearing to him to be concerned.

Repeals and
transitional
provisions.

19.—(1) The enactments specified in Schedule 2 to this Act (which include certain spent provisions) and the instrument there specified are hereby repealed to the extent specified in the third column of that Schedule.

(2) Nothing in this Act shall operate to impose any obligation to register or apply for the registration of any local land charge within the meaning of this Act which immediately before the commencement of this Act was by virtue of subsection (7)(b)(i) of section 15 of the Land Charges Act 1925 not required by that section to be registered as a local land charge, except after the expiration of one year from the commencement of this Act; and a purchaser shall not be entitled to compensation under section 10 above by virtue of section 10(1)(a) or, where the charge was not registered at the time of the search, section 10(1)(b) in respect of a local land charge which at the time of the search was not required to be registered. 1925 c. 22.

(3) Where any matter was immediately before the commencement of this Act registrable in a local land charges register, then, if the matter was, immediately before the said commencement, registered in the appropriate local land charges register nothing in this Act shall affect the status of any rights therein as overriding interests under section 70(1)(i) of the Land Registration Act 1925, whether or not the matter is a local land charge within the meaning of this Act. 1925 c. 21.

(4) In so far as any entry subsisting in a local land charges register at the commencement of this Act could have been made in that register pursuant to this Act, or to any statutory provision amended by or under this Act, it shall be treated as having been so made, but nothing in this Act shall render enforceable against any purchaser whose purchase was completed before the commencement of this Act any local land charge which immediately before the commencement of this Act was not enforceable against him.

20.—(1) This Act may be cited as the Local Land Charges Act 1975. Short title
etc.

(2) This Act binds the Crown, but nothing in this Act shall be taken to render land owned by or occupied for the purposes of the Crown subject to any charge to which, independently of this Act, it would not be subject.

(3) This Act shall come into force on such day as the Lord Chancellor may by order made by statutory instrument appoint.

(4) This Act extends to England and Wales only.

SCHEDULES

Section 17.

SCHEDULE 1

CONSEQUENTIAL AMENDMENTS

ACTS

1925 c. 20.

The Law of Property Act 1925

In section 198 of the Law of Property Act 1925—

- (a) in subsection (1), for the words from “under” to “elsewhere” substitute “in any register kept under the Land Charges Act 1972 or any local land charges register”;
- (b) in subsection (2), for “under the Land Charges Act 1925” substitute “in any such register”.

1925 c. 21.

The Land Registration Act 1925

For section 3(ix) of the Land Registration Act 1925 substitute—

“(ix) ‘Land charge’ means a land charge of any class described in section 2 of the Land Charges Act 1972 or a local land charge;”.

1931 c. 16.

The Ancient Monuments Act 1931

In section 11 of the Ancient Monuments Act 1931, for the words from the beginning to “as if they were” substitute “The following instruments shall be” and omit the words from “and every such” to the end of the section.

1948 c. 17.

The Requisitioned Land and War Works Act 1948

In section 14 of the Requisitioned Land and War Works Act 1948—

- (a) in subsection (1), for the words from “in the prescribed manner” to the end of the subsection substitute “in the appropriate local land charges register; and on any application being made for that purpose to the authority keeping that register that authority shall register the rights accordingly.”;
- (b) in subsection (3), for the words from “but the said section” to the end of the subsection substitute “but the rights conferred by that section shall, as respects the land on which the line as diverted, and any such works, are constructed be a local land charge; and for the purposes of the Local Land Charges Act 1975 the Minister maintaining and using, or authorising the maintenance and use of, the said line or works shall be treated as the originating authority as respects such charge.”;
- (c) for subsection (4) substitute—
 - “(4) Rights registered in a local land charges register in pursuance of subsection (1) of this section shall be a local land charge, but

- (a) section 5(2) and section 10 of the Local Land Charges Act 1975 shall not apply in relation thereto ; and
- (b) a certificate setting out the result of an official search of the appropriate local land charges register shall, as respects any pipeline or works accessory thereto, be conclusive of the question whether, at the time of the issue of the certificate, rights registrable under subsection (1) of this section were registered.”

SCH. 1

The Civil Aviation Act 1949

1949 c. 67.

In section 33 of the Civil Aviation Act 1949—

- (a) in subsection (1), for the words from the beginning to “that is to say” substitute “The following instruments shall, when operative, be local land charges” and omit the words from “becomes operative” to the end of the subsection ;
- (b) omit subsections (2) and (3).

The Coast Protection Act 1949

1949 c. 74.

For section 8(8) of the Coast Protection Act 1949 substitute—

“(8) A works scheme indicating land as contributory land shall, when operative, be a local land charge as respects the contributory land.”.

The Public Utilities Street Works Act 1950

1950 c. 39.

For paragraphs 2 to 4 of Schedule 2 to the Public Utilities Street Works Act 1950 substitute—

“2. A declaration made under this Schedule shall be a local land charge.”.

The Hill Farming Act 1954

1954 c. 23.

In section 2 of the Hill Farming Act 1954, for the words from “shall be registered” to the end of the subsection in subsection (1) substitute “shall be a local land charge”, and omit subsection (2).

The Underground Works (London) Act 1956

1956 c. 59.

For section 6(9) of the Underground Works (London) Act 1956 substitute—

“(9) The restriction imposed by subsection (1) of this section shall be a local land charge, and for the purposes of the Local Land Charges Act 1975 the registering authority shall be treated as the originating authority as respects such charge”.

The Housing Act 1957

1957 c. 56.

For section 104(5) of the Housing Act 1957 substitute—

“(5) Any such condition as is mentioned in subsection (3)(a) or (b) of this section imposed on the sale of a house by a local authority shall be a local land charge.”.

SCH. 1

1958 c. 30.

The Land Powers (Defence) Act 1958

In section 17 of the Land Powers (Defence) Act 1958—

(a) for subsection (1) substitute—

“(1) A wayleave order shall be a local land charge.

(1A) Notwithstanding subsection (1) of this section and subject to subsection (1B) of this section, where, before the commencement of the Local Land Charges Act 1975, a draft wayleave order was registered in the appropriate local land charges register there shall be no duty to register, or to apply for the registration of, any wayleave order made pursuant to the draft order, and section 10 of the said Act shall not apply in relation to any such wayleave order.

(1B) Subsection (1A) of this section shall not apply to any wayleave order so far as the order applies to land not affected by the draft wayleave order or, where the registration of the draft order was, before the commencement of the said Act of 1975, varied in consequence of the order as made differing from the draft, so far as it applies to land not shown as affected in the registered particulars of the draft order as varied.”;

(b) in subsection (2)(a), for the words from “in the prescribed manner” to “situated” substitute “in the appropriate local land charges register”;

(c) after subsection (2) insert—

“(2A) Where an application is made for the registration of a notice in the appropriate local land charges register in pursuance of subsection (2) of this section, the authority keeping that register shall register the notice accordingly.”;

(d) for subsection (3) substitute—

“(3) A notice registered in a local land charges register in pursuance of subsection (2) of this section shall be a local land charge, but—

(a) section 5(2) and section 10 of the Local Land Charges Act 1975 shall not apply in relation thereto; and

(b) a certificate setting out the result of an official search of the appropriate local land charges register shall, as respects any land, be conclusive of the question whether, at the time of the issue of the certificate, a notice registrable in pursuance of subsection (2) of this section was registered in the register.”;

(e) in subsection (4)—

(i) for “the said subsection (6)” substitute “section 14 of the Local Land Charges Act 1975”, and

(ii) omit paragraphs (a) and (b) and the words “under this section” in paragraph (c).

The Opencast Coal Act 1958

SCH. 1

1958 c. 69.

In section 11 of the Opencast Coal Act 1958—

(a) for subsection (1) substitute—

“(1) A compulsory rights order shall be a local land charge.”;

(b) omit subsection (2);

(c) in subsection (3), for the words from “by virtue of” to “preceding subsection” substitute “under section 14 of the Local Land Charges Act 1975 for the purposes of this section”.

The Highways Act 1959

1959 c. 25.

In the Highways Act 1959—

(a) in each of the following provisions, namely, sections 72(11), 73(11) and 81(13)—

(i) for the words from the beginning to “apply to” substitute “In relation to”; and

(ii) for the words from “as if” onwards substitute “section 1(1)(c) of the Local Land Charges Act 1975 shall have effect as if the references to the date of the commencement of that Act were omitted”;

(b) for section 92(5) substitute—

“(5) An agreement under this section shall be a local land charge.”;

(c) in section 197(1), for the words from “registered” onwards substitute “local land charges”.

The Rights of Light Act 1959

1959 c. 56.

In the Rights of Light Act 1959—

(a) in section 2(4), for the words from “the proper officer” onwards substitute “that authority to register the notice in the appropriate local land charges register, and—

(a) any notice so registered under this section shall be a local land charge; but

(b) section 5(1) and (2) and section 10 of the Local Land Charges Act 1975 shall not apply in relation thereto.”;

(b) in section 5, omit subsection (1), and for the words from “by virtue of” to “preceding subsection” in subsection (2) substitute “under section 14 of the Local Land Charges Act 1975 for the purposes of section 2 of this Act”;

(c) in section 7(1), for the definition of “local authority” substitute—

“‘local authority’, in relation to land in a district or a London borough, means the council of the district or borough, and, in relation to land in the City of London, means the Common Council of the City;”.

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The Land Drainage Act 1961

1961 c. 48.

In section 30 of the Land Drainage Act 1961, omit the words from "and any such" to the end of the subsection in subsection (8) and after that subsection insert—

"(8A) A scheme made under this section shall be a local land charge."

1961 c. 49.

The Covent Garden Market Act 1961

For section 48(1) of the Covent Garden Market Act 1961 substitute—

"(1) A restriction imposed by section twenty-three of the Covent Garden Market Act 1966 shall be a local land charge, and for the purposes of the Local Land Charges Act 1975 the registering authority shall be treated as the originating authority as respects such charge."

1961 c. 65.

The Housing Act 1961

For section 12(7) of the Housing Act 1961 substitute—

"(7) An order under this section shall be a local land charge."

1964 c. 56.

The Housing Act 1964

For section 73(5) of the Housing Act 1964 substitute—

"(5) A control order shall be a local land charge."

1965 c. 36.

The Gas Act 1965

In the Gas Act 1965—

(a) for section 5(10) substitute—

"(10) The following shall be local land charges, namely, a storage authorisation order, any conditions attached to a consent given by the Secretary of State under this section and, save in so far as it revokes any conditions, any further decision taken by the Secretary of State under subsection (8) of this section."

(b) in section 11(3), for the words from "registered" onwards substitute "a local land charge.";

(c) for section 27(1) substitute—

"(1) For the purposes of the Local Land Charges Act 1975, the Corporation shall be treated as the originating authority as respects any matter which is a local land charge by virtue of this Part of this Act."

(d) omit section 27(2) to (4).

The New Towns Act 1965

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In the New Towns Act 1965—

1965 c. 59.

(a) for section 1(4) substitute—

“ (4) An order under this section shall, when operative, be a local land charge.”;

(b) for section 9 substitute—

“ 9. A compulsory purchase order under section 7 or 8 of this Act shall, when operative, be a local land charge.”.

The Agriculture Act 1967

1967 c. 22.

In the Agriculture Act 1967—

(a) for section 45(6) substitute—

“ (6) As respects the area of a Rural Development Board established under this section the provisions of this Part of this Act controlling sales of land and controlling afforestation shall be a local land charge, and for the purposes of the Local Land Charges Act 1975 the appropriate Minister shall be treated as the originating authority as respects such charge.”;

(b) omit section 45(7) and (8) and the words “(7) and (8)” in section 45(9);

(c) for paragraph 2(1) of Schedule 3 substitute—

“ (1) As respects a unit of land to which this Schedule applies, the conditions specified in this Schedule shall (notwithstanding section 2(a) or (b) of the Local Land Charges Act 1975) be a local land charge, and for the purposes of that Act the appropriate Minister or, where this Schedule is applied to the unit by a conveyance by a Rural Development Board, the relevant Rural Development Board shall be treated as the originating authority as respects such charge.”;

(d) omit paragraph 2(2) and (3) of Schedule 3.

The Leasehold Reform Act 1967

1967 c. 88.

In section 19 of the Leasehold Reform Act 1967—

(a) in subsection (10), for the words from “shall be registered” to “so registered” substitute “shall (notwithstanding section 2(a) or (b) of the Local Land Charges Act 1975) be a local land charge and for the purposes of that Act the landlord for the area to which it relates shall be treated as the originating authority as respects such charge; and where a scheme is registered in the appropriate local land charges register”;

(b) after subsection (10) insert—

“ (10A) Section 10 of the Local Land Charges Act 1975 shall not apply in relation to schemes which, by virtue of this section, are local land charges.”.

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1968 c. 61.

The Civil Aviation Act 1968

In section 21 of the Civil Aviation Act 1968—

(a) for subsection (1) substitute—

“(1) A right in or in relation to land in England and Wales granted or agreed to be granted after the passing of this Act and enforceable by virtue of section 23(7) of the Civil Aviation Act 1949 (powers over land in connection with civil aviation) shall be a local land charge.”;

(b) omit subsections (2) and (3).

1971 c. 41.

The Highways Act 1971

In the Highways Act 1971—

(a) for section 18(4) substitute—

“(4) A covenant contained in an agreement under this section and entered into by a person having an interest in any land affected by the agreement shall be a local land charge.”;

(b) in section 38(11)—

(i) for the words from the beginning to “apply to” substitute “In relation to”; and

(ii) for the words from “as if” onwards substitute “section 1(1)(c) of the Local Land Charges Act 1975 shall have effect as if the references to the date of the commencement of that Act were references to the date of the coming into force of this section.”;

(c) for section 81(2) substitute—

“(2) Any charge acquired by the Secretary of State by virtue of subsection (1) of the said section 264 shall be a local land charge.”.

1971 c. 75.

The Civil Aviation Act 1971

In section 16 of the Civil Aviation Act 1971—

(a) for subsection (2) substitute—

“(2) A right in or in relation to land in England or Wales granted or agreed to be granted to the Authority and enforceable by virtue of the preceding subsection shall be a local land charge.”;

(b) omit subsections (3) and (4).

1971 c. 78.

The Town and Country Planning Act 1971

In the Town and Country Planning Act 1971—

(a) in section 54(6), for the words from “registered” onwards substitute “a local land charge, and for the purposes of the Local Land Charges Act 1975 the council with whom a copy is deposited shall be treated as the originating authority as respects the charge thereby constituted.”;

- (b) in section 158(5), for the words from “registered” onwards substitute “local land charges, and for the purposes of the Local Land Charges Act 1975 the council with whom any such notice is deposited shall be treated as the originating authority as respects the charge thereby constituted.”; and
- (c) in section 277(9), for the words from “registered” onwards substitute “a local land charge.”
- SCH. 1**

The Field Monuments Act 1972

1972 c. 43.

In the Schedule to the Field Monuments Act 1972, for paragraphs 3 and 4 substitute—

“3. In relation to acknowledgment payment agreements section 1(1)(c) of the Local Land Charges Act 1975 shall have effect as if the references to the date of the commencement of that Act were references to the date of the passing of this Act.”.

The Land Compensation Act 1973

1973 c. 26.

In the Land Compensation Act 1973—

- (a) in section 8, omit the words from “and any particulars” to the end of the subsection in subsection (4) and after that subsection insert—
- “ (4A) Any particulars deposited pursuant to subsection (4) above shall be a local land charge and for the purposes of the Local Land Charges Act 1975 the council with whom any such particulars are deposited shall be treated as the originating authority as respects the charge thereby constituted.”;
- (b) in section 24(3), omit the words “Subject to subsection (4) below”, and for section 24(4) substitute—
- “ (4) An agreement made under this section shall be a local land charge.”;
- (c) in section 52(8), substitute “Before” for “Where”, insert “to be made” after “payment” in the second place where that word occurs, and omit the words from “and any particulars” onwards;
- (a) after section 52(8) insert—
- “ (8A) Any particulars deposited pursuant to subsection (8) above shall be a local land charge and for the purposes of the Local Land Charges Act 1975 the council with whom any such particulars are deposited shall be treated as the originating authority as respects the charge thereby constituted.”;
- (e) in section 52(9), for the words from the beginning to “the claimant” substitute “Where a local land charge is registered in the appropriate local land charges register pursuant to subsection (8A) above and the advance payment to which the charge relates is made to the claimant, then if thereafter he”.

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1974 c. 44.

The Housing Act 1974

In the Housing Act 1974—

(a) in section 36, for subsection (5) substitute—

“ (5) A resolution declaring an area to be a housing action area shall be a local land charge.” ;

(b) in section 52, for subsection (6) substitute—

“ (6) A resolution declaring an area to be a priority neighbourhood shall be a local land charge.” ;

(c) in section 75, for subsection (5) substitute—

“ (5) A grant condition shall be a local land charge.” ;

(d) in section 90, for subsection (4) substitute—

“ (4) An improvement notice served under this section shall be a local land charge.” ;

(e) in section 126 omit the words from “and the instrument is registered” to the end of the subsection in subsection (1) and after subsection (4) insert—

“ (4A) In relation to a covenant falling within subsection (2) above, section 1(1)(d) of the Local Land Charges Act 1975 shall have effect as if the reference to the commencement of that Act were a reference to the coming into operation of this section.”

MEASURE

1968 No. 1.

The Pastoral Measure 1968

In section 65(5) of the Pastoral Measure 1968, for the words from “shall be deposited” onwards substitute “shall be deposited with the registering authority (within the meaning of the Local Land Charges Act 1975), and the order shall be a local land charge.”

SCHEDULE 2

Section 19.

REPEALS

Acts

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5. c. 22.	The Land Charges Act 1925.	The whole Act.
16 & 17 Geo. 5. c. 11.	The Law of Property (Amendment) Act 1926.	In the Schedule, the entries relating to section 15 of the Land Charges Act 1925.
21 & 22 Geo. 5. c. 16.	The Ancient Monuments Act 1931.	In section 6(3) and (4), the words from "(subject" to "by this Act)". In section 11, the words from "and every such" onwards.
4 & 5 Geo. 6. c. 50.	The Agriculture (Miscellaneous Provisions) Act 1941.	In section 8(4), the words from "and shall" to "accordingly".
9 & 10 Geo. 6. c. 20.	The Building Materials and Housing Act 1945.	Section 8.
11 & 12 Geo. 6. c. 17.	The Requisitioned Land and War Works Act 1948.	In section 14(1), the words "in the prescribed manner".
12 & 13 Geo. 6. c. 67.	The Civil Aviation Act 1949.	In section 33, in subsection (1) the words from "becomes operative" onwards, and subsections (2) and (3).
14 Geo. 6. c. 39.	The Public Utilities Street Works Act 1950.	In Schedule 7, paragraph 5(b).
1 & 2 Eliz. 2. c. 49.	The Historic Buildings and Ancient Monuments Act 1953.	In section 19, subsections (1) and (3) and, in subsection (2), the words "as amended by the preceding subsection".
2 & 3 Eliz. 2. c. 23.	The Hill Farming Act 1954.	Section 2(2).
5 & 6 Eliz. 2. c. 57.	The Housing Act 1957.	Section 15(6).
6 & 7 Eliz. 2. c. 30.	The Land Powers (Defence) Act 1958.	In section 17(4), paragraphs (a) and (b) and the words "under this section" in paragraph (c).
6 & 7 Eliz. 2. c. 69.	The Opencast Coal Act 1958.	Section 11(2).
7 & 8 Eliz. 2. c. 25.	The Highways Act 1959.	In section 72(4), the words from the beginning to "that section)". In section 73(3), the words from the beginning to "that section)". In section 81(5), the words from "but subject" to "that section)". In section 169, the words from "subject to the provisions" to "that section)". In section 181(3), the words from the beginning to "local land charges".
		Section 304.

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Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 54.	The Weeds Act 1959.	In section 3(3), the words " and shall be registrable under section 15 of the Land Charges Act 1925 accordingly "
7 & 8 Eliz. 2. c. 56.	The Rights of Light Act 1959.	Section 5(1).
9 & 10 Eliz. 2. c. 48.	The Land Drainage Act 1961.	In section 30(8), the words from " and any such " onwards.
9 & 10 Eliz. 2. c. 49.	The Covent Garden Market Act 1961.	Section 48(3) and (4).
1963 c. 33.	The London Government Act 1963.	Section 79.
1965 c. 16.	The Airports Authority Act 1965.	In Schedule 4, paragraph 9(1).
1965 c. 36.	The Gas Act 1965.	Section 27(2) to (4).
1966 c. i.	The Covent Garden Market Act 1966.	In Schedule 4 and in Schedule 5, the entries relating to section 48.
1967 c. 1.	The Land Commission Act 1967.	In section 11, in subsection (5) the words " the proper officer of ", and subsection (6).
1967 c. 22.	The Agriculture Act 1967.	In section 45, subsections (7) and (8) and, in subsection (9), the words " (7) and (8) ". In Schedule 3, paragraph 2(2) and (3).
1968 c. 61.	The Civil Aviation Act 1968.	Section 21(2) and (3).
1971 c. 41.	The Highways Act 1971.	In section 18(3), the words " Subject to subsection (4) below ". In section 38(2), the words from " subject to the provisions " to " that section) ".
1971 c. 54.	The Land Registration and Land Charges Act 1971.	Section 14(1)(c).
1971 c. 75.	The Civil Aviation Act 1971.	Section 16(3) and (4). In Schedule 3, in paragraph 9(1) the words " (2) and "
1972 c. 61.	The Land Charges Act 1972.	In section 2(3), the words " within the meaning of the Land Charges Act 1925 ". Section 18(2). In Schedule 3, paragraphs 2 to 6. Schedule 4.
1972 c. 70.	The Local Government Act 1972.	Section 212. In Schedule 29, in paragraph 25(3) the words from " and for the word " onwards.
1973 c. 26.	The Land Compensation Act 1973.	In section 24(3), the words " Subject to subsection (4) below, "

Instrument

SCH. 2

Number	Title	Extent of Repeal
1971 No. 1732.	The Temples Order 1971.	Article 5(6).

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