



Land Registration Act 2002

2002 CHAPTER 9

PART 5

CHARGES

Relative priority

48 Registered charges

- (1) Registered charges on the same registered estate, or on the same registered charge, are to be taken to rank as between themselves in the order shown in the register.
- (2) Rules may make provision about—
 - (a) how the priority of registered charges as between themselves is to be shown in the register, and
 - (b) applications for registration of the priority of registered charges as between themselves.

49 Tacking and further advances

- (1) The proprietor of a registered charge may make a further advance on the security of the charge ranking in priority to a subsequent charge if he has not received from the subsequent chargee notice of the creation of the subsequent charge.
- (2) Notice given for the purposes of subsection (1) shall be treated as received at the time when, in accordance with rules, it ought to have been received.
- (3) The proprietor of a registered charge may also make a further advance on the security of the charge ranking in priority to a subsequent charge if—
 - (a) the advance is made in pursuance of an obligation, and
 - (b) at the time of the creation of the subsequent charge the obligation was entered in the register in accordance with rules.

- (4) The proprietor of a registered charge may also make a further advance on the security of the charge ranking in priority to a subsequent charge if—
- (a) the parties to the prior charge have agreed a maximum amount for which the charge is security, and
 - (b) at the time of the creation of the subsequent charge the agreement was entered in the register in accordance with rules.
- (5) Rules may—
- (a) disapply subsection (4) in relation to charges of a description specified in the rules, or
 - (b) provide for the application of that subsection to be subject, in the case of charges of a description so specified, to compliance with such conditions as may be so specified.
- (6) Except as provided by this section, tacking in relation to a charge over registered land is only possible with the agreement of the subsequent chargee.

50 Overriding statutory charges: duty of notification

If the registrar enters a person in the register as the proprietor of a charge which—

- (a) is created by or under an enactment, and
- (b) has effect to postpone a charge which at the time of registration of the statutory charge is—
 - (i) entered in the register, or
 - (ii) the basis for an entry in the register,

he must in accordance with rules give notice of the creation of the statutory charge to such person as rules may provide.