



# Rights of Light Act 1959

1959 CHAPTER 56 7 and 8 Eliz 2

## 2 Registration of notice in lieu of obstruction of access of light.

- (1) For the purpose of preventing the access and use of light from being taken to be enjoyed without interruption, any person who is an owner of land (in this and the next following section referred to as “the servient land”) over which light passes to a dwelling-house, workshop or other building (in this and the next following section referred to as “the dominant building”) may apply to the [<sup>F1</sup>Chief Land Registrar] for the registration of a notice under this section.
- (2) An application for the registration of a notice under this section shall <sup>F2</sup>...—
  - (a) identify the servient land and the dominant building in the prescribed manner, and
  - (b) state that the registration of a notice in pursuance of the application is intended to be equivalent to the obstruction of the access of light to the dominant building across the servient land which would be caused by the erection, in such position on the servient land as may be specified in the application, of an opaque structure of such dimensions (including, if the application so states, unlimited height) as may be so specified.
- (3) Any such application shall be accompanied by [<sup>F3</sup>a copy of] one or other of the following certificates issued by the [<sup>F4</sup>Upper Tribunal], that is to say,—
  - (a) a certificate certifying that adequate notice of the proposed application has been given to all persons who, in the circumstances existing at the time when the certificate is issued, appear to the [<sup>F4</sup>Upper Tribunal] to be persons likely to be affected by the registration of a notice in pursuance of the application;
  - (b) a certificate certifying that, in the opinion of the [<sup>F4</sup>Upper Tribunal], the case is one of exceptional urgency, and that accordingly a notice should be registered forthwith as a temporary notice for such period as may be specified in the certificate.
- (4) Where application is duly made to [<sup>F5</sup>the Chief Land Registrar] for the registration of a notice under this section, it shall be the duty of [<sup>F6</sup>[<sup>F7</sup>the Chief Land Registrar] to register the notice in the <sup>F8</sup>... local land charges register, and—
  - (a) any notice so registered under this section shall be a local land charge; but

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*Changes to legislation: There are currently no known outstanding effects for the Rights of Light Act 1959, Section 2. (See end of Document for details)*

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- (b) section [F<sup>9</sup>5(2)] and section 10 of the Local Land Charges Act 1975 shall not apply in relation thereto]
- (5) Provision [F<sup>10</sup> may be made by Tribunal Procedure Rules] with respect to the issue of certificates for the purposes of this section, and, subject to the approval of the Treasury, the fees chargeable in respect of those proceedings; and, without prejudice to the generality of subsection (6) of that section, any such rules made for the purposes of this section shall include provision—
- (a) for requiring applicants for certificates under paragraph (a) of subsection (3) of this section to give such notices, whether by way of advertisement or otherwise, and to produce such documents and provide such information, as may be determined by or under the rules;
  - (b) for determining the period to be specified in a certificate issued under paragraph (b) of subsection (3) of this section; and
  - (c) in connection with any certificate issued under the said paragraph (b), for enabling a further certificate to be issued in accordance (subject to the necessary modifications) with paragraph (a) of subsection (3) of this section.

#### Textual Amendments

- F1** Words in s. 2(1) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(5\)\(e\)](#), [Sch. 5 para. 28\(2\)](#) (with [Sch. 5 Pt. 4](#))
- F2** Words in s. 2(2) omitted (12.4.2015) by virtue of [Infrastructure Act 2015 \(c. 7\), s. 57\(5\)\(e\)](#), [Sch. 5 para. 28\(3\)](#) (with [Sch. 5 Pt. 4](#))
- F3** Words in s. 2(3) inserted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(5\)\(e\)](#), [Sch. 5 para. 28\(4\)](#) (with [Sch. 5 Pt. 4](#))
- F4** Words in s. 2(3) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 35\(a\)](#) (with [Sch. 5](#))
- F5** Words in s. 2(4) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(5\)\(e\)](#), [Sch. 5 para. 28\(5\)\(a\)](#) (with [Sch. 5 Pt. 4](#))
- F6** Words substituted (with savings) by [Local Land Charges Act 1975 \(c. 76, SIF 98:2\)](#) ss. 17(2), 19(2)–(4), [Sch. 1](#)
- F7** Words in s. 2(4) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(5\)\(e\)](#), [Sch. 5 para. 28\(5\)\(b\)](#) (with [Sch. 5 Pt. 4](#))
- F8** Word in s. 2(4) omitted (12.4.2015) by virtue of [Infrastructure Act 2015 \(c. 7\), s. 57\(5\)\(e\)](#), [Sch. 5 para. 28\(5\)\(c\)](#) (with [Sch. 5 Pt. 4](#))
- F9** Word in s. 2(4)(b) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(5\)\(e\)](#), [Sch. 5 para. 28\(5\)\(d\)](#) (with [Sch. 5 Pt. 4](#))
- F10** Words in s. 2(5) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 35\(b\)](#) (with [Sch. 5](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Rights of Light Act 1959, Section 2.