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SCHEDULES.

SEVENTH SCHEDULE

Section 14.

AS TO LAND CHARGES AND LOCAL LAND CHARGES.

Extension of meaning of "land charge."

- 1 (1) The expression "land charge" in section four of the Land Charges Registration and Searches Act, 1888 (in this-schedule called "the Act of 1888"), as amended by section nineteen of the Agricultural Holdings Act, 1908, shall after the commencement of this Act, and notwithstanding that the charge was not created pursuant to an application by any person, include:—
- (a) Any charge (except in respect of registered land) acquired by the Commissioners of Inland Revenue under any statute passed or hereafter to be passed, for death duties ; and
 - (b) Any equitable charge (except in respect of registered land) acquired after the commencement of this Act by a tenant for life of full age or statutory owner under the Finance Act, 1894, or any other statute by reason of the discharge by him of any death duties or other liabilities, and to which special priority is given by the statute ; and
 - (c) Any equitable charge not hereinbefore specified (except in respect of registered land) created or arising after the commencement of this Act which is not secured by a deposit of documents relating to the legal estate affected; and
 - (d) A covenant or agreement restrictive of the user of freehold land, entered into after the commencement of this Act, and capable of affecting a purchaser with notice thereof (in this section referred to as a restrictive covenant) ; and
 - (e) Any easement, right, or privilege over or affecting land created or arising after the commencement of this Act and being merely an equitable interest (in this section referred to as an equitable easement); and
 - (f) Any contract, by an estate owner or by a person entitled to have a legal estate conveyed to him, to convey or create a legal estate (including a contract conferring a valid option of purchase, a right of pre-emption, and any other like right) entered into after the commencement of this Act; and
 - (g) Any other charge included in the definition of land charge " contained in section four of the Act of 1888 (as amended);

Provided that the registration of any charge in respect of the matters mentioned in paragraphs (b) and (c) of this subsection shall not operate to prevent such charge from being overreached by a conveyance to a purchaser of a legal estate in or created out of land subject to a trust for sale or a settlement.

- (2) In section ten of the Act of 1888, after the word " application " shall be inserted the words " if any. "
- (3) In regard to charges which are constituted land charges by this section:—

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- (a) The provisions of section eleven of the Act of 1888 shall not apply to a restrictive covenant, or an equitable easement or contract, but in other cases shall apply whether the land charge was created before or after the commencement of this Act:
 - (b) The provisions of section twelve of that Act shall apply where the land charge is created or arises after the commencement of this Act, save that a charge for death duties or an equitable easement or contract not registered as provided by this section shall not be void as against a purchaser for value otherwise than for money or money's worth :
 - (c) The provisions of section thirteen of that Act shall not apply to a restrictive covenant, or an equitable easement entered into or created before the commencement of this Act, but in other cases shall apply after the expiration of one year from the first assignment inter vivos, occurring after the commencement of this Act of a land charge created before the commencement of this Act:
 - (d) General rules may be made under section eighteen of that Act for canying into effect the provisions of this section, for providing for the mode of registration of a land charge and any assignment thereof (and in the case of a restrictive covenant, equitable easement, charge, or contract by reference to the instrument imposing or creating the restriction or charge or interest, or an extract therefrom) and for the cancellation of the registration of a land charge without an order of the court, on the cesser thereof, or with the consent of the person entitled thereto, or on sufficient evidence being furnished that the land charge has been or is capable of being overridden under the provisions of this Act or otherwise :
 - (e) Nothing in this section shall be deemed to authorise the Commissioners of Inland Revenue to register a land charge in respect of any claim for death duty, unless the duty has become a charge on the land, and, in registering any such charge, a statement shall be furnished of the duties in respect of which the charge is claimed, and, so far as possible, of the land affected.
- (4) Where a land charge is not created by an instrument, then short particulars' of the effect of the charge shall be stated in the declaration lodged in support of the application to register the charge.
- (5) A land charge within the meaning of section four of the Act of 1888 as amended by the Agricultural Holdings Act, 1908. for securing money created before or after the commencement of this Act shall, when registered, take effect as if the same had been created by a charge by way of legal mortgage made pursuant to this Act, but without prejudice to the priority of the charge.
- (6) Registration under section ninety-three of the Companies (Consolidation) Act, 1908, shall in the case of a land charge for securing money, be sufficient in place of registration under the Act of 1888, and shall have effect as if the land charge had been registered under that Act as amended.
- (7) In the case of an equitable charge, restrictive covenant, or other matter constituted a land charge by this Act, the registration in the prescribed manner in a local deeds registry of the document creating it shall be sufficient in place of registration under the Act of 1888, and the registration shall have effect as if the document or matter had been registered under that Act as amended.

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As to "local land charges."

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- (1) Any charge (hereinafter called "a local land charge") acquired either before or after the commencement of this Act by the council of any administrative county, metropolitan borough, or urban or rural district, or by the corporation of any municipal borough or by any other local authority under the Public Health Acts, the Metropolis Management Acts, 1855 to 1893, or the Private Street Works Act, 1892, or under any similar statute (public, general, or local) passed or hereafter to be passed, which takes effect by virtue of the statute, shall be registered in the prescribed manner by the proper officer of the local authority, and unless and until so registered shall (save as hereinafter mentioned in regard to charges created or arising before the commencement of this Act) be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby.
 - (2) Save as expressly provided by this section, the provisions of the Act of 1888, as amended by this Act, shall apply to a local land charge.
 - (3) As regards a local land charge, the registration by the proper officer shall (without prejudice to the right of the Land Registrar also to register the charge if and when sufficient information is furnished to him) take the place of registration by the Land Registrar, and, in reference thereto, the proper officer of the local authority shall have all the powers and be subject to the same obligations as the Land Registrar has or is subject to in regard to a land charge.
 - (4) Where a local authority has expended money for any purpose which, when the work is completed and any requisite resolution is passed or order is made, will confer a charge upon land, the proper officer of the local authority may in the meantime register a local land charge, in his register, against the land generally, without specifying the amount, but the registration of such general charge shall be cancelled within the prescribed time not being less than one year after the charge is ascertained and allotted, and thereupon the specific local land charges shall (unless previously discharged) be registered as of the date on which the general charge was registered.
 - (5) Nothing in this section shall operate to impose any obligation to register any local land charge created or arising before the commencement of this Act except after the expiration of one year from such commencement or to discharge a purchaser for value from liability in respect of any local land charge which is not for the time being required to be registered.
 - (6) Separate rules may be made under section eighteen of the Act of 1888 in reference to local land charges for giving effect to the provisions of this section and in particular for prescribing :—
 - (a) The mode of registration of a general or specific charge;
 - (b) The power for a local authority where it has and means (without incurring unreasonable expense) of ascertaining the person against whom a specific charge should be registered, to register the same only against the land affected ;
 - (c) The proper officer to act as registrar, and as to official certificates of search to be given by him in reference to subsisting entries in his register ;
 - (d) The effect of an official certificate of search in regard to the protection of a purchaser, solicitor, trustee or other person in a fiduciary position, and the fees to be paid for any such certificate or search.
 - (e) The fees (if any) to be paid for the cancellation of an entry in the register ;

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- (7) For the purposes of this section, any prohibition of or restriction on the user or mode of user of land or buildings enforceable by any local authority by virtue of any such statute as aforesaid shall be deemed to be a restrictive covenant and where arising after the commencement of this Act shall be registered by the proper officer as a local land charge.

Provided that any such prohibition or restriction may be registered generally against the area or district affected by reference to the statute under which it is imposed.

Re-registration of deeds of arrangement.

- 3 The registration of a deed of arrangement affecting land, pursuant to section seven of the Act of 1888, shall cease to have effect at the expiration of five years from the date of registration, but may be renewed from time to time, and, if renewed, shall have effect for five years from the date of the renewal: Provided that nothing in this section shall affect any registration made before the commencement of this Act, until the expiration of one year from such commencement.

Saving of Crown rights and vacation of writs.

- 4 (1) The foregoing provisions in this schedule shall bind the Crown, and accordingly land charges (including local land charges) belonging to or affecting land owned by the Crown shall be subject to the provisions relating to registration, but this section shall not operate to impose on land owned by or occupied for the purposes of the Crown any liability to which the land would not have been subject if this section had not been passed.
- (2) The registration of a writ or order affecting land may be vacated pursuant to an order of the High Court or any Judge thereof.
- (3) Section nineteen of the Settled Land Act, 1890, is hereby repealed.