
STATUTORY INSTRUMENTS

1976 No. 246

The Local Government Area Changes Regulations 1976

Local land charges

49.—(1) This regulation shall apply where an area is transferred from one relevant area to another such area, and in this regulation “the transferred area” means the area so transferred and—

“proper officer” means the officer appointed to act as local registrar under rules made under the Land Charges Act 1925 as set out in Schedule 4 to the Land Charges Act 1972;

“register” means a register of local land charges kept in pursuance of section 15 of the said Act of 1925 as set out in the said Schedule 4;

“relevant area” means a district or London borough or the City and the Temples;

“the transferor authority”, in relation to any transferred area, means the local authority for the relevant area from which the transferred area is transferred; and

“the transferee authority”, in relation to any transferred area, means the local authority for the relevant area to which the transferred area is transferred.

(2) The proper officer of the transferor authority shall immediately before the appointed day supply to the proper officer of the transferee authority an office copy of every entry in the register for the transferor authority relating to any land in the transferred area.

(3) The proper officer of the transferee authority shall, within 14 days after the receipt of an office copy under paragraph (2), enter the particulars contained therein, with any necessary modifications, in the appropriate part of the register for the transferee authority.

(4) Until all the entries required by paragraph (3) have been made, the following provisions shall have effect in relation to land in the transferred area—

(a) where application is made for a personal search in the register for the transferee authority, the proper officer of that authority shall notify the applicant that additional search should be made in the register for the transferor authority;

(b) where application is made for an official search in the register for the transferee authority, the proper officer of that authority shall issue to the applicant free of charge a certificate of official search in that register and shall forward the application to the proper officer of the transferor authority, together with the fees paid in respect thereof, or where there is more than one transferor authority equal portions of such fees;

(c) the proper officer of the transferor authority shall permit and make such searches and furnish such office copies and certificates as he would have been required to permit, make and furnish, and shall in relation thereto have the same powers and be subject to the same obligations, as if this regulation and the order had not been made;

(d) where a local land charge, registration of which was effected prior to the appointed day in the register for the transferor authority, is required under the foregoing provisions of this regulation to be entered in the register for the transferee authority it shall not be unenforceable by reason only that it has not been entered in that register.