
WELSH STATUTORY INSTRUMENTS

2021 No. 152 (W. 37)

LAND CHARGES, WALES

The Local Land Charges (Fees) (Wales) Rules 2021

<i>Made</i>	- - - -	<i>12 February 2021</i>
<i>Laid before Senedd Cymru</i>		<i>15 February 2021</i>
<i>Coming into force</i>	- -	<i>1 April 2021</i>

The Welsh Ministers in exercise of the powers conferred on the Lord Chancellor by section 14(1)(h) of the Local Land Charges Act 1975(1) and now vested in them so far as exercisable in relation to Wales(2) make the following Rules.

Title, commencement and interpretation

1.—(1) The title of these Rules is the Local Land Charges (Fees) (Wales) Rules 2021.

(2) These Rules come into force on 1 April 2021 but Rules 2, 3, 4 and 5 only have effect in relation to the area of a local authority, on the date on which Parts 1 to 3 of Schedule 5 to the Infrastructure Act 2015(3) come into effect in relation to that area.

(3) In these Rules—

“definitive certificate” (“*tystysgrif diffiniol*”) means a certificate issued by the Upper Tribunal under section 2(3)(a) of the Rights of Light Act 1959(4);

“land” (“*tir*”) has the same meaning as in section 16 of the Local Land Charges Act 1975;

“local authority” (“*awdurdod lleol*”) means the council of a county or county borough in Wales;

“the principal Rules” (“*y prif Reolau*”) means the Local Land Charges Rules 2018(5).

Fees

2. The fees for the services specified in the Schedule are those set out in that Schedule and are payable to the Chief Land Registrar in accordance with rule 3.

(1) 1975 c. 76. Section 14(1)(h) was substituted by section 34(1) and (2)(a) of, and paragraph 13 (2)(d) of Schedule 5 to, the Infrastructure Act 2015 (c. 7).

(2) The function of the Lord Chancellor under section 14(1) so far as it relates to the power to make rules for prescribing fees and the manner of payment of fees was transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044) and is now vested in the Welsh Ministers by virtue of section 162 and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(3) 2015 c. 7.

(4) 1959 c. 56.

(5) S.I. 2018/273.

Manner of payment

3.—(1) The fees are payable on delivery of the application or requisition, or lodging of the definitive certificate, as appropriate.

(2) The fees must be paid by credit or debit card except where the Chief Land Registrar otherwise permits or where paragraph (3) or (4) applies.

(3) Where there is an agreement between the applicant or person requesting the service and the Chief Land Registrar, a fee may be paid by direct debit to such bank account of Her Majesty's Land Registry as the Chief Land Registrar may from time to time direct.

(4) Where an application or requisition is made, or a definitive certificate is lodged, other than by using an electronic means of communication, the fee may be paid by cheque or postal order crossed and made payable to Her Majesty's Land Registry.

Revocation

4. Rule 14 of, and Schedule 3 to, the Local Land Charges Rules 1977 are revoked⁽⁶⁾.

Consequential amendment to the Local Land Charges Rules 2018

5.—(1) The Local Land Charges Rules 2018 are amended as follows.

(2) In rule 15 (Revocations)—

- (a) at the beginning of paragraph (1) omit the words "Subject to paragraph (2)"; and
- (b) omit paragraph (2).

12 February 2021

Julie James
Minister for Housing and Local Government,
one of the Welsh Ministers

(6) See paragraph 40(3) and (4) of Schedule 5 to the Infrastructure Act 2015 (c. 7) which provide that rules made under section 14 of the Local Land Charges Act 1975 will only have effect in relation to the area of a local authority on or after the date specified in a notice given by the Chief Land Registrar to that local authority in accordance with paragraph 40(1) of that Schedule.

SCHEDULE

Rule 2

Fees

<i>Service</i>	<i>Fee</i>
(1) Registration of a light obstruction notice under rule 4 of the principal Rules	£18
(2) Variation of the registration of a light obstruction notice under rule 7(1) of the principal Rules	£18
(3) Cancellation of the registration of a light obstruction notice under rule 7(1) of the principal Rules	£18
(4) Variation of the registration of a light obstruction notice under rule 7(6) of the principal Rules (definitive certificate lodged)	£18
(5) Official search of the register (including issue of an official certificate of search) under section 9(1) of the Local Land Charges Act 1975	£15; or £0 if the requisition is delivered within 6 months of the delivery by the same person of an earlier requisition for an official search in respect of the same land and for which the prescribed fee was paid.

EXPLANATORY NOTE*(This note is not part of the Rules)*

These Rules prescribe the fees payable to the Chief Land Registrar for various services relating to local land charges affecting land in Wales. Those services are provided under the Local Land Charges Act 1975 and the Local Land Charges Rules 2018. The fees prescribed in these Rules replace the fees specified by rule 14 of and Schedule 3 to the Local Land Charges Rules 1977 for similar services relating to local land charges provided by local authorities in Wales. These Rules have effect in the administrative area of a local authority on or after the date specified in a notice given by the Chief Land Registrar to that local authority in accordance with Part 4 of Schedule 5 to the Infrastructure Act 2015.

The services for which fees are payable are set out in the Schedule. Rows (1) to (4) are services in connection with light obstruction notices, which are a particular type of local land charge. Under paragraph (5), a fee is payable for an official search of the register. But that fee is not payable if an application for such a search is received within 6 months of an earlier application by the same person, in relation to the same land, for which a fee was paid.

Rule 3 prescribes when the fees for these services are payable and how the fees are to be paid.

Rule 4 revokes rule 14 and Schedule 3 to the Local Land Charges Rules 1977 as they apply to land in Wales.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

As a consequence of rule 4, these Rules amend the Local Land Charges Rules 2018 to ensure clarity regarding the revocation of the Local Land Charges Rules 1977.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Rules. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Rules. A copy can be obtained from the Welsh Government, Local Government Finance and Workforce Partnerships Division, Crown Buildings, Cathays Park, Cardiff CF10 3NQ.