



Land Charges Act 1972

1972 CHAPTER 61

Registration in register of land charges

2 The register of land charges.

- (1) If a charge on or obligation affecting land falls into one of the classes described in this section, it may be registered in the register of land charges as a land charge of that class.
- (2) A Class A land charge is—
 - (a) a rent or annuity or principal money payable by instalments or otherwise, with or without interest, which is not a charge created by deed but is a charge upon land (other than a rate) created pursuant to the application of some person under the provisions of any Act of Parliament, for securing to any person either the money spent by him or the costs, charges and expenses incurred by him under such Act, or the money advanced by him for repaying the money spent or the costs, charges and expenses incurred by another person under the authority of an Act of Parliament; or
 - (b) a rent or annuity or principal money payable as mentioned in paragraph (a) above which is not a charge created by deed but is a charge upon land (other than a rate) created pursuant to the application of some person under any of the enactments mentioned in Schedule 2 to this Act.
- (3) A Class B land charge is a charge on land (not being a local land charge . . . ^{F1}) of any of the kinds described in paragraph (a) of subsection (2) above, created otherwise than pursuant to the application of any person.
- (4) A Class C land charge is any of the following [^{F2}(not being a local land charge)], namely—
 - (i) a puisne mortgage;
 - (ii) a limited owner's charge;
 - (iii) a general equitable charge;
 - (iv) an estate contract;and for this purpose—

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- (i) a puisne mortgage is a legal mortgage which is not protected by a deposit of documents relating to the legal estate affected;
 - (ii) a limited owner's charge is an equitable charge acquired by a tenant for life or statutory owner under [^{F3}the Capital Transfer Tax Act 1984][^{F4}or under]any other statute by reason of the discharge by him of any [^{F4}capital transfer tax] or other liabilities and to which special priority is given by the statute;
 - (iii) a general equitable charge is any equitable charge which—
 - (a) is not secured by a deposit of documents relating to the legal estate affected; and
 - (b) does not arise or affect an interest arising under a [^{F5}trust of land] or a settlement; and
 - (c) is not a charge given by way of indemnity against rents equitably apportioned or charged exclusively on land in exoneration of other land and against the breach or non-observance of covenants or conditions; and
 - (d) is not included in any other class of land charge;
 - (iv) an estate contract is a contract by an estate owner or by a person entitled at the date of the contract to have a legal estate conveyed to him to convey or create a legal estate, including a contract conferring either expressly or by statutory implication a valid option to purchase, a right of pre-emption or any other like right.
- (5) A Class D land charge is any of the following [^{F6}(not being a local land charge)], namely—
- (i) an Inland Revenue charge;
 - (ii) a restrictive covenant;
 - (iii) an equitable easement;
- and for this purpose—
- (i) an Inland Revenue charge is a charge on land, being a charge acquired by the Board under [^{F7}the Capital Transfer Tax Act 1984;]
 - (ii) a restrictive covenant is a covenant or agreement (other than a covenant or agreement between a lessor and a lessee) restrictive of the user of land and entered into on or after 1st January 1926;
 - (iii) an equitable easement is an easement, right or privilege over or affecting land created or arising on or after 1st January 1926, and being merely an equitable interest.
- (6) A Class E land charge is an annuity created before 1st January 1926 and not registered in the register of annuities.
- (7) A Class F land charge is a charge affecting any land by virtue of the [^{F8}Part IV of the Family Law Act 1996],
- (8) A charge or obligation created before 1st January 1926 can only be registered as a Class B land charge or a Class C land charge if it is acquired under a conveyance made on or after that date.
- (9) ^{F9}

Textual Amendments

F1 Words repealed (with savings) by [Local Land Charges Act 1975 \(c.76, SIF 98:2\)](#) s. 19, Sch. 2

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- F2** Words inserted (with savings) by [Local Land Charges Act 1975 \(c.76, SIF 98:2\)](#) ss. 17(1)(b), 19(2)–(4)
- F3** Words substituted by [Capital Transfer Tax Act 1984 \(c.51, SIF 65\)](#), s. 276, **Sch. 8 para. 3(1)(a)**
- F4** Words substituted by [Finance Act 1975 \(c.7\)](#), s. 52(1), **Sch. 12 para. 18(1)(2)**
- F5** Words in s. 2(4)(iii)(b) substituted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 12(2)** (with ss. 24(2), 25(4)); S.I. 1997/2974, **art. 2**.
- F6** Words inserted (with savings) by [Local Land Charges Act 1975 \(c.76, SIF 98:2\)](#) ss. 17(1)(b), 19(2)–(4)
- F7** Words substituted by virtue of [Finance Act 1975 \(c.7, SIF 63:1\)](#), s. 52(1), **Sch. 12 para. 18(1)(3)** and [Capital Transfer Tax Act 1984 \(c.51, SIF 65\)](#), s. 276, **Sch. 8 para. 3(1)(b)**
- F8** Words in s. 2(7) substituted (1.10.1997) by virtue of 1996 c. 27, s. 66(1), **Sch. 8 Pt. III para.47** (with [Sch. 9 paras. 5, 8-10](#)); S.I. 1997/1892, **art. 3(1)**
- F9** S. 2(9) repealed by [Finance Act 1977 \(c.36, SIF 98:5\)](#), s. 59(5), **Sch. 9 Pt. V** (subject to a saving at the end of Pt. V in relation to any payment made or required to be made before 2.10.1977)

Modifications etc. (not altering text)

- C1** S. 2 restricted by [Matrimonial Homes Act 1983 \(c.19, SIF 49:5\)](#), s. 3
S. 2 restricted (1.10.1997) by 1996 c. 27, **ss. 31(13)**, 63(4) (with [Sch. 9 para. 5](#)); S.I. 1997/1892, **art.3(1)**.
S. 2 restricted (1.10.1997) by 1996 c. 27, s. 32, **Sch. 4 para.2** (with [Sch. 9 para. 5](#)); S.I. 1997/1892, **art.3(1)**.
- C2** S. 2 extended (1.12.1991) by [Water Industry Act 1991 \(c. 56, SIF 130\)](#), **ss. 164(3)**, 223(2) (with ss. 82(3), 186(1), 188, 222(1), [Sch. 14 para. 6](#))
S. 2 extended (1.10.1997) by 1996 c. 27, ss. 32, **Sch. 4 para. 4(3)(b)** (with [Sch. 9 para. 5](#)); S.I. 1997/1892, **art.3(1)**.
- C3** Definition of "an estate contract" in s. 2(4)(iv) restricted (1.1.1996) by 1995 c. 30, s. 20(6) (with s. 26(1)(2)); S.I. 1996/2963, **art. 2**.

3 Registration of land charges.

- (1) A land charge shall be registered in the name of the estate owner whose estate is intended to be affected.

[^{F10}(1A) Where a person has died and a land charge created before his death would apart from his death have been registered in his name, it shall be so registered notwithstanding his death.]

- (2) A land charge registered before 1st January 1926 under any enactment replaced by the ^{M1}Land Charges Act 1925 in the name of a person other than the estate owner may remain so registered until it is registered in the name of the estate owner in the prescribed manner.
- (3) A puisne mortgage created before 1st January 1926 may be registered as a land charge before any transfer of the mortgage is made.
- (4) The expenses incurred by the person entitled to the charge in registering a land charge of Class A, Class B or Class C (other than an estate contract) or by the Board in registering an Inland Revenue charge shall be deemed to form part of the land charge, and shall be recoverable accordingly on the day for payment of any part of the land charge next after such expenses are incurred.
- (5) Where a land charge is not created by an instrument, short particulars of the effect of the charge shall be furnished with the application to register the charge.

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- (6) An application to register an Inland Revenue charge shall state the [^{F11}tax] in respect of which the charge is claimed and, so far as possible, shall define the land affected, and such particulars shall be entered or referred to in the register.
- (7) In the case of a land charge for securing money created by a company before 1st January 1970 or so created at any time as a floating charge, registration under any of the enactments mentioned in subsection (8) below shall be sufficient in place of registration under this Act, and shall have effect as if the land charge had been registered under this Act.
- (8) The enactments referred to in subsection (7) above are section 93 of the ^{M2}Companies (Consolidation) Act 1908, section 79 of the ^{M3}Companies Act 1929 . . . ^{F12} section 95 of the ^{M4}Companies Act 1948 [^{F13}, sections 395 to 398 of the Companies Act 1985 and Part 25 of the Companies Act 2006 and regulations made under section 1052 of that Act].

Textual Amendments

- F10** S. 3(1A) inserted (1.7.1995) by 1994 c. 36, ss. 15(2)(5), 20; S.I. 1995/1317, art.2.
- F11** Words substituted by Finance Act 1975 (c.7), s. 52(1), Sch. 12 para. 18(1)(4)
- F12** Word repealed by Companies Consolidation (Consequential Provisions) Act 1985, (c.9, SIF 27), s. 30, Sch. 2
- F13** Words in s. 3(8) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), Sch. 1 para. 23 (with art. 10)

Marginal Citations

- M1** 1925 c. 22.
- M2** 1908 c. 69.
- M3** 1929 c. 23.
- M4** 1948 c. 38.

4 Effect of land charges and protection of purchasers.

- (1) A land charge of Class A (other than a land improvement charge registered after 31st December 1969) or of Class B shall, when registered, take effect as if it had been created by a deed of charge by way of legal mortgage, but without prejudice to the priority of the charge.
- (2) A land charge of Class A created after 31st December 1888 shall be void as against a purchaser of the land charged with it or of any interest in such land, unless the land charge is registered in the register of land charges before the completion of the purchase.
- (3) After the expiration of one year from the first conveyance occurring on or after 1st January 1889 of a land charge of Class A created before that date the person entitled to the land charge shall not be able to recover the land charge or any part of it as against a purchaser of the land charged with it or of any interest in the land, unless the land charge is registered in the register of land charges before the completion of the purchase.
- (4) If a land improvement charge was registered as a land charge of Class A before 1st January 1970, any body corporate which, but for the charge, would have power to

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advance money on the security of the estate or interest affected by it shall have that power notwithstanding the charge.

- (5) A land charge of Class B and a land charge of Class C (other than an estate contract) created or arising on or after 1st January 1926 shall be void as against a purchaser of the land charged with it, or of any interest in such land, unless the land charge is registered in the appropriate register before the completion of the purchase.
- (6) An estate contract and a land charge of Class D created or entered into on or after 1st January 1926 shall be void as against a purchaser for money or money's worth [^{F14}(or, in the case of an Inland Revenue Charge, a purchaser within the meaning of [^{F15}the Capital Transfer Tax Act 1984)]] of a legal estate in the land charged with it, unless the land charge is registered in the appropriate register before the completion of the purchase.
- (7) After the expiration of one year from the first conveyance occurring on or after 1st January 1926 of a land charge of Class B or Class C created before that date the person entitled to the land charge shall not be able to enforce or recover the land charge or any part of it as against a purchaser of the land charged with it, or of any interest in the land, unless the land charge is registered in the appropriate register before the completion of the purchase.
- (8) A land charge of Class F shall be void as against a purchaser of the land charged with it, or of any interest in such land, unless the land charge is registered in the appropriate register before the completion of the purchase.

Textual Amendments

F14 Words substituted by virtue of Finance Act 1975 (c.7), s. 52(1), **Sch. 12 para. 18(1)(5)**

F15 Words substituted by Capital Transfer Tax Act 1984 (c. 51, SIF 65), s. 276, **Sch. 8 para. 3(2)**

Modifications etc. (not altering text)

C4 S. 4 extended (1.12.1991) by Water Resources Act 1991 (c. 57, SIF 130), **ss. 158(4)(b), 225(2)(3)** (with **ss. 16(6), 178, 179, 182, 222(3), 224(1), Sch. 22 paras. 1, 2, 4, Sch. 23 para. 6**)

C5 S. 4 applied (21.5.2016) by Environment (Wales) Act 2016 (anaw 3), **ss. 17(1)(b), 88(2)(a)**

C6 S. 4(6) modified by Housing Act 1985 (c.68, SIF 61), **Sch. 9A para. 6(2)** (as inserted by Housing and Planning Act 1986 (c.63, SIF 61), s. 8(2), **Sch. 2**)

C7 S. 4(6) modified by S.I. 1986/2092, art. 10, **Sch. 2 para. 6(2)**

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