



# Land Charges Act 1972

## 1972 CHAPTER 61

### *Registration in register of land charges*

#### **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.

[<sup>F1</sup>(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 <sup>M1</sup>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.

(6) An application to register an Inland Revenue charge shall state the [<sup>F2</sup>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

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*Changes to legislation: There are currently no known outstanding effects for the Land Charges Act 1972, Section 3. (See end of Document for details)*

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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 <sup>M2</sup>Companies (Consolidation) Act 1908, section 79 of the <sup>M3</sup>Companies Act 1929 . . . <sup>F3</sup> section 95 of the <sup>M4</sup>Companies Act 1948 [<sup>F4</sup>, 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

- F1** S. 3(1A) inserted (1.7.1995) by 1994 c. 36, ss. 15(2)(5), 20; S.I. 1995/1317, art.2.
- F2** Words substituted by Finance Act 1975 (c.7), s. 52(1), Sch. 12 para. 18(1)(4)
- F3** Word repealed by Companies Consolidation (Consequential Provisions) Act 1985, (c.9, SIF 27), s. 30, Sch. 2
- F4** 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.

**Changes to legislation:**

There are currently no known outstanding effects for the Land Charges Act 1972, Section 3.