



Rentcharges Act 1977

1977 CHAPTER 30

APPORTIONMENT

4 Application for apportionment.

- (1) The owner of any land which is affected by a rentcharge which also affects land which is not in his ownership may, subject to this section, apply to the Secretary of State for an order apportioning the rentcharge between that land and the remaining land affected by the rentcharge.
- (2) The owner of any land which is affected by a rentcharge which does not affect land not in his ownership may apply to the Secretary of State for an order apportioning the rentcharge between such parts of his land as may be specified in the application.
- (3) No application for apportionment may be made under this section in respect of—
 - (a) a rentcharge of a kind mentioned in section 2(3)(d) or 3(3)(a) above, or
 - (b) land affected by a rentcharge which also affects other land, if the whole of that other land is exonerated or indemnified from the whole of the rentcharge by means of a charge on the first mentioned land.
- (4) Every application—
 - (a) under subsection (1) above, shall specify the amount (if any) equitably apportioned to the applicant's land, and
 - (b) under subsection (2) above, shall specify the applicant's proposal for apportioning the rentcharge between the parts of his land specified in the application.
- (5) Subject to subsection (4) above, every application under this section shall be in such form and shall contain such information and be accompanied by such documents as may be prescribed by regulations.
- (6) In any case where the Secretary of State considers that any additional document or information ought to be furnished by the applicant he may require the applicant—
 - (a) to deliver to him such documents (including documents of title and, in the case of registered land, an authority to inspect the register), and
 - (b) to furnish him with such information,

Changes to legislation: Rentcharges Act 1977, Section 4 is up to date with all changes known to be in force on or before 05 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

as the Secretary of State may specify.

- (7) Where an applicant's documents of title are in the custody of a mortgagee the mortgagee shall, if requested to do so by the Secretary of State for the purpose of an application made under this section, deliver those documents to the Secretary of State on such terms as to their custody and return as the mortgagee may reasonably require.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7A inserted by [2016 c. 22 s. 138\(2\)](#)
- s. 8(1A) inserted by [2016 c. 22 s. 138\(3\)\(b\)](#)
- s. 12(1A)(1B) inserted by [2016 c. 22 s. 138\(4\)\(b\)](#)