Access to Neighbouring Land Act 1992

1992 CHAPTER 23

5   Registration of access orders and of applications for such orders

(1) In section 6(1) of the Land Charges Act 1972 (which specifies the writs and orders affecting land that may be entered in the register) after paragraph (c) there shall be added—

"(d)   any access order under the Access to Neighbouring Land Act 1992."

(2) In section 49 of the Land Registration Act 1925 (rules to provide for certain rights, interests and claims to be protected by notice) in subsection (1) (which specifies those rights, interests and claims) after paragraph (h) there shall be added—

"(j)   Access orders under the Access to Neighbouring Land Act 1992 which, notwithstanding section 59 of this Act, it may be deemed expedient to protect by notice instead of by caution."

(3) In section 64 of that Act (production of certificates for noting on certain dealings etc) after subsection (6) there shall be added—

"(7) Subsection (1) above shall also not require the production of the land certificate or of any charge certificate when a person applies for the registration of a notice in respect of an access order under the Access to Neighbouring Land Act 1992."

(4) In any case where—

(a)   an access order is discharged under section 6(1)(a) below, and

(b)   the order has been protected by an entry registered under the Land Charges Act 1972 or by a notice or caution under the Land Registration Act 1925,

the court may by order direct that the entry, notice or caution shall be cancelled.

(5) The rights conferred on a person by or under an access order are not capable of constituting an overriding interest within the meaning of the Land Registration Act 1925, notwithstanding that he or any other person is in actual occupation of the whole or any part of the servient land in question.

(6) An application for an access order shall be regarded as a pending land action for the purposes of the Land Charges Act 1972 and the Land Registration Act 1925.