

1977 No. 985

LAND CHARGES

The Local Land Charges Rules 1977

<i>Made - - - -</i>	<i>3rd June 1977</i>
<i>Laid before Parliament</i>	<i>20th June 1977</i>
<i>Coming into Operation</i>	<i>1st August 1977</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 14 of the Local Land Charges Act 1975(a) and with the concurrence of the Treasury as to fees, hereby makes the following Rules:—

Title and commencement

1. These Rules may be cited as the Local Land Charges Rules 1977 and shall come into operation on 1st August 1977.

Interpretation

2.—(1) The Interpretation Act 1889(b) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(2) In these Rules, unless the context otherwise requires—

“the Act” means the Local Land Charges Act 1975;

“charge” means a local land charge or a matter which is registrable in a local land charges register;

“description” in relation to a charge means a description which is sufficient to indicate—

- (a) the nature of any agreement, certificate, notice, order, resolution, scheme or other instrument or document (not being a statute or an instrument embodying statutory provisions) which comprises the charge or in connection with which the charge came into existence;
- (b) where apparent from the instrument or document, the date on which the charge came into existence;
- (c) any statutory provision (other than section 1(1)(e) of the Act or a provision specified in the part of Schedule 2 appropriate for the charge) under or by virtue of which the charge is a local land charge or registrable, or which comprises the charge;

(a) 1975 c. 76.

(b) 1889 c. 63.

“general financial charge” means a general charge falling within section 6(2) of the Act or a scheme falling within section 8(8) or 13(6) of the Coast Protection Act 1949(a) which does not specify the persons by whom coast protection charges are to be paid;

“originating authority” as respects a charge, means the authority or person who (by virtue of section 5(4) of the Act or, as the case may be, some other statutory provision) is the originating authority for the purposes of the Act;

“parcel of land” means land which is separately occupied or rated or if not occupied or rated, in separate ownership; and for this purpose an owner is the person who (in his own right or as trustee for any other person) is entitled to receive the rack rent of land, or, where the land is not let at a rack rent, would be so entitled if it were so let;

“planning charge” means a charge (not falling within section 54(6) of the Act of 1971(b)) which is—

- (a) a prohibition of, or restriction or condition on, the use of land having effect under or by virtue of any provision of the said Act of 1971, the Community Land Act 1975(c) or any other statutory provision relating to town and country planning;
- (b) a notice deposited under section 158 of the said Act of 1971;
- (c) a resolution passed under section 23(2) of the said Act of 1975; or
- (d) a notice of intention to acquire land under paragraph 4 or 5 of Schedule 7 to the said Act of 1975;

“specific financial charge” means a charge falling within section 1(1)(a) of the Act or a scheme falling within section 8(8) or 13(6) of the Coast Protection Act 1949 which specifies the persons by whom coast protection charges are to be paid;

“register” means local land charges register;

“relevant document” means a document (other than a public general statute), map or plan in the absence of which the nature and effect of a charge cannot readily be understood or a copy of any such document, map or plan, and includes any document filed in accordance with these Rules.

(3) In these Rules, unless the context otherwise requires, a rule or schedule referred to by number means the rule or schedule so numbered in these Rules and a form designated by letter means the form so designated in Schedule 1.

(4) In these Rules, unless the context otherwise requires, any reference to an enactment is a reference to that enactment as amended, extended or applied by or under any other enactment.

Parts of the Register

3. The register shall continue to be divided into parts, for the registration of different types of charge, as follows:—

Part 1, for general financial charges;

Part 2, for specific financial charges;

Part 3, for planning charges;

Part 4, for charges not registrable in another part of the register (“miscellaneous charges”);

(a) 1949 c. 74.

(b) 1971 c. 78.

(c) 1975 c. 77.

Part 5, for charges falling within section 8(4) of the Agriculture (Miscellaneous Provisions) Act 1941(a) (“fenland ways maintenance charges”);

Part 6, for charges falling within section 8(4) or 52(8) of the Land Compensation Act 1973(b) (“land compensation charges”);

Part 7, for charges falling within section 1(4) or 9 of the New Towns Act 1965(c) (“new towns charges”);

Part 8, for charges falling within section 33 of the Civil Aviation Act 1949(d), section 21 of the Civil Aviation Act 1968(e) or section 16(2) of the Civil Aviation Act 1971(f) (“civil aviation charges”);

Part 9, for charges falling within section 11(1) or 16(6) of the Opencast Coal Act 1958(g) (“opencast coal charges”);

Part 10, for charges falling within section 54(6) of the Town and Country Planning Act 1971 (“listed buildings charges”);

Part 11, for charges falling within section 2(4) of the Rights of Light Act 1959(h) (“light obstruction notices”);

Part 12, for charges falling within section 31(4) of the Land Drainage Act 1976(i) (“drainage scheme charges”);

Application for registration

4.—(1) Without prejudice to rule 10(1) below, an application to a registering authority for registration of a charge shall be in writing and shall contain a description of the charge and any other particulars necessary to enable the registering authority to register the charge in accordance with these Rules.

(2) An application for registration may be sent by post to, or left at the office of, the registering authority.

Delivery of applications

5.—(1) For the purposes of section 10(5) of the Act, it shall be regarded as practicable for a registering authority to register a charge on the day on which the application for registration is delivered or treated in accordance with paragraph (2) below as having been delivered.

(2) An application for registration delivered between the time when the office of the registering authority closes and the time when it next opens shall be treated as having been delivered immediately after that interval.

Registration

6.—(1) Every charge shall be registered by reference to the land in the area of the registering authority affected by the charge, in such a manner as to show the situation and extent of that land.

(2) Subject to rule 7, the registration of a charge shall be effected by entering in the part of the register appropriate for that charge the particulars specified in Schedule 2 in relation to that part.

Use of existing registers

7. Where the particulars of a planning charge or other charge which are required by these Rules to be entered in the register have been entered in another

(a) 1941 c. 50.

(d) 1949 c. 67.

(g) 1958 c. 69.

(b) 1973 c. 26.

(e) 1968 c. 61.

(h) 1959 c. 56.

(c) 1965 c. 59.

(f) 1971 c. 75.

(i) 1976 c. 70.

record maintained and kept open for public inspection in pursuance of a statutory obligation, it shall be a sufficient compliance with that requirement to enter in the register a reference whereby the particulars in that other record can readily be traced.

Amendment and cancellation of registrations

8.—(1) Without prejudice to any other provisions of these Rules and subject to paragraphs (2) and (3) below—

- (a) where a registered charge has been varied or modified or any registration is incorrect, the registering authority shall amend the registration accordingly;
- (b) where a registered charge has been discharged, ceased to have effect or ceased to be a charge, the registering authority shall cancel the registration.

(2) Where the originating authority as respects a charge the registration of which falls to be amended or cancelled under paragraph (1) above are not the registering authority, they shall supply the registering authority with any information available to the originating authority which is necessary to enable the registering authority to comply with that paragraph.

(3) This rule does not apply to any condition or limitation registered before 1st August 1977 which, by virtue of section 2(e) of the Act, is not a local land charge.

General charges

9. The period within which a general charge shall be cancelled pursuant to section 6(5) of the Act shall be 15 months from the day on which the specific charge comes into existence.

Light obstruction notices

10.—(1) An application under section 2(2) of the Rights of Light Act 1959 for registration of a light obstruction notice shall be in Form A and shall be accompanied by the certificate of the Lands Tribunal relating to the notice.

(2) On receiving the application and the certificate the registering authority shall file them and register the notice in accordance with rule 6.

(3) Where, after a temporary certificate has been filed and before the period for which it operates has expired a definitive certificate is lodged with the registering authority, they shall file the definitive certificate with the application and amend the registration accordingly.

(4) On receiving an office copy of a judgment or order directing the registration of a light obstruction notice to be varied or cancelled, the registering authority shall file the office copy with the application for that registration and shall amend or cancel the registration accordingly.

(5) The person on whose application the notice was registered, or any owner of the servient land or part of it who is a successor in title to that person, may within a year from the date of registration apply in Form B for—

- (a) amendment of the registered particulars of the position or dimensions of the structure to which registration is intended to be equivalent, so as to reduce its height or length or to increase its distance from the dominant building; or
- (b) cancellation of the registration;

and on receiving any such application the registering authority shall file it and amend or cancel the registration accordingly.

(6) Without prejudice to the preceding paragraphs of this rule, the registering authority shall cancel the registration of a notice—

(a) where in relation to the notice a temporary certificate has been filed and no definitive certificate has been filed, on the expiration of the period of operation specified in the temporary certificate;

(b) in any other case, on the expiration of 21 years from the date of registration;

and thereupon any document relating to the notice and filed pursuant to these Rules shall be taken off the file.

(7) In this rule “definitive certificate” means a certificate issued by the Lands Tribunal under section 2(3)(a) of the Rights of Light Act 1959 and “temporary certificate” means a certificate so issued under section 2(3)(b) of that Act; “dominant building” and “servient land” have the meanings assigned to them by section 2(1) of that Act; and “owner” has the meaning assigned to it by section 7(1) of that Act.

Searches

11.—(1) A person who wishes to make a personal search shall, if so requested by the registering authority, state his name and address and indicate the parcel of land in respect of which he wishes to search.

(2) A requisition for an official search of the register and the official search certificate shall be in Form C.

(3) A separate personal search or (as the case may be) a separate requisition for an official search shall be made in respect of each parcel of land against which a search is required, except where for the purpose of a single transaction the search is required in respect of two or more parcels of land which have a common boundary or are separated only by a road, railway, river, stream or canal.

(4) An official search certificate shall, where there are subsisting registrations, be accompanied by a schedule substantially in accordance with Schedule 2 (or such numbered parts of it as may be appropriate) showing the particulars of the registrations.

Office copies

12. On the written request of any person, and on payment of the prescribed fee, the registering authority shall supply an office copy of any registration or any document, map or plan deposited with or filed by that authority in connection with a registration.

Use of forms

13. Except for the purposes of schedules accompanying official search certificates in accordance with rule 11(4) above, no forms other than those supplied by Her Majesty’s Stationery Office may be used for the purposes of these Rules.

Fees

14. The fees specified in Schedule 3 shall be payable under the Act and every fee shall be paid in advance.

Transitional provisions

15.—(1) Any application or requisition which—

- (a) was sent to the registering authority before 1st August 1977;
- (b) was not dealt with by the registering authority before that date;
- (c) could have been made under these Rules if they had been in force;

shall be treated as an application or requisition under these Rules and shall be dealt with by the registering authority accordingly.

(2) As respects registrations subsisting on 31st July 1977, registering authorities shall not be bound to register or to disclose by an official certificate of search or otherwise any particulars the registration or disclosure of which could not be required by or under the Rules applicable on that date to such registrations.

(3) Notwithstanding the provisions of these Rules, the forms prescribed by the rules applicable on 31st July 1977 to charges may, until the Lord Chancellor otherwise directs, be used, with such adaptations as may be appropriate, for the purposes of these Rules.

Dated 2nd June 1977.

Elwyn-Jones, C.

We, the undersigned, two of the Lords Commissioners of Her Majesty's Treasury, do hereby concur as to the fees prescribed by the above Rules.

Dated 3rd June 1977.

*T. E. Graham,
David Stoddart,*

Form B

APPLICATION TO AMEND OR CANCEL A LIGHT
OBSTRUCTION NOTICE WITH STATUTORY DECLARATION

Application

I, of, being the
owner of the interest described below in the land known as

.....
.....

¹ Delete inapplicable words. hereby apply for the amendment *or* the cancellation¹ of the light obstruction notice registered on my application *or* on the application of

² Delete and insert as appropriate. of²

The amendment which I require is

.....
.....

³ If an amendment is required, give particulars; if a cancellation, delete sentence. The consent to this application by the following persons, being persons who would be entitled to apply for the registration of a light obstruction notice, attached:

.....
.....⁴

⁴ Give names and addresses of persons indicated; if there are no such persons, delete sentence. Signed.....
Date

Statutory Declaration

I, of, solemnly and sincerely declare that:—

- (a) I am the freehold owner *or* the tenant for a term of years of which over 7 years remain unexpired *or* the mortgagee in possession¹ of

²; 1 Delete inapplicable words.
- (b) the light obstruction notice referred to above was registered on my application *or* on the application of
 of³; 2 Insert description of servient land.
- (c) there are no other persons who would be entitled to apply for the registration of a light obstruction notice⁴ 3 Delete and insert as appropriate.

And I make this solemn declaration, conscientiously believing the same to be true, by virtue of the Statutory Declarations Act 1835(a). 4 Insert if appropriate "apart from the persons named above".

Declared by the said
at this day of
..... before me

A Commissioner for Oaths *or*
a practising solicitor.

Form C

REQUISITION FOR SEARCH AND OFFICIAL CERTIFICATE OF SEARCH

Requisition for Search

Official number.....

Name of registering authority.....

1 Delete if inappropriate.

An official search is required in [Part of]¹ the register of local land charges kept by the above-named registering authority for subsisting registrations against the land [defined in the attached plan and]² described below:

2 Delete if inappropriate.

.....
.....
.....
.....

Signature of applicant.....
or his solicitor

Date

Official Certificate of Search

³ Delete inapplicable words.

It is hereby certified that the search requested above reveals no subsisting registrations *or* the registrations described in the Schedule hereto³ up to and including the date of this certificate.

Signed

⁴ Insert name of registering authority.

On behalf of.....

Date

SCHEDULE 2
PARTICULARS OF REGISTRATIONS
Part 1: general financial charges

Description of charge (including reference to appropriate statutory provision) 1	Originating authority 2	Date of registration 3

Part 2: specific financial charges

Description of charge (including reference to appropriate statutory provision) 1	Originating authority 2	Amount originally secured and rate of interest (if any) payable 3	Date of last payment and balance of charge then outstanding 4	Place where relevant documents may be inspected 5	Date of registration 6

Part 3: planning charges
 (a) Notices deposited under section 158 of the Town and Country Planning Act 1971

Description of charge (including particulars of planning decision) 1	Originating authority 2	Particulars of compensation and apportionment 3	Place where relevant documents may be inspected 4	Date of registration 5

(b) Other planning charges

Description of charge (including reference to appropriate statutory provision) 1	Originating authority 2	Place where relevant documents may be inspected 3	Date of registration 4

Part 4: miscellaneous charges

Description of charge (including reference to appropriate statutory provision)	Originating authority	Place where relevant documents may be inspected	Date of registration
1	2	3	4

Part 5: fenland ways maintenance charges

Agriculture (Miscellaneous Provisions) Act 1941, section 8(4)

Description of charge (including reference to certificate under section 8(3)(d))	Originating authority	Proportion of total expense of works for which originating authority is entitled to the charge	Sums from time to time secured by charge	Date of last payment and balance of charge then outstanding	Place where relevant documents may be inspected	Date of registration
1	2	3	4	5	6	7

Part 6: land compensation charges

(a) Land Compensation Act 1973, section 8(4)

Description of charge	Originating authority	Description of retained land	Particulars of nature and extent of works relating to acquired land	Place where relevant documents may be inspected	Date of registration
1	2	3	4	5	6

(b) Land Compensation Act 1973, section 52(8)

Description of charge	Originating authority	Particulars of relevant interest in land	Particulars of advance payment and agreed or estimated compensation	Place where relevant documents may be inspected	Date of registration
1	2	3	4	5	6

Part 7: new towns charges
 New Towns Act 1965, sections 1(4) and 9

Description of charge 1	Originating authority 2	Place where relevant documents may be inspected 3	Date of registration 4

Part 8: civil aviation charges
 Civil Aviation Act 1949, section 33; Civil Aviation Act 1968, section 21; Civil Aviation Act 1971, section 16(2)

Description of charge 1	Originating authority 2	Place where relevant documents may be inspected 3	Date of registration 4

Part 9: opencast coal charges

Opencast Coal Act 1958, sections 11(1) and 16(6)

Description of charge 1	Originating authority 2	Place where relevant documents may be inspected 3	Date of registration 4

Part 10: listed buildings charges

Town and Country Planning Act 1971, section 54(6)

Description of charge 1	Originating authority 2	Place where relevant documents may be inspected 3	Date of registration 4

Part 11: light obstruction notices
Rights of Light Act 1959, section 2(4)

Description of charge	Description of dominant building	Name and address of applicant and short description of his interest in servient land ³	Position and dimension of structure to which registration equivalent	Date of temporary Lands Tribunal certificate (if any) and of its expiration	Date of definitive Lands Tribunal certificate	List of documents filed	Date of registration
1	2	3	4	5	6	7	8

Part 12: drainage scheme charges
Land Drainage Act 1976, section 31(4)

Description of charge	Originating authority	Place where relevant documents may be inspected ³	Date of registration
1	2	3	4

SCHEDULE 3

FEES

<i>Item</i>	<i>Fee</i> £
1. Registration of a charge in Part 11 of the register	15.00
2. Filing a definitive certificate of the Lands Tribunal under rule 10(3) ...	0.60
3. Filing a judgment, order or application for the variation or cancellation or any entry in Part 11 of the register	1.60
4. Inspection of documents filed under rule 10 in respect of each parcel of land	0.60
5. Personal search in the whole or in part of the register	0.50
and in addition, in respect of each parcel of land above one, where under rule 11(3) the search extends to more than one parcel, subject to a maximum of £3.50	0.25
6. Official search (including issue of official certificate of search):—	
(a) in any one part of the register	0.50
(b) in the whole of the register	1.25
and in addition, in respect of each parcel of land above one, where under rule 11(3) more than one parcel is included in the same requisition (whether the requisition is for a search in the whole or in any part of the register), subject to a maximum of £5	0.25
7. Office copy of any entry in the register (not including a copy or extract of any plan or document filed pursuant to these Rules)	0.35
8. Office copy of any plan or other document filed pursuant to these Rules	such reasonable fee as may be fixed by the registering authority according to the time and work involved.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules, which are made under section 14 of the Local Land Charges Act 1975, make detailed provisions relating to the registration of local land charges and other matters registrable in local land charges registers.

Rule 2 defines certain terms used in the Rules.

Rule 3 continues the requirement for the register to be divided into separate parts for different types of charge.

Rules 4 to 6 prescribe the procedure for registrations. Rules 4 and 5 prescribe the procedure for making applications for registration. Rule 6 prescribes the procedure for registration, which must be effected by reference to the land and by entering in the register the particulars specified in Schedule 2 to the Rules.

Rule 7 preserves the existing power to register a charge by reference to other statutory records which are open to public inspection.

Rule 8 prescribes the duties of registering and originating authorities in regard to the amendment and cancellation of registrations. (The Rule does not affect those planning conditions which under section 2(e) of the Act are not local land charges.)

Rule 10 makes special provision for the registration of light obstruction notices.

Rule 11 prescribes the procedure relating to personal and official searches. Every parcel of land must normally be the subject of a separate search. The particulars of registrations disclosed by official searches must be set out in a schedule (following Schedule 2 to the Rules) accompanying the official search certificate.

Rule 12 provides for the supply of office copies.

Rule 13 provides for the use of H.M.S.O. forms.

Rule 14 and Schedule 3 prescribe the fees payable for the purposes of the Act. (The current fees are reproduced.)

Rule 15 contains transitional provisions. In particular, it saves pending applications and requisitions and provides for the continued use (with necessary adaptations) of the existing prescribed forms.

Schedule 1 prescribes the forms required for the purposes of the Rules.

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