1962 No. 959

LAND CHARGES, ENGLAND

The Land Drainage (Registration of Schemes) Rules, 1962

Made - - - - 8*th May*, 1962
Coming into Operation 21*st May*, 1962

I, David, Viscount Kilmuir, Lord High Chancellor of Great Britain, in pursuance of sections 15 and 19 of the Land Charges Act, 1925(a), and of subsection (8) of section 30 of the Land Drainage Act, 1961(b), and with the concurrence of the Lords Commissioners of Her Majesty's Treasury as to fees, do hereby make the following Rules :—

1. These Rules may be cited as the Land Drainage (Registration of Schemes) Rules, 1962, and shall come into operation on the 21st day of May, 1962.

Interpretation

2.—(1) In these Rules—

" the Act " means the Land Drainage Act, 1961 ;

" drainage scheme " means a scheme under section 30 of the Act ;

" the register " means the register of local land charges required to be kept in pursuance of section 15 of the Land Charges Act, 1925 ;

" the registrar " means the clerk or the person for the time being authorised to act as clerk of the Council of the county or borough in which the land affected by the drainage scheme is situated ;

" parcel of land " means a piece of land in separate occupation or separately rated at the time of the requisition for search or a building or a part of a building so occupied or rated ; and for the purpose of this definition any land or building or part of a building which is neither occupied nor rated shall be deemed to be occupied by the person who receives the rackrent therefor, whether on his own account or as agent or trustee for any other person, or who would so receive it if the land, building or part of a building were let at a rackrent.

(2) The Interpretation Act, 1889(c), applies to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

Part XII of the Register

3. Drainage schemes shall be registered in a part of the register to be known as Part XII thereof.

Entries in Part XII

4.—(1) Every entry in Part XII of the register shall contain :—

(*a*) a sufficient description of the drainage scheme to which the entry relates to enable the scheme to be identified ;

(a) 15 & 16 Geo. 5. c. 22. (b) 9 & 10 Eliz. 2. c. 48. (c) 52 & 53 Vict. c. 63.

(*b*) a statement of the place where a copy of the scheme may be inspected ;

(*c*) a sufficient description by reference to a map or plan or otherwise of the area to be improved under the scheme ;

(*d*) the date of registration.

(2) The index to the register shall inolude information enabling any entry in Part XII to be traced.

Dates on which application deemed to be made

5. An application for the registration of a drainage scheme shall—

(*a*) if received during the hours in which the office of the registrar is open for registrations, be treated as having been made immediately before the closing of the office for that day ;

(*b*) if received between the hours of closing and of the next opening of the office for registration, be treated as having been made immediately after the next opening of the office.

Cancellation of Charges

6. Where any local land charge to which these Rules apply has been discharged or become unenforceable, the registration shall thereupon be cancelled.

Searches

7.—(1) Any person may search Part XII of the register and the index and inspect any document relating to a drainage scheme filed in the office of the registrar on payment of the prescribed fee.

(2) Any person desiring to make a personal search in Part XII of the register shall, if so required by the registrar, give his name and address and indicate by reference to a plan or otherwise the parcel or parcels of land in respect of which he desires to search.

Official Certificates of Search

8.—(1) The provisions of subsections (1), (2), (7), (8) and (9) of section 17 of the Land Charges Act, 1925 (which relate to official certificates of search), shall apply in respect of Part XII of the register.

(2) Every requisition for search made under the said provisions as applied by this Rule shall be in writing signed by the person making the same or by the solicitor acting for the person requiring the search to be made and shall define the parcel of land in respect of which the search is to be made by means of a plan drawn to scale or by some other means sufficient to enable the land to be identified.

(3) An official certificate of the result of search in Part XII of the register shall extend to registrations effected during the day of the date of the certificate and shall be issued only after the office of the registrar is closed for registrations on that date.

(4) Any forms prescribed by the Rules made under the Land Charges Act, 1925, may be used for the purposes of requisitions for search and official certificates of search in Part XII of the register, so however that the schedule to an official certificate of search in Part XII shall be in the form set out in the First Schedule to these Rules.

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

Fees

9. The fees payable for the registration or cancellation of entries and for searches and official certificates of search shall be those specified in the Second Sohedule to these Rules.

Dated the 8th day of May, 1962.

Kilmuir, C.

We, the undersigned, two of the Lords Commissioners of Her Majesty's Treasury, do hereby concur in Rule 9 of the above Rules and in the Second Schedule hereto.

William Whitelaw.
Francis F. Pearson.

Rule 8 (4)

FIRST SCHEDULE

PART XII—REGISTER OF SCHEMES UNDER THE LAND DRAINAGE ACT, 1961

Description of drainage scheme to which entry relates 1	Place at which copy of the scheme may be inspected 2	Description of area to be improved under the scheme 3	Date of registration 4

Rule 9

SECOND SCHEDULE

FEES

	s.	d.
1. On registration of the making of a drainage scheme	2	6
2. On cancellation of any entry	1	6
3. On personal search in Part XII of the register (except where search is made in respect of the whole register and payment has been made in respect thereof)	2	0
In addition (but subject to a maximum additional charge of fourteen shillings), in respect of each parcel of land above one, where the search extends to several parcels of land	1	0
4. For an official search (including issue of certificate) in Part XII of the register (except where such search is made in respect of the whole register and payment has been made in respect thereof)	2	0
In addition (but subject to a maximum additional charge of twenty-one shillings), in respect of each parcel of land above one, where several parcels are, in accordance with the provisions of paragraph (5) of Rule 8, included in the same requisition, whether the requisition is for search in the whole or part of the register	1	6
5. For an office copy of any entry in Part XII of the register (not including a copy or extract of any plan or document filed in the office of the registrar)	2	6
6. For an office copy of any plan or other document filed in the office of the registrar, such reasonable fee as may be fixed by the registrar according to the time and labour involved.		

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules regulate the registration in the register of local land charges of drainage schemes made under section 30 (8) of the Land Drainage Act, 1961.