The Local Land Charges (Amendment No. 2) Rules, 1948

1948 No. 2471 (L. 28)

Made - - - - *13th November,* 1948
Coming into Operation *30th November,* 1948

I, William Allen Viscount Jowitt, Lord High Chancellor of Great Britain, by virtue and in pursuance of the Land Charges Act, 1925(a), and of all other powers enabling me in this behalf, do hereby make the following Rules:—

1.—(1) These Rules may be cited as the Local Land Charges (Amendment No. 2) Rules, 1948, and shall come into operation on the 30th day of November, 1948.

(2) In these Rules a Rule, paragraph, Schedule or Part of a Schedule referred to by number means the Rule, paragraph, Schedule or Part so numbered in the Local Land Charges Rules, 1934(b), as amended by any subsequent Rules.

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

2. Paragraph (1) of Rule 2 shall be amended as follows:—

(*a*) The following definition shall be inserted after the definition of the Town and Country Planning Act, 1947(d), namely:—

> " ' The Acts relating to previous planning control ' means the Act of 1932, any enactment repealed by that Act or repealed by any enactment which that Act repeals, the Act of 1943, the Town and Country Planning Act, 1944(e), the Restriction of Ribbon Development Acts, 1935(f), and 1943(g), the Building Restrictions (War-Time Contraventions) Act, 1946(h), or any one or more of the foregoing enactments."

(*b*) For the definition of " planning charges " there shall be substituted the following, namely:—

> " ' Planning charges ' means local land charges, other than charges securing the payment of money, which are prohibitions of or restrictions on the user or mode of user of land or buildings which take effect by virtue of the Act of 1947 or the Acts relating to previous planning control."

3. Paragraph (1) of Rule 4 shall be amended as follows:—

(*a*) in sub-paragraph (*c*) of paragraph (i) there shall be added the words, " or paragraph (iv) "

(a) 15 & 16 Geo. 5. c. 22.
(b) S.R. & O. 1934 (No. 285) I, p. 924.
(c) 52 & 53 Vict. c. 63.
(d) 10 & 11 Geo. 6. c. 51.
(e) 7 & 8 Geo. 6. c. 47.
(f) 25 & 26 Geo. 5. c. 47.
(g) 6 & 7 Geo. 6. c. 34.
(h) 9 & 10 Geo. 6. c. 35.

(*b*) the following paragraph shall be added to the proviso, namely:—

" (iv) in the case of any rights conferred by section 12 of the Requisitioned Land and War Works Act, 1948(a), the proper officer shall be the clerk, or the person for the time being authorised to act as clerk, of the County Council or the County Borough Council in whose area the land affected is situate."

4. In paragraph (*d*) of Rule 5 there shall be added the words, " and to any rights conferred by section 12 of the Requisitioned Land and War Works Act, 1948."

5. The following new Rule shall be inserted after Rule 10A and shall stand as Rule 10B, namely:—

" Notwithstanding anything contained in these Rules registrations of planning charges made before the 30th day of November, 1948, in Parts III or IV of any Register shall remain effective without further registration."

6. The following paragraph shall be substituted for paragraph 1 of the Second Schedule, namely:—

" Registration of a local land charge or priority notice, on the application by a local authority to the Registrar of another or by a Minister:—

	s.	d.
(i) in Part I of the Register, per entry	20	0
(ii) in Parts II, III or IV, per entry	1	6 "

7. In paragraph 2 of the Second Schedule the words " a Minister " shall be substituted for the words " the Commissioners of Works."

Dated the 13th day of November, 1948.

Jowitt, C.

We, the undersigned, two of the Commissioners of His Majesty's Treasury, do hereby concur in Rules 6 and 7 of the above Rules.

R. J. Taylor.
Joseph Henderson.

EXPLANATORY NOTE

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

These Rules amend and clarify the Local Land Charges Rules, 1934, and provide for the registration in Part III of the Local Land Charges Registers of charges created by the combined operation of sections 76, 77 and 78 of the Town and Country Planning Act, 1947 (and Regulations made thereunder) and the Acts relating to previous planning control as defined in these Rules. It is provided, however, that charges, which are now included in the definition of planning charges and which are already registered in Parts III or IV of any Register, need not be re-registered.

(a) 11 & 12 Geo. 6. c. 17.

These Rules also provide for registration in the Registers of County Councils or County Borough Councils of rights conferred by section 12 of the Requisitioned Land and War Works Act, 1948 (in respect of Government Oil Pipe Lines).

The Fee Order contained in the second Schedule to the Principal Rules is also amended to prescribe fees for the registration of the charges to which the present Rules relate.

LAND REGISTRATION, ENGLAND

The Land Registration Fee Order, 1948

1948 No. 517 (L. 3)

Made - - - -	*9th March*, 1948
Coming into Operation	*1st April*, 1948

I, William Allen, Viscount Jowitt, Lord High Chancellor of Great Britain, with the advice and assistance of the Rule Committee appointed pursuant to section 144 of the Land Registration Act, 1925(**a**), and with the concurrence of the Treasury, do hereby, in exercise of the powers conferred on me by section 145 of that Act and all other powers enabling me in that behalf, order that the Land Registration Fee Order, 1939(**b**), be annulled and the fees prescribed by the Land Registration Fee Order, 1930(**c**), for the several matters therein specified be restored to operation.

This Order may be cited as the Land Registration Fee Order, 1948, and shall come into operation on the 1st day of April, 1948.

Dated the 9th day of March, 1948.

Jowitt, C.

We concur in the above Order.

R. J. Taylor,
Joseph Henderson,
Two of the Lords Commissioners of His Majesty's Treasury.

(**a**) 15 & 16 Geo. 5. c. 21. (**b**) S.R. & O. 1939 (No. 809) II, p. 1828,
(**c**) S.R. & O. 1930 (No. 220) p. 803.