1954 No. 1677

The Local Land Charges (Amendment) Rules, 1954

Made - - - - 15*th December*, 1954
Coming into Operation 1*st January*, 1955

I, David Viscount Kilmuir, Lord High Chancellor of Great Britain, by virtue and in pursuance of subsection (5) of section 28 and subsection (2) of section 57 of the Town and Country Planning Act, 1954(a), and section 15 of the Land Charges Act, 1925(b), do hereby make the following Rules:—

1.—(1) These Rules may be cited as the Local Land Charges (Amendment) Rules, 1954, and shall come into operation on the 1st day of January, 1955.

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

2. The Local Land Charges Rules, 1934(d), as amended, shall apply to notices required to be registered in the register of local land charges pursuant to subsection (5) of section 28 and subsection (2) of section 57 of the Town and Country Planning Act, 1954, in the same manner and to the same extent as they apply to local land charges registrable pursuant to section 15 of the Land Charges Act, 1925, and accordingly the Local Land Charges Rules, 1934, as amended, shall be further amended as follows:—

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

(i) After the definition of "The Act of 1947" there shall be inserted the following definition:—

"'The Act of 1954' means the Town and Country Planning Act, 1954;"

(ii) The following definition shall be substituted for the definition of "Planning Charges":—

"'Planning Charges' means—

(*a*) 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, or

(*b*) charges secured by notices required to be registered under the Act of 1954;"

(*b*) The following addition shall be made to paragraph (*c*) of Rule 5:—

"and to notices required to be registered under the Act of 1954;"

(*c*) The following new Rule shall be inserted after Rule 9B and shall stand as Rule 9C:—

"9C.—Where a notice is registered under subsection (5) of section 28 or subsection (2) of section 57 of the Act of 1954, the entry in Part III shall contain:—

(*a*) a reference to the section under which the notice is registrable;

(a) 2 & 3 Eliz. 2. c. 72.
(b) 15 & 16 Geo. 5. c. 22.
(c) 52 & 53 Vict. c. 63.
(d) S.R. & O. 1934/285 (Rev. XI, p. 816: 1934 I, p. 924).

(*b*) a sufficient description, by reference to a plan or otherwise, of the land which is affected by the charge;

(*c*) the date of registration;

(*d*) the amount of the compensation or payment specified in the notice;

(*e*) where the notice is registered under subsection (5) of section 28,

(i) particulars of any apportionment of the charge contained in the notice, and

(ii) a sufficient description of the planning decision or order in respect of which the payment of compensation giving rise to the charge was made."

(*d*) The following new paragraph shall be added to Rule 13 and shall stand as paragraph (6):—

"(6) Where an entry has been made in Part III of the register in respect of a notice registered under the Act of 1954, any subsequent notice registered thereunder and relating to the same land shall be entered against that entry."

(*e*) In paragraphs 1 and 2 of the Second Schedule the words "local land" shall be omitted and the words "or by the Central Land Board" shall be inserted after the words "by a Minister".

Dated the 9th day of December, 1954.

Kilmuir, C.

We, the undersigned, two of the Commissioners of Her Majesty's Treasury, do hereby concur in Rule 2 (*e*) of the above Rules.

Hendrie D. Oakshott,
Gerald Wills.

15*th December*, 1954.

EXPLANATORY NOTE

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

These Rules amend the Local Land Charges Rules, 1934, to provide for the registration in Part III of the Local Land Charges Register of notices required to be registered under section 28 or section 57 of the Town and Country Planning Act, 1954. These notices relate either to compensation exceeding £20 payable for depreciation of the value of land resulting from a planning decision or order or to payments exceeding £20 payable by the Central Land Board in respect of certain war damaged land. These may fall to be repaid on subsequent development of the land affected.