STATUTORY INSTRUMENTS

1966 No. 579

LAND CHARGES

The Local Land Charges Rules 1966

Made - - - - 16*th May* 1966
Coming into Operation 1*st June* 1966

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I, Gerald, Baron Gardiner, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by section 15(6), as amended by section 7 of and the Schedule to the Law of Property (Amendment) Act 1926(**a**), and section 19 of the Land Charges Act 1925(**b**), section 4(4)(*d*) of the Law of Property (Amendment) Act 1926, section 11 of the Ancient Monuments Act 1931(**c**) as amended and applied by section 19 of the Historic Buildings and Ancient Monuments Act 1953(**d**), section 33(3) of the Civil Aviation Act 1949(**e**), section 8(8)(*b*) of the Coast Protection Act 1949(**f**), section 2(2) of the Hill Farming Act 1954(**g**), section 57(2) of the Town and Country Planning Act 1954(**h**), section 104(5) of the Housing Act 1957(**i**), section 17(3) of the Land Powers (Defence) Act 1958(**j**), section 34(9) of the Housing (Financial Provisions) Act 1958(**k**), sections 11(2) and 16(6) of the Opencast Coal Act 1958(**l**), sections 92(5) and 197(1) of the Highways Act 1959(**m**), section 5(1) of the Rights of Light Act 1959(**n**), section 30(8) of the Land Drainage Act 1961(**o**), section 12(7) of the Housing Act 1961(**p**), sections 32(3), 74(2) and 112(5) of the Town and Country Planning Act 1962(**q**), sections 15(6), 19(8), 21(6) and 73(5) of the Housing Act 1964(**r**) and sections 1(4) and 9(2) of the New Towns Act 1965(**s**), and with the concurrence of the Treasury as to fees, hereby make the following Rules:—

Title, commencement and revocation

1.—(1) These Rules may be cited as the Local Land Charges Rules 1966 and shall come into operation on 1st June 1966.

(2) The Rules listed in Schedule 1 to these Rules are hereby revoked.

(3) Nothing in these Rules shall affect the validity of any register, or any entry in a register, of local land charges kept or made before 1st June 1966.

Interpretation

2.—(1) The Interpretation Act 1889(**t**) 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 of 1925 " means the Land Charges Act 1925 ;

" the Act of 1962 " means the Town and Country Planning Act 1962 ;

" charge " means a local land charge within the meaning of section 15 of the Act of 1925 and any instrument, matter or thing required to be registered as a local land charge by any Act of Parliament and includes a priority notice ;

" the City " means the City of London ;

" clerk " includes the person for the time being authorised to act as clerk, and, in the case of a borough or London borough, means the town clerk ;

" the Minister " means the Minister of Housing and Local Government ;

" 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

(**a**) 1926 c. 11. (**b**) 1925 c. 22. (**c**) 1931 c. 16. (**d**) 1953 c. 49.
(**e**) 1949 c. 67. (**f**) 1949 c. 74. (**g**) 1954 c. 23. (**h**) 1954 c. 72.
(**i**) 1957 c. 56. (**j**) 1958 c. 30. (**k**) 1958 c. 42. (**l**) 1958 c. 69
(**m**) 1959 c. 25. (**n**) 1959 c. 56. (**o**) 1961 c. 48. (**p**) 1961 c. 65.
(**q**) 1962 c. 38. (**r**) 1964 c. 56. (**s**) 1965 c. 59. (**t**) 1889 c. 63

receives the rackcrent 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;

" planning charge " means—

(*a*) a charge, other than a charge securing the payment of money, which is a prohibition of or restriction on the user or mode of user of land or buildings which has effect under or by virtue of the Restriction of Ribbon Development Act 1935(**a**), the Building Restrictions (War-Time Contraventions) Act 1946(**b**) or the Act of 1962;

(*b*) a charge secured by a notice required to be registered under section 57(2) of the Town and Country Planning Act 1954 or section 112(5) of the Act of 1962;

(*c*) in relation to Form D, a subsisting charge registered before 1st June 1966 in Part 3 of the register under any rule revoked by these Rules;

" prescribed " means prescribed by these Rules;

" the register " means any register of local land charges kept in pursuance of section 15 of the Act of 1925;

" the registry " means the office of any local registrar.

(3) A form referred to by letter means the form so designated in Schedule 2 to these Rules, and includes, in relation to an application, requisition or certificate of search made or issued before 1st September 1966, the corresponding form prescribed by any rule revoked by these Rules.

Local registrar

3.—(1) The proper officer to act as local registrar for the registration of:—

(*a*) planning charges;

(*b*) charges (not otherwise provided for in paragraphs (1) to (5) of this Rule) created by a local authority affecting land outside its area or created by an authority other than a local authority;

(*c*) charges (registrable in Part 4 of the register) specified in paragraphs 1, 3, 4, 6 and 8 of Schedule 3 to these Rules; and

(*d*) charges registrable in Parts 6, 7 and 9 of the register;

shall be the clerk of the council of the county borough or county district in which the land or any part thereof affected by the charge is situated.

(2) The proper officer to act as local registrar for the registration of:—

(*a*) charges (registrable in Part 4 of the register) specified in paragraph 2 of Schedule 3 to these Rules; and

(*b*) charges registrable in Parts 8 and 12 of the register;

shall be the clerk of the council of the county or county borough in which the land or any part thereof affected by the charge is situated.

(3) The proper officer to act as local registrar for the registration of charges (registrable in Part 4 of the register) specified in paragraph 9 of Schedule 3 to these Rules shall be:—

(*a*) where the charge relates to a street in a borough or urban district, the clerk of the council of that borough or district;

(**a**) 1935 c. 47. (**b**) 1946 c. 35.

(*b*) where the charge relates to a street in a rural district, the clerk of the council of the county comprising that district, or, if the council of a rural district is discharging the functions of the county council under the advance payments code as agents for the county council, the clerk of the council of that district.

(4) The proper officer to act as local registrar for the registration of charges registrable in Part 11 of the register shall be the clerk of the council for the London borough, county borough or county district in which the building or any part of the building referred to as the dominant building in the form of application for registration of the charge is situated, or, where that building or part of a building is situated within the City, the town clerk of the City.

(5) Notwithstanding the provisions of this Rule, but without prejudice to paragraph (4) thereof, the proper officer to act as local registrar for the registration of a charge affecting land situated in any London borough or in the City shall be the town clerk of the council of that London borough, or, as the case may be, the town clerk of the City.

(6) The proper officer to act as local registrar for the registration of any charge not otherwise provided for in this Rule shall be the clerk of the local authority in whose favour the charge was created or by which it is enforceable.

Index to register

4. To enable the entries in it to be traced, the register shall have an index, which shall be in the form of a map or a card-index or in any other form the Minister may approve.

Division of register into parts

5. The register shall be divided into numbered parts, each containing entries of the type and in the form hereinafter described for that part.

Part 1 of register: general financial charges

6.—(1) Part 1 of the register shall contain entries relating to :—

(*a*) general charges arising under section 15(4) of the Act of 1925 ; and

(*b*) schemes registrable under sections 8(8) and 13(6) of the Coast Protection Act 1949 which do not specify the persons by whom coast protection charges are to be paid.

(2) Every entry in Part 1 of the register shall contain :—

(*a*) a reference to the enactment and also, where expedient in the opinion of the local registrar, to the order, resolution, scheme or other instrument under which the charge is proposed to be acquired ;

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

(*c*) the date of registration of the charge.

(3) An entry in Part 1 of the register relating to a general charge may be cancelled at any time after the charge to which it relates has been ascertained and allotted, and shall in any event be cancelled within 15 months of the date on which such charge is ascertained and allotted.

Part 2 of register : specific financial charges

7.—(1) Part 2 of the register shall contain entries relating to :—

(*a*) specific charges other than prohibitions of or restrictions on the user or mode of user of land or buildings ; and

(*b*) schemes registrable under sections 8(8) and 13(6) of the Coast Protection Act 1949 which specify the persons by whom coast protection charges are to be paid.

(2) Every entry in Part 2 of the register shall contain :—

(*a*) a reference to the enactment, and where expedient in the opinion of the local registrar, to the order, resolution, scheme or other instrument under which the charge is acquired ;

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

(*c*) the date of the charge ;

(*d*) the date of registration of the charge ; and

(*e*) the amount of the charge or, where interest is payable, the amount of the original charge and the rate of interest thereon.

(3) Where any portion of a charge which has been entered in Part 2 of the register has been discharged by the payment of an instalment or otherwise, the local registrar shall add to the entry relating to that charge particulars of the amount paid off, the date of payment and the balance of the original charge still outstanding.

Part 3 of register : planning charges

8.—(1) Part 3 of the register shall contain entries relating to planning charges.

(2) Every entry in Part 3 of the register which relates to a notice registered under section 57(2) of the Town and Country Planning Act 1954 or section 112(5) of the Act of 1962 shall contain :—

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

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

(*c*) the date of registration of the notice ;

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

(*e*) where the notice is registered under section 112(5) of the Act of 1962 :—

(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.

(3) Every other type of entry in Part 3 of the register shall contain :—

(*a*) a reference to the notice, order, instrument or other document and to the enactment, under or by virtue of or in connection with which the charge was created and is enforceable sufficient to show the effect thereof ;

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

(*c*) notice of the place at which inspection may be made of any document (other than a public general statute) mentioned in sub-paragraph (*a*) hereof or a certified copy of such a document ; and

(*d*) the date of registration of the charge.

(4) Where a notice has been registered in Part 3 of the register under section 57(2) of the Town and Country Planning Act 1954 or section 112(5)

of the Act of 1962, any subsequent notice registered thereunder which relates to the same land shall be added to the original entry.

Part 4 of register: miscellaneous prohibitions and restrictions

9.—(1) Part 4 of the register shall contain entries relating to:—

(*a*) the charges specified in Schedule 3 to these Rules; and

(*b*) any other prohibitions of or restrictions on the user or mode of user of land or buildings which are not planning charges.

(2) Every entry in Part 4 of the register shall contain:—

(*a*) a reference to the order, scheme, instrument, resolution, covenant, agreement, or other document, and to the enactment, under or by virtue of or in connection with which the charge was created and is enforceable sufficient to show the effect thereof;

(*b*) notice of the place at which inspection may be made of any document (other than a public general statute) mentioned in sub-paragraph (*a*) hereof, or a certified copy of such a document;

(*c*) a sufficient description, by reference to a plan or otherwise, of the land affected by the charge; and

(*d*) the date of registration of the charge.

(3) In the application of paragraph (2) of this Rule to a condition applied to a cottage by virtue of regulations made under section 10 of the Hill Farming Act 1946(**a**), as amended by section 1 of the Hill Farming Act 1954, it shall be sufficient for the purposes of sub-paragraph (*a*) thereof to refer only to those Acts and to those regulations and sub-paragraph (*b*) shall not apply.

(4) Where:—

(*a*) a draft wayleave order is registered under section 17 of the Land Powers (Defence) Act 1958, and thereafter it is decided to make no order, or the order as made differs from the draft order; or

(*b*) a wayleave order registered as aforesaid is revoked or varied; or

(*c*) a restriction imposed by section 16(1) of the said Act of which notice is registered as aforesaid ceases to have effect or is modified;

the Minister at whose instance the registration was effected shall furnish the local registrar with whatever information is necessary to enable him to vary or cancel the registration as the case may require, and the local registrar shall thereupon vary or cancel the registration accordingly.

Part 5 of register: charges for improvement of ways over fenlands

10.—(1) Part 5 of the register shall contain entries relating to charges acquired by county councils under section 8(3)(*d*) of the Agriculture (Miscellaneous Provisions) Act 1941(**b**).

(2) A certified copy of every certificate delivered to the county council by the Minister of Agriculture, Fisheries and Food under section 8(3)(*d*) of the said Act shall be annexed to Part 5 of the register, and there shall be endorsed on the copy the date on which the certificate was so delivered.

(3) Every entry in Part 5 of the register shall contain:—

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

(*b*) a reference to every certificate delivered by the Minister of Agriculture, Fisheries and Food which affects the land to which the entry relates;

(**a**) 1946 c. 73. (**b**) 1941 c. 50.

(*c*) a figure showing the proportion of the total expenses of any works of maintenance for which the county council is entitled to a charge on the land by virtue of section 8(3)(*d*) of the said Act, being the proportion specified in the certificate in relation to the land;

(*d*) the date of the registration of the charge;

(*e*) particulars of any sums from time to time secured by the charge; and

(*f*) particulars of any sums paid off.

Part 6 of register: compulsory purchase orders

11.—(1) Part 6 of the register shall contain entries relating to compulsory purchase orders containing directions for expedited completion registered under section 74(2) of the Act of 1962.

(2) Every entry in Part 6 of the register shall contain:—

(*a*) a reference to the title of the order;

(*b*) the name of the purchasing authority authorised by the order;

(*c*) a sufficient description, by reference to a map or plan, of the land which is or will be affected by the order;

(*d*) notice of the place at which inspection may be made of a copy of the order certified by or on behalf of the Minister by whom it was made or confirmed, in exercise of the powers conferred by section 74 of the Act of 1962, and of any map or plan referred to in or illustrating the order;

(*e*) the date on which the order was made or confirmed by the Minister as aforesaid; and

(*f*) the date of registration of the order.

Part 7 of register: new towns orders

12.—(1) Part 7 of the register shall contain entries relating to designation orders registered under section 1(4), and compulsory purchase orders registered under section 9(1), of the New Towns Act 1965.

(2) Every entry in Part 7 of the register shall contain:—

(*a*) a reference to the title of the designation order or compulsory purchase order;

(*b*) the name of the purchasing authority authorised by the compulsory purchase order;

(*c*) a sufficient description, by reference to a map or plan, of the land which is or will be affected by the order;

(*d*) notice of the place at which inspection may be made of a copy of the order certified by or on behalf of the Minister by whom it was made or confirmed, as the case may be, in exercise of powers conferred by the New Towns Act 1965, and of any map or plan referred to in or illustrating the order;

(*e*) the date on which the order was made or confirmed by the Minister as aforesaid; and

(*f*) the date of registration of the order.

Part 8 of register: civil aviation orders and directions

13.—(1) Part 8 of the register shall contain entries relating to orders made by the Minister of Aviation, and directions made thereunder, registered under section 33(1) of the Civil Aviation Act 1949.

(2) Every entry in Part 8 of the register shall contain:—

(*a*) a reference to the title of the order or direction;

(*b*) the address of the Minister of Aviation;

(*c*) a sufficient description, by reference to a map or plan, of the land which is or will be affected by the order or direction;

(*d*) notice of the place at which inspection may be made of a copy of the order or direction certified by or on behalf of the Minister of Aviation and of any map or plan referred to in or illustrating the order or direction;

(*e*) the date on which the order or direction became operative; and

(*f*) the date of registration of the order or direction.

Part 9 of register: opencast coal mining orders

14.—(1) Part 9 of the register shall contain entries relating to compulsory rights orders registered under section 11(1), and compulsory purchase orders registered under section 16(6), of the Opencast Coal Act 1958.

(2) Every entry in Part 9 of the register shall contain:—

(*a*) the title of the compulsory rights order or compulsory purchase order to which the entry relates;

(*b*) a sufficient description by reference to a map or plan of the land which is or will be comprised in or affected by the order;

(*c*) the date on which the order was made;

(*d*) a statement of the place where a copy of the order, together with any map referred to therein, may be inspected;

(*e*) the date of registration of the order;

(*f*) the date on which the order became or will become operative; and

(*g*) in the case of a compulsory rights order, the date on which it will cease to have effect, unless previously revoked.

(3) The National Coal Board shall notify the local registrar as soon as may be of the date of coming into operation of every compulsory rights order and compulsory purchase order, and the local registrar shall enter in the register the date on which the order comes into operation and, in the case of a compulsory rights order, the date on which it will cease to have effect, unless previously revoked.

(4) Where a compulsory rights order or a compulsory purchase order has been registered and:—

(*a*) the Minister of Power decides not to confirm the order; or

(*b*) the order as confirmed differs from the order as made; or

(*c*) the order is revoked; or

(*d*) the order is varied; or

(*e*) in the case of a compulsory purchase order, any power conferred by the order has not been exercised and has ceased to be exercisable;

the National Coal Board shall furnish the local registrar with such information as may be necessary to enable him to vary or cancel the registration as the case may require, and the local registrar shall vary or cancel the registration accordingly.

Part 10 of register: lists of buildings of special architectural or historic interest

15.—(1) Part 10 of the register shall contain entries relating to lists of buildings of special architectural or historic interest registered under section 32(3) of the Act of 1962.

(2) Every entry in Part 10 of the register shall contain :—

(*a*) a copy of the list of buildings of special architectural or historic interest ;

(*b*) notice of the place at which inspection may be made of the list certified by or on behalf of the Minister and any map or plan referred to in or illustrating the list ;

(*c*) the date on which the copy of the list was certified by or on behalf of the Minister ; and

(*d*) the date of registration of the list.

Part 11 *of register : light obstruction notices*

16.—(1) Part 11 of the register shall contain entries relating to light obstruction notices registered under section 2(4) of the Rights of Light Act 1959.

(2) On receiving an application in Form A for the registration of a light obstruction notice, accompanied by a certificate issued by the Lands Tribunal in accordance with section 2(3) of the Rights of Light Act 1959, the local registrar shall file the application and the certificate in the registry and shall enter the following particulars in Part 11 of the register :—

(*a*) a sufficient description by reference to a map, plan or otherwise of the dominant building which will be affected by the notice ;

(*b*) the date of registration of the notice ;

(*c*) the name and address of the applicant for registration and a short description of his interest in the servient land ;

(*d*) short particulars of the position and dimensions of the opaque structure to which registration of the notice is to be equivalent (if necessary, by reference to a map or plan attached to the application) ;

(*e*) where the accompanying certificate of the Lands Tribunal is a temporary certificate, its date and the date when the registration will cease to have effect unless a definitive certificate has been lodged ;

(*f*) the date of the definitive certificate of the Lands Tribunal which accompanied the application or was lodged during the period of operation of a temporary certificate ; and

(*g*) a list of any documents relating to the notice which are filed in the registry pursuant to these Rules.

(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 local registrar, he shall file the definitive certificate with the application and amend the entries in the register relating to the accompanying certificate.

Variation and cancellation of entries in Part 11

17.—(1) On receiving an office copy of a judgment or order directing the registration of a light obstruction notice to be varied or cancelled, the local registrar shall file the judgment or order with the application for that registration, and shall vary or cancel the entries in Part 11 of the register accordingly.

(2) The person on whose application the light obstruction notice was registered, or a successor in title to an interest in the servient land which

would entitle him to apply for the registration of such a notice, may within a year from the date of registration apply in Form B for :—

(*a*) variation of the particulars of the position or dimensions of the structure to which registration of the notice is 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 of the notice ;

and on receiving any such application the local registrar shall file it and vary or cancel the entries in Part 11 of the register accordingly.

(3) Subject to the preceding paragraphs of this Rule, the local registrar shall cancel an entry in Part 11 of the register :—

(*a*) where no definitive certificate of the Lands Tribunal has been filed in relation to the light obstruction notice in question, 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 ;

but no sooner, and thereupon any document relating to the notice and filed in the registry pursuant to these Rules shall be taken off the file.

Sale of copies of filed documents relating to Part 11

18. At the written request of any person who has lodged a requisition for search in accordance with Rule 24 of these Rules, and who pays the prescribed fees, the local registrar shall supply copies of any documents relating to a light obstruction notice which have been filed in the registry pursuant to these Rules.

Part 12 *of register : land drainage schemes*

19.—(1) Part 12 of the register shall contain entries relating to schemes registered under section 30(8) of the Land Drainage Act 1961.

(2) Every entry in Part 12 of the register shall contain :—

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

(*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 ; and

(*d*) the date of registration of the scheme.

Use of existing registers

20. Where the particulars of a charge required by these Rules to be entered in the register have been entered in any other record which is maintained and kept open for public inspection by a local authority in pursuance of a statutory obligation, it shall be sufficient compliance with these Rules if the register contains a reference against the land affected by the charge sufficient to enable those particulars to be traced in that other record.

Variation of entries in register

21.—(1) In addition and without prejudice to any other provision of these Rules in that behalf, the local registrar shall make any incidental variations to the entries in his register which may from time to time be necessary.

(2) Where the authority or person in whose favour a charge has been created or by whom it is enforceable is not the same as the authority whose clerk is the local registrar for that charge, the authority or person first mentioned shall furnish the local registrar for that charge with whatever information may be necessary for him to comply with paragraph (1) of this Rule.

Cancellation of entries in register

22. In addition and without prejudice to any other provision of these Rules in that behalf, where any charge has been discharged or become unenforceable, the local registrar shall thereupon cancel the entry in the register relating to that charge.

Personal searches of register

23. Any person who wishes to make a personal search of the register may do so upon:—

(*a*) payment of the prescribed fee; and

(*b*) if so requested by the local registrar, furnishing his name and address and indicating, by reference to a plan or otherwise, the parcel or parcels of land in respect of which he wishes to search.

Official searches of register

24.—(1) Any person who wishes an official search to be made of the register may on payment of the prescribed fee lodge at the registry a requisition for search.

(2) Every requisition for search shall be in Form C and signed by the person making it or by his solicitor, and shall define the land in respect of which the search is to be made:—

(*a*) by a plan thereof drawn to scale and (unless the person making the requisition does not require a plan to be returned to him) furnished in duplicate; or

(*b*) by any other means sufficient to enable the land to be identified.

(3) A separate requisition for search shall be made in respect of each parcel of land against which a search is requested, except where for the purpose of a single transaction a certificate 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) On a requisition for search being made, the local registrar shall make the search required and shall issue an official certificate of search in Form C (including, where appropriate, a schedule in accordance with the appropriate part of Form D) setting forth the result thereof.

(5) An official certificate of search shall extend to registrations effected during the day of the date of the certificate, and shall be issued only after the registry is closed for registration on that date.

(6) Except in respect of control orders registered under section 73(5) of the Housing Act 1964 in Part 4 of the register and charges registered in Parts 6 to 12 of the register, an official certificate of search shall be conclusive according to the tenor thereof, affirmatively or negatively as the case may be, in favour of a purchaser or intending purchaser as against authorities or persons interested under or in respect of charges required or allowed to be entered in the register.

(7) A solicitor, or a trustee, executor or other person in a fiduciary position, who obtains an official certificate of search shall not be answerable for any loss that may arise from error in the certificate.

Priority notices

25.—(1) Any person who intends to apply for the registration of a charge (in this Rule called a "proposed charge") may apply to the local registrar for the entry in the register of a priority notice in respect of that proposed charge.

(2) A priority notice shall contain a statement of the nature of the proposed charge and a description, by reference to a plan or otherwise, sufficient to enable the land to which the proposed charge relates to be identified.

(3) If application is made to the local registrar for the entry in the register of a priority notice at least 14 days before the registration of the proposed charge is to take effect, the local registrar shall enter the priority notice in the register together with a reference to the date on which the entry is made.

(4) Where a priority notice is entered in the register, and an application is made, referring expressly to the priority notice, for the registration of the proposed charge within 28 days thereafter (or, in the case of a planning charge which arises on the approval of the Minister, within 28 days after that approval has been given), then:—

(*a*) the registration of the proposed charge shall take effect as if the registration had been made at the time when the charge was created, and the date at which the registration so takes effect shall be deemed to be the date of registration;

(*b*) where any two charges are contemporaneous and one (whether or not protected by a priority notice) is subject to or dependent on the other which is protected by a priority notice, the subsequent or dependent charge shall be deemed to have been created or to have arisen after the registration of the other.

(5) The date of registration of the charge to be noted in the register shall be the actual day of registration, notwithstanding that the registration is duly made pursuant to a priority notice given in respect thereof.

(6) Where a purchaser has obtained an official certificate of search, any entry which is made in the register after the date of the certificate and before the completion of his purchase, and which is not made pursuant to a priority notice entered on the register before the certificate is issued, shall not, if the purchase is completed before the expiration of 14 days after the date of the certificate, affect the purchaser.

(7) In reckoning the number of days under this Rule, Sundays and other days when the registry is not open to the public shall be excluded.

(8) In relation to charges governed by these Rules, the provisions of this Rule shall apply instead of the provisions of section 4 of the Law of Property (Amendment) Act 1926.

Date on which applications deemed to be made

26.—(1) Applications for registration and priority notices delivered during the hours in which the office of the local registrar is open for registration shall be treated as having been made or given immediately before the closing of the office for that day.

(2) Applications for registration and priority notices delivered between the time when the office of the local registrar closes and the time when it next opens shall be treated as having been made or given immediately after the office next opens.

Fees

27.—(1) The fees payable for the registration, variation or cancellation of entries in the register, for searches and official certificates of search, for office copies and for filing documents in accordance with Rules 16 and 17 of these Rules, shall be those specified in Schedule 4 to these Rules.

(2) No fee shall be payable by any local authority to its clerk for anything done by him in his capacity as local registrar on any application of that local authority under these Rules.

(3) All fees payable by virtue of this Rule shall be paid in advance.

(4) For the purposes of Schedule 4 to these Rules, " registration " and " entry " include all registrations and entries made or required to be made in the register in respect of the relevant charge.

Forms

28. All forms prescribed for use in connection with these Rules shall be sold under arrangements to be made by Her Majesty's Stationery Office, and no forms other than those so supplied shall be used or accepted by local registrars without the approval of the Minister.

Dated 11th May 1966.

Gardiner, C.

We, the undersigned, two of the Lords Commissioners of Her Majesty's Treasury, do hereby concur in Rule 27 of the above Rules and in Schedule 4 hereto.

Dated 16th May 1966.

W. Howie,
W. Whitlock.

SCHEDULE 1

Rule 1(2)

RULES REVOKED

Title	Reference
The Local Land Charges Rules 1934	S.R. & O. 1934/285 (Rev. XI, p. 816: 1934 I, p. 924).
The Local Land Charges (Amendment) Rules 1938.	S.R. & O. 1938/499 (Rev. XI, p. 816: 1938 I, p. 1628).
The Local Land Charges (Amendment No. 2) Rules 1938.	S.R. & O. 1938/562 (Rev. XI, p. 816: 1938 I, p. 1630).
The Local Land Charges (Amendment) Rules 1942.	S.R. & O. 1942/786 (Rev. XI, p. 816: 1942 I, p. 493).
The Local Land Charges (Amendment) Rules 1943.	S.R. & O. 1943/1532 (Rev. XI, p. 816: 1943 I, p. 593).
The Local Land Charges (Amendment) Rules 1946.	S.R. & O. 1946/414 (Rev. XI, p. 816: 1946 I, p. 947).
The New Towns Act 1946 (Registration of Orders) Rules 1946.	S.R. & O. 1946/1896 (Rev. XI, p. 842: 1946 I, p. 948).
The Civil Aviation Act 1946 (Registration of Orders) Rules 1947.	S.R. & O. 1947/1622 (Rev. XI, p. 837: 1947 I, p. 1242).
The Agriculture Act 1947 (Registration of Supervision Orders) Rules 1948.	S.I. 1948/281 (Rev. XI, p. 832: 1948 I, p. 1685).
The Town and Country Planning Acts 1944 and 1947 (Registration of Orders and Lists of Buildings) Rules 1948.	S.I. 1948/1213 (Rev. XI, p. 847: 1948 I, p. 1689).
The Local Land Charges (Amendment) Rules 1948.	S.I. 1948/1283 (Rev. XI, p. 816: 1948 I, p. 1695).
The Local Land Charges (Amendment No. 2) Rules 1948.	S.I. 1948/2471 (Rev. XI, p. 816: 1948 I, p. 1698).
The Coast Protection Act 1949 (Registration of Schemes) Rules 1950.	S.I. 1950/1435 (1950 I, p. 1158).
The Public Utilities Street Works Act 1950 (Registration of Declarations) Rules 1951.	S.I. 1951/69 (1951 I, p. 1228).
The Housing Act 1949 (Registration of Conditions) Rules 1951.	S.I. 1951/185 (1951 I, p. 1227).
The Highways (Provision of Cattlegrids) Act 1950 (Registration of Agreements) Rules 1951.	S.I. 1951/813 (1951 I, p. 1226).

Title	Reference
The Housing Act 1952 (Registration of Conditions) Rules 1953.	S.I. 1953/250 (1953 I, p. 960).
The Hill Farming (Registration of Conditions) Rules 1954.	S.I. 1954/601 (1954 I, p. 1030).
The Local Land Charges (Amendment) Rules 1954.	S.I. 1954/1677 (1954 I, p. 1032).
The Local Land Charges (Amendment) Rules 1957.	S.I. 1957/1437 (1957 I, p. 1228).
The Land Powers (Defence) Act (Registration of Wayleave Orders, etc.) Rules 1958.	S.I. 1958/1323 (1958 I, p. 1339).
The Opencast Coal (Registration of Orders) Rules 1959.	S.I. 1959/481 (1959 I, p. 1514).
The Registers of Local Land Charges (Rights of Light, etc.) Rules 1959.	S.I. 1959/1733 (1959 I, p. 1518).
The Housing Act 1961 (Registration of Orders) Rules 1962.	S.I. 1962/934 (1962 II, p. 1076).
The Land Drainage (Registration of Schemes) Rules 1962.	S.I. 1962/959 (1962 II, p. 1088).
The Housing Act (Registration of Orders) Rules 1964.	S.I. 1964/1466 (1964 III, p. 3430).

SCHEDULE 2 Rule 2(3)

FORMS

Form A

APPLICATION FOR REGISTRATION OF A LIGHT OBSTRUCTION NOTICE

I,.....of....., being the freehold owner *or* the tenant for a term of years of which over 7 years remain unexpired *or* the mortgagee in possession[1] of.....
.....
.....
.....[2],
which is shown on the plan attached hereto, hereby apply to the clerk of the .....Council for the registration of this notice under section 2 of the Rights of Light Act 1959 against the building known as.....
.....
.....
.....
.....[3]

Registration of this notice is intended to be equivalent to the obstruction of the access of light to the said building across my land which would be caused by the erection of an opaque structure on all the boundaries of my land *or* in the position on my land marked on the attached plan[4] and of unlimited height *or*.....
.....
.....
.....[5]

Dated.....

Signed .....

[1]Delete inapplicable words.

[2]Insert description of servient land.

[3]Insert description of dominant land, accompanied if necessary by a map or plan.

[4]Delete inappropriate words.

[5]Delete " of unlimited height " if inappropriate and insert specifications of height and other dimensions by reference if necessary to a plan or drawing attached to the application.

Form B

APPLICATION TO VARY 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.....

.....

hereby apply for the variation *or* the cancellation[1] of the light obstruction notice registered on my application *or* on the application of..... of.....[2]

The variation which I require is.....

.....

.....[3]

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, is attached: .....

.....[4]

[1]Delete inapplicable words.

[2]Delete and insert as appropriate.

[3]If a variation is required, give particulars; if a cancellation, delete sentence.

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

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 possession[5] of.....

.....

.....[6];

(*b*) the light obstruction notice referred to above was registered on my application *or* on the application of..... of .....[7];

(*c*) there are no other persons who would be entitled to apply for the registration of a light obstruction notice.....[8]

And I make this solemn declaration, conscientiously believing the same to be true, by virtue of the Statutory Declarations Act 1835.

Declared by the said.....at.....

this.....day of.....before me.....

A Commissioner for Oaths.

[5]Delete inapplicable words.

[6]Insert description of servient land.

[7]Delete and insert as appropriate.

[8]Insert if appropriate " apart from the persons named above ".

Form C

REQUISITION FOR SEARCH AND OFFICIAL CERTIFICATE OF SEARCH

Requisition for Search

Official number.....

Name of local authority.....

[1]Delete if inappropriate.

An official search is required in Part..... of[1] the register of local land charges maintained by the clerk of the above-named local authority for subsisting entries against the land defined in the attached plan *or* described below:

.....

.....

[2]Delete and insert as appropriate.

.....[2]

up to and including.....[3]

[3]Insert date on which official certificate of search is to be issued.

Signature of applicant.....
or his solicitor

Date.....

Official Certificate of Search

The search requested above reveals no subsisting entries *or* the entries described in the Schedule hereto[4] up to and including the date of this certificate.

[4]Delete inapplicable words.

Signature of local registrar.....

Date.....

Form D

SCHEDULE TO OFFICIAL CERTIFICATE OF SEARCH

Signature of local registrar..... Official number.....

Date..... Name of local authority.....

Part 1 of register: general financial charges

Nature of charge and reference to enactment and (where expedient) order, resolution, scheme or other instrument under which it is proposed to be acquired 1	Where charge registered on behalf of another local authority, name of that authority 2	Date of registration 3

Part 2 of register: specific financial charges

Nature of charge and reference to enactment and (where expedient) order, resolution, scheme or other instrument under which acquired 1	Where charge registered on behalf of another local authority, name of that authority 2	Date of charge 3	Date of registration of charge 4	Amount of charge or, where interest is payable, amount of original charge and rate of interest thereon 5	Date of last payment 6	Balance of original charge outstanding at date of last payment 7

Part 3 of register: planning charges

(*a*) *Notices registered under section* 28(5) *or* 57(2) *of the Town and Country Planning Act* 1954 *or section* 112(5) *of the Town and Country Planning Act* 1962

Enactment under which notice was registered 1	Description of land affected 2	Date of registration 3	Amount of compensation or payment specified in notice 4	(Notices under section 28(5) or 112(5) only) Particulars of any apportionment of charge contained in notice 5	(Notices under section 28(5) or 112(5) only) Planning decision or order in respect of which payment of compensation giving rise to charge was made 6

(*b*) *Other planning charges*

Nature of charge and reference to notice, order, instrument or other document and to enactment under or by virtue of which charge is created or enforceable 1	Place at which inspection may be made of any document, or certified copy thereof, mentioned in column 1 2	Date of registration 3

Part 4 of register: miscellaneous prohibitions and restrictions

Nature of prohibition or restriction; and reference to order, scheme, instrument, resolution, covenant, agreement or other document, under or by virtue of which prohibition or restriction is created or enforceable 1	Where prohibition or restriction registered on behalf of another local authority, name of that authority 2	Place at which inspection may be made of any document (other than a public general statute), or certified copy thereof, mentioned in column 1 3	Date of registration 4

Part 5 of register: charges for improvement of ways over fenlands

Description of land affected by charge 1	Particulars of certificate delivered by Minister of Agriculture, Fisheries and Food affecting land to which entry relates 2	Figure showing proportion of total expense of works of maintenance for which the county council is entitled to a charge on the land, being the proportion specified in the certificate mentioned in column 2 3	Date of registration 4	Particulars of sums from time to time secured by charge 5	Particulars of sums paid off 6

Part 6 of register: declaratory orders and compulsory purchase orders made under Part I of the Town and Country Planning Act 1944(a) and compulsory purchase orders containing directions for expedited completion of purchase

Particulars of declaratory order or compulsory purchase order made under Part I of the Town and Country Planning Act 1944	Reference to any declaratory order which relates to land included in compulsory purchase order mentioned in column 1	Particulars of compulsory purchase order containing a direction for expedited completion	Name and address of authority who promoted order	Place at which inspection may be made of certified copy of order and any map or plan referred to in or illustrating such order	Date(s) of making of declaratory order and/or confirmation of compulsory purchase order	Date(s) of registration
1	2	3	4	5	6	7

Part 7 of register: new towns orders (designation orders made under section 1 of the New Towns Act 1946(b) or section 1 of the New Towns Act 1965 and compulsory purchase orders made under either of those Acts)

Particulars of designation order	Particulars of compulsory purchase order	Name and address of authority who promoted order mentioned in column 2	Place at which inspection may be made of certified copy of order and any map or plan referred to in or illustrating such order	Date(s) of making of designation order and/or confirmation of compulsory purchase order	Date(s) of registration
1	2	3	4	5	6

(a) 1944 c. 47.

(b) 1946 c. 68.

Part 8 of register: civil aviation orders and directions made or given under the Civil Aviation Act 1946(a) or the Civil Aviation Act 1949

Nature and title of order or direction made by Minister of Aviation 1	Address of Minister of Aviation 2	Place at which inspection may be made of certified copy of order or direction, and any map or plan referred to in or illustrating such order or direction 3	Date when order or direction became operative 4	Date of registration 5

Part 9 of register: opencast coal mining orders

Title of order 1	Description of land affected 2	Date when order made 3	Place at which copy of order may be inspected 4	Date of registration 5	Date of coming into operation 6	(Compulsory rights orders only) Date on which order will cease to have effect unless previously revoked 7

(a) 1946 c. 70.

Part 10 of register: lists of buildings of special architectural or historic interest compiled or approved under section 42 of the Town and Country Planning Act 1944, section 30 of the Town and Country Planning Act 1947(a) or section 32 of the Town and Country Planning Act 1962

Particulars of list of buildings of special architectural or historic interest compiled or approved by the Minister	Place at which inspection may be made of copy of list and any map or plan referred to in or illustrating such list	Date of certification of list by or on behalf of the Minister	Date of registration
1	2	3	4

Part 11 of register: light obstruction notices

Description of dominant building affected	Date of registration of notice	Name and address of applicant for registration and short description of his interest in servient land	Short particulars of position and dimensions of structure to which registration of notice is to be equivalent	Date of temporary Lands Tribunal certificate, if any, and of its expiration	Date of definitive Lands Tribunal certificate	Documents filed in registry
1	2	3	4	5	6	7

(a) 1947 c. 51.

Part 12 of register: land drainage schemes

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

SCHEDULE 3 Rule 9(1)

CHARGES REGISTRABLE IN PART 4 OF THE REGISTER

1. Instruments, notices and orders registrable under section 11 of the Ancient Monuments Act 1931, as amended and applied by section 19 of the Historic Buildings and Ancient Monuments Act 1953.

2. Rights registrable under section 14 of the Requisitioned Land and War Works Act 1948(**a**), as amended by section 12 of the Land Powers (Defence) Act 1958.

3. Declarations registrable under paragraph 2 of Schedule 2 to the Public Utilities Street Works Act 1950(**b**).

4. Conditions registrable under section 2(1) of the Hill Farming Act 1954.

5. Conditions registrable under section 104(5) of the Housing Act 1957.

6. Wayleave orders, draft orders and notices of restrictions registrable under section 17 of the Land Powers (Defence) Act 1958.

7. Conditions registrable under section 34(9) of the Housing (Financial Provisions) Act 1958.

8. Agreements registrable under section 92(5) of the Highways Act 1959.

9. Matters registrable under section 197(1) of the Highways Act 1959.

10. Orders registrable under section 12(7) of the Housing Act 1961.

11. Notices registrable under section 15(6), 19(8) or 21(6), and orders registrable under section 73(5), of the Housing Act 1964.

(a) 1948 c. 17. **(b) 1950 c. 39.**

SCHEDULE 4 — Rule 27

FEES

Item	*Fee* £. *s.* *d.*
*1. Registration of a charge in Part 1 of the register	2 0 0
*2. Registration of a charge in Part 2, 3 or 4 of the register ...	3 0
*3. Registration of a charge in Part 5, 6, 9 or 12 of the register ...	5 0
*4. Registration of a compulsory purchase order in Part 7 of the register	5 0
*5. Registration of a designation order in Part 7 of the register ...	1 0 0
*6. Registration of a charge in Part 8 or 10 of the register ...	10 0
7. Registration of a charge in Part 11 of the register	10 0 0
8. Filing a further certificate of the Lands Tribunal under Rule 16(3)	5 0
9. Filing a judgment or order, or written request for the variation or cancellation of any entry in Part 11 of the register ...	10 0
10. Inspection of documents filed in the registry relating to an entry in Part 11 of the register, in respect of each parcel of land ...	5 0
11. Registration of a charge pursuant to a priority notice ...	3 0
12. Variation or cancellation of any entry in the register	3 0
13. Entry of reduction of any registered financial charge	2 0
14. Personal search in the whole or any Part of a register ...	4 0
And in addition, but subject to a maximum additional fee of 28*s.* in respect of each parcel of land above one, where the search extends to more than one parcel	2 0
15. Official search (including issue of official certificate of search) in:	
(*a*) any one Part of the register	4 0
(*b*) the whole of the register	10 0
And in addition, but subject to a maximum additional fee of 40*s.* in respect of each parcel of land above one, where several parcels are included in the same requisition under Rule 24(3), whether the requisition is for search in the whole or any Part of the register	2 6
16. Office copy of any entry in the register (not including a copy or extract of any plan or document filed in the registry) ...	3 0
17. Office copy of any plan or other document filed in the registry ...	Such reasonable fee as may be fixed by the local registrar according to the time and labour involved.

* This fee is also payable for the registration of a priority notice. Only Fee No. 12 is then payable for the registration of the charge or order pursuant to the notice.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules consolidate with minor amendments the rules governing the registration of local land charges and increase the fees payable for registrations and related matters.

Rule 3 specifies the proper officers who are to act as local registrars for the registration of local land charges.

Rules 4 and 5 provide for the indexing and subdivision of registers of local land charges.

Rules 6 to 16 and Rule 19 provide for the registration of specific local land charges in separate parts of the register and prescribe the particulars which entries must contain.

Rules 17, 21 and 22 provide for the variation and cancellation of entries in the register.

Rule 20 permits registration by reference to statutory records of local authorities.

Rules 23 and 24 prescribe the procedure on searches of the register and the effect of official certificates of search.

Rule 25 prescribes the procedure and effect of registering a priority notice.

Rule 27 and Schedule 4 prescribe new fees for registrations, searches and other matters relating to local land charges, and make provisions as to payment.

Schedule 2 contains the forms prescribed by the Rules.

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