LAND CHARGES, ENGLAND

1959 No. 481

The Opencast Coal (Registration of Orders) Rules, 1959

Made - - - - 18*th March*, 1959
Coming into Operation 6*th April*, 1959

I, David Viscount Kilmuir, Lord High Chancellor of Great Britain, by virtue and in pursuance of section 15 of the Land Charges Act, 1925(a), and of section 11 and of subsection (6) of section 16 of the Opencast Coal Act, 1958(b), do hereby make the following Rules:—

1. These Rules may be cited as the Opencast Coal (Registration of Orders) Rules, 1959, and shall come into operation on the sixth day of April, 1959.

Interpretation

2.—(1) In these Rules—

"the Act" means the Opencast Coal Act, 1958;

"compulsory rights order" has the meaning assigned to it by section 4 of the Act;

"compulsory purchase order" means an order made by virtue of section 16 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 borough or district in which the land comprised in or affected by a compulsory rights order or a compulsory purchase order 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 IX of the Register

3. Compulsory rights orders and compulsory purchase orders shall be registered in a part of the register to be known as Part IX thereof.

(a) 15 & 16 Geo. 5. c. 22. (b) 6 & 7 Eliz. 2. c. 69. (c) 52 & 53 Vict. c. 63.

Entries in Part IX

4.—(1) Every entry in Part IX 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 ;

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

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

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

Duties of National Coal Board and Registrars

5.—(1) The Board shall notify the registrar as soon as may be of the date of coming into operation of every compulsory rights order and compulsory purchase order, and the 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.

(2) Where the making of a compulsory rights order or a compulsory purchase order has been registered and—

(*a*) the Minister 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 Board shall furnish the registrar with such information as may be necessary to enable him to cancel or vary the registration as the case may require and the registrar shall cancel or vary the registration accordingly.

Dates on which applications, etc., deemed to be made or given

6. An application for registration of a compulsory rights order or a compulsory purchase order and information relating to any such order furnished to the registrar by the Board in pursuance of section 11 (1) of the Act or of the foregoing Rule, shall—

(*a*) if received during the hours in which the office of the registrar is open for the registration of orders, be treated as having been made or given 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 or given immediately after the next opening of the office.

Personal Searches

7.—(1) Any person may search Part IX of the register and the index on payment of the appropriate fee prescribed by the Second Schedule to these Rules.

(2) Any person desiring to make a personal search in Part IX 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 IX 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 requisition or by his solicitor, and shall define the 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) Any forms prescribed by 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 IX of the register, so however that the schedule to an official certificate of search in Part IX shall be in the form set out in the First Schedule hereto.

(4) An official certificate of the result of a search in Part IX 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 the registration of orders on that date.

(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 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, cancellation or variation of entries and for searches and official certificates of search in Part IX of the register shall be those specified in the Second Schedule hereto.

Dated the 18th day of March, 1959.

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.

R. Brooman-White.
P. E. O. Bryan.

FIRST SCHEDULE

PART IX.—REGISTER OF COMPULSORY RIGHTS ORDERS AND COMPULSORY PURCHASE ORDERS MADE BY THE NATIONAL COAL BOARD UNDER THE OPENCAST COAL ACT, 1958

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

SECOND SCHEDULE

FEES

	s.	*d.*
1. On registration of the making of a compulsory rights order or a compulsory purchase order	2	6
2. In respect of the cancellation or variation of any entry	1	6
3. On personal search in Part IX 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 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 IX 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

	s.	d.
5. For an office copy of any entry in Part IX of the register (not including a copy or extract of any plan or document filed in the Registry)	2	6
6. Office copy of any plan or other document filed in the Registry, such reasonable fee as may be fixed by the registrar according to the time and labour involved.		

Unless the context otherwise requires, " entry " for the purposes of this Schedule includes all entries made or required to be made in Part IX of the register in respect of the relevant order.

All fees shall be prepaid.

EXPLANATORY NOTE

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

These Rules provide for the registration in local land charges registers of compulsory rights orders and compulsory purchase orders made by the National Coal Board under sections 4 and 16 of the Opencast Coal Act, 1958. The orders are to be registered in Part IX of the register. Provision is made for searching the register and for the issue of official certificates of search on payment of the fees prescribed in the Second Schedule to the Rules.

1959 No. 1733

The Registers of Local Land Charges (Rights of Light, etc.) Rules, 1959

Made - - - - *7th October*, 1959

Coming into Operation *16th October*, 1959

I, David Viscount Kilmuir, Lord High Chancellor of Great Britain, in pursuance of section 15 of the Land Charges Act, 1925(a), section 5 of the Rights of Light Act, 1959(b), and of all other powers enabling me in that behalf, do hereby make the following Rules :—

PART I

GENERAL

1.—(1) These Rules may be cited as the Registers of Local Land Charges (Rights of Light, etc.) Rules, 1959, and shall come into operation on the 16th day of October, 1959.

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

(a) 15 & 16 Geo. 5. c. 22. (b) 7 & 8 Eliz. 2. c. 56. (c) 52 & 53 Vict. c. 63.