



Land Charges Act 1925

1925 CHAPTER 22

PART V

LAND CHARGES

10 Register of land charges

- (1) The following classes of charges on, or obligations affecting, land may be registered as land charges in the register of land charges, namely :—

Class A:—A rent, or annuity, or principal money payable by instalments or otherwise, with or without interest, being a charge (otherwise than by deed) upon land created pursuant to the application of some person either before or after the commencement of this Act—

- (i) under the provisions of any Act of Parliament, for securing to any person either the money spent by him or the costs, charges and expenses incurred by him under such Act, or the money advanced by him for repaying the money spent, or the costs, charges, and expenses incurred by another person under the authority of an Act of Parliament; or
- (ii) under section thirty-five of the Land Drainage Act, 1861; or
- (iii) under section twenty or section forty-one of the Agricultural Holdings Act, 1923, or any previous similar enactment; or
- (iv) under section four or section six of the Tithe Act, 1918; or
- (v) under section one of the Tithe Annuities Apportionment Act, 1921; or
- (vi) under paragraph (b) of the Twelfth Schedule to the Law of Property Act, 1922.

but not including a rate or scot.

Class B:—A charge on land (not being a local land charge) of any of the kinds described in Class A, created otherwise than pursuant to the application of any person, either before or after the commencement of this Act, but if created before such commencement only if acquired under a conveyance made after such commencement.

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Class C:—A mortgage charge or obligation affecting land of any of the following kinds, created either before or after the commencement of this Act, but if created before such commencement only if acquired under a conveyance made after such commencement, namely:—

- (i) Any legal mortgage not being a mortgage protected by a deposit of documents relating to the legal estate affected, and (where the whole of the land affected is within the jurisdiction of a local deeds registry) not being registered in the local deeds register (in this Act called a " puisne mortgage "); and
- (ii) Any equitable charge acquired by a tenant for life or statutory owner under the Finance Act, 1894, or any other statute, by reason of the discharge by him of any death duties or other liabilities, and to which special priority is given by the statute (in this Act called " a limited owner's charge"); and
- (iii) Any other equitable charge, which is not secured by a deposit of documents relating to the legal estate affected and does not arise or affect an interest arising under a trust for sale or a settlement and is not included in any other class of land charge (in this Act called " a general equitable charge "); and
- (iv) Any contract by an estate owner or by a person entitled at the date of the contract to have a legal estate conveyed to him to convey or create a legal estate, including a contract conferring either expressly or by statutory implication a valid option of purchase, a right of pre-emption or any other like right (in this Act referred to as " an estate contract ").

Class D:—A charge or obligation affecting land of any of the following kinds, namely :—

- (i) Any charge acquired by the Commissioners of Inland Revenue under any statute passed or hereafter to be passed for death duties leviable or payable on any death which occurs after the commencement of this Act; and
- (ii) A covenant or agreement (not being a covenant or agreement made between a lessor and lessee) restrictive of the user of land entered into after the commencement of this Act (in this Act referred to as "a restrictive covenant"); and
- (iii) Any easement right or privilege over or affecting land created or arising after the commencement of this Act, and being merely an equitable interest (in this Act referred to as an " equitable easement").

Class E :—An annuity within the meaning of Part II. of this Act created before the commencement of this Act and not registered in the register of annuities.

- (2) A land charge shall be registered in the name of the estate owner whose estate is intended to be affected except that, in the case of a land charge registered before the commencement of this-Act, under any enactment replaced by this Act, in the name of a person not being the estate owner, it may remain so registered until it is registered in the name of the estate owner in the prescribed manner.
- (3) Where a land charge is not created by an instrument, short particulars of the effect of the charge shall be furnished with the application to register the charge.
- (4) Nothing in this section shall be deemed to authorise the Commissioners of Inland Revenue to register a land charge in respect of any claim for death duties unless the duty has become a charge on the land, and the application to register any such charge

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shall state the duties in respect of which the charge is claimed, and, so far as possible, shall define the land affected, and such particulars shall be entered or referred to in the register.

- (5) In the case of a land charge for securing money, created by a company, registration under section ninety-three of the Companies (Consolidation) Act, 1908, shall be sufficient in place of registration under this Act, and shall have effect as if the land charge had been registered under this Act.
- (6) In the case of a general equitable charge, restrictive covenant, equitable easement or estate contract affecting land within any of the three ridings, the registration in the prescribed manner in the appropriate local deeds registry of the document creating it shall be sufficient in place of registration under this Act, and the registration shall, as respects such land, have effect as if the land charge created by the document had been registered under this Act.
- (7) A puisne mortgage created before the commencement of this Act may be registered as a land charge before any transfer of the mortgage is made.
- (8) The registration of a land charge may be vacated pursuant to an order of the court or a judge thereof.

11 What land charges take effect as legal mortgages

A land charge of Class A or Class B for securing money, created before or after the commencement of this Act, shall, when registered, take effect as if it had been created by a deed of charge by way of legal mortgage, but without prejudice to the priority of the charge.

12 Expenses of registering land charges

- (1) Except as in this section provided, the expenses incurred by the person entitled to a land charge created before or after the commencement of this Act in causing the charge to be registered in the appropriate register shall be deemed to form part of the land charge, and shall be recoverable by him accordingly on the day for payment of any part of the land charge next after such expenses are incurred.
- (2) This section does not apply to the expenses incurred in registering a land charge of Class E or in registering as a land charge a restrictive covenant, an equitable easement or an estate contract.

13 Protection of purchasers against land charges created after certain dates

- (1) A land charge of Class A created after the thirty-first day of December, eighteen hundred and eighty-eight, shall be void as against a purchaser of the land charged therewith or of any interest in such land, unless the land charge is registered in the register of land charges before the completion of the purchase.
- (2) A land charge of Class B, Class C or Class D, created or arising after the commencement of this Act, shall (except as hereinafter provided) be void as against a purchaser of the land charged therewith, or of any interest in such land, unless the land charge is registered in the appropriate register before the completion of the purchase:

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Provided that, as respects a land charge of Class D and an estate contract created or entered into after the commencement of this Act, this subsection only applies in favour of a purchaser of a legal estate for money or money's worth.

14 Protection of purchasers against a land charge (Classes A, B or C) not registered within one year from assignment

- (1) After the expiration of one year from the first conveyance, occurring on or after the first day of January, eighteen hundred and eighty-nine, of a land charge of Class A created before that date, the person entitled thereto shall not be able to recover the land charge or any part thereof as against a purchaser of the land charged therewith or of any interest in the land, unless the land charge is registered in the register of land charges before the completion of the purchase.
- (2) After the expiration of one year from the first conveyance, occurring after the commencement of this Act, of a land charge of Class B or Class C created before such commencement, the person entitled thereto shall not be able to enforce or recover the land charge or any part thereof as against a purchaser of the land charged therewith, or of any interest in the land, unless the land charge is registered in the appropriate register before the completion of the purchase.