

SCHEDULES

SCHEDULE 5

TRANSFER OF RESPONSIBILITY FOR LOCAL LAND CHARGES TO LAND REGISTRY

PART 1

AMENDMENTS TO THE LOCAL LAND CHARGES ACT 1975

- 13 (1) Section 14 (rules) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a) for “registering authorities” substitute “the Chief Land Registrar”,
 - (b) after paragraph (f) insert—
 - “(fa) as to the variation without an order of the court of the registration of a local land charge—
 - (i) on the application or with the consent of the person by whom it is enforceable, or
 - (ii) of the Chief Land Registrar’s own motion;”,
 - (c) for paragraph (g) substitute—
 - “(g) as to the cancellation without an order of the court of the registration of a local land charge—
 - (i) on its cesser,
 - (ii) on the application or with the consent of the person by whom it is or was enforceable, or
 - (iii) of the Chief Land Registrar’s own motion;”, and”
 - (d) for paragraph (h) substitute—
 - “(h) for prescribing the fees to be paid to the Chief Land Registrar for services relating to local land charges provided by the Chief Land Registrar.”
- (3) In subsection (2)—
- (a) in paragraph (a) for “any local land charges register” substitute “the local land charges register”,
 - (b) after paragraph (a) insert—
 - “(aa) power to make rules—
 - (i) prescribing different fees for different services or descriptions of service;
 - (ii) prescribing services or descriptions of service for which no fees are payable;”, and
 - (c) for paragraph (b) and the “and” at the end of that paragraph substitute—
 - “(b) power to make rules about communications for the purposes of this Act, or any statutory provision by virtue of which

Status: This is the original version (as it was originally enacted).

any matter is registrable in the local land charges register, including rules as to—

- (i) the particular means of communication which may or must be used for such purposes (which may include an electronic means of communication),
 - (ii) the circumstances in which a particular means of communication may or must be used (which may be all circumstances, subject to exceptions);
 - (iii) the form or contents of anything sent using a particular means of communication;
- (ba) power to make rules requiring or enabling anything which is provided to or by the Chief Land Registrar for the purposes of this Act, or any statutory provision by virtue of which any matter is registrable in the local land charges register, to be provided in electronic form;
- (bb) power to make rules enabling the Chief Land Registrar, or a person providing services to the Chief Land Registrar, to determine—
- (i) any matter within paragraph (b), or
 - (ii) whether anything of the kind referred to in paragraph (ba) may or must be provided in electronic form; and”.
- (4) Sub-paragraphs (5) and (6) apply to the function of the Lord Chancellor under section 14(1) of the Local Land Charges Act 1975 as amended by this paragraph so far as it relates to the power to make rules for prescribing fees and the manner of payment of fees (“the new function”).
- (5) The new function is to be treated as having been transferred to the Welsh Ministers by—
- (a) the National Assembly for Wales (Transfer of Functions) Order 2004 ([S.I. 2004/3044](#)), and
 - (b) Schedule 11 to the Government of Wales Act 2006,
- in the same way as the equivalent function of the Lord Chancellor under that section as it had effect apart from this paragraph (“the old function”).
- (6) A provision made by that Order or that Act in respect of the old function continues to apply to the new function.