



Land Registration Act 2002

2002 CHAPTER 9

PART 5

CHARGES

Relative priority

48 Registered charges

- (1) Registered charges on the same registered estate, or on the same registered charge, are to be taken to rank as between themselves in the order shown in the register.
- (2) Rules may make provision about—
 - (a) how the priority of registered charges as between themselves is to be shown in the register, and
 - (b) applications for registration of the priority of registered charges as between themselves.

49 Tacking and further advances

- (1) The proprietor of a registered charge may make a further advance on the security of the charge ranking in priority to a subsequent charge if he has not received from the subsequent chargee notice of the creation of the subsequent charge.
- (2) Notice given for the purposes of subsection (1) shall be treated as received at the time when, in accordance with rules, it ought to have been received.
- (3) The proprietor of a registered charge may also make a further advance on the security of the charge ranking in priority to a subsequent charge if—
 - (a) the advance is made in pursuance of an obligation, and
 - (b) at the time of the creation of the subsequent charge the obligation was entered in the register in accordance with rules.

Changes to legislation: There are currently no known outstanding effects for the Land Registration Act 2002, Cross Heading: Relative priority. (See end of Document for details)

- (4) The proprietor of a registered charge may also make a further advance on the security of the charge ranking in priority to a subsequent charge if—
- (a) the parties to the prior charge have agreed a maximum amount for which the charge is security, and
 - (b) at the time of the creation of the subsequent charge the agreement was entered in the register in accordance with rules.
- (5) Rules may—
- (a) disapply subsection (4) in relation to charges of a description specified in the rules, or
 - (b) provide for the application of that subsection to be subject, in the case of charges of a description so specified, to compliance with such conditions as may be so specified.
- (6) Except as provided by this section, tacking in relation to a charge over registered land is only possible with the agreement of the subsequent chargee.

Modifications etc. (not altering text)

C1 S. 49(3)(b) modified (13.10.2003) by [The Land Registration Act 2002 \(Transitional Provisions\) Order 2003 \(S.I. 2003/1953\)](#), [art. 25](#); [S.I. 2003/1725](#), [art. 2\(1\)](#)

50 Overriding statutory charges: duty of notification

If the registrar enters a person in the register as the proprietor of a charge which—

- (a) is created by or under an enactment, and
- (b) has effect to postpone a charge which at the time of registration of the statutory charge is—
 - (i) entered in the register, or
 - (ii) the basis for an entry in the register,

he must in accordance with rules give notice of the creation of the statutory charge to such person as rules may provide.

Changes to legislation:

There are currently no known outstanding effects for the Land Registration Act 2002, Cross
Heading: Relative priority.