

SCHEDULES

SCHEDULE 1

Section 1.

ANNUITIES

- 1 No further entries shall be made in the register of annuities.
- 2 An entry of an annuity made in the register of annuities before 1st January 1926 may be vacated in the prescribed manner on the prescribed evidence as to satisfaction, cesser or discharge being furnished.
- 3 The register shall be closed when all the entries in it have been vacated or the prescribed evidence of the satisfaction, cesser or discharge of all the annuities has been furnished.
- 4 An annuity which before 1st January 1926 was capable of being registered in the register of annuities shall be void as against a creditor or a purchaser of any interest in the land charged with the annuity unless the annuity is for the time being registered in the register of annuities or in the register of land charges.

SCHEDULE 2

Section 2.

CLASS A LAND CHARGES

- 1 Charges created pursuant to applications under the enactments mentioned in this Schedule may be registered as land charges of Class A by virtue of paragraph (b) of section 2(2) of this Act:—

(a) The Tithe Act 1918 (8 & 9 Geo. 5. c. 54)	Sections 4(2) and 6(1) (charge of consideration money for redemption of tithe rentcharge).
(b) The Tithe Annuities Apportionment Act 1921 (11 & 12 Geo. 5. c. 20)	Section 1 (charge of apportioned part of tithe redemption annuity).
(c) The Landlord and Tenant Act 1927 (17 & 18 Geo. 5. c. 36)	Paragraph (7) of Schedule 1 (charge in respect of improvements to business premises).
(d) The Land Drainage Act 1930 (20 & 21 Geo. 5. c. 44)	Section 9(5) (charge in respect of sum paid in commutation of certain obligations to repair banks, water-courses etc.).
(e) The Tithe Act 1936 (26 Geo. 5 & 1 Edw. 8. c. 43)	Section 30(1) (charge for redemption of corn rents etc.).
(f) The Civil Defence Act 1939 (2 & 3 Geo. 6. c. 31)	Sections 18(4) and 19(1) (charges in respect of civil defence works).

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<p>(g) The Agricultural Holdings Act 1948 (11 & 12 Geo. 6. c. 63)</p>	<p>Sections 72, 73 and 74 (charges in respect of sums due to tenant or occupier of agricultural holding).</p> <p>Section 82 (charge in favour of landlord of agricultural holding in respect of compensation for or cost of certain improvements).</p>
<p>(h) The Corn Rents Act 1963 (1963 c. 14)</p>	<p>Section 1(5) (charge under a scheme for the apportionment or redemption of corn rents or other payments in lieu of tithes).</p>

- 2 The following provisions of paragraph 1 above shall cease to have effect upon the coming into operation of the first scheme under the Corn Rents Act 1963, that is to say:—
- (a) in sub-paragraph (a), the words "and 6(1)"; and
 - (b) sub-paragraph (e).
- 3 The references in paragraph 1(g) above to sections 72, 73, 74 and 82 of the Agricultural Holdings Act 1948 include references to any previous similar enactment.

SCHEDULE 3

Section 18.

CONSEQUENTIAL AMENDMENTS

Law of Property Act 1925

- 1 In section 97 of the Law of Property Act 1925 (priorities as between puisne mortgages) for the words from "to mortgages" to "1925), or" (which were inserted by section 9(2) of the Land Registration and Land Charges Act 1971) there shall be substituted the words "to mortgages or charges to which the Land Charges Act 1972 does not apply by virtue of section 14(3) of that Act (which excludes certain land charges created by instruments necessitating registration under the Land Registration Act 1925), or".

Land Charges Act 1925

- 2 In section 15 of the Land Charges Act 1925 (registration of local land charges), after subsection (1) there shall be inserted—
- “(1A) The expenses incurred by the person entitled to a charge registrable under subsection (1) above in causing the charge to be registered in the proper register shall be deemed to form part of the charge, and shall be recoverable by him accordingly on the day for payment of any part of the charge next after such expenses are incurred.”
- 3 Subsection (6) of that section shall cease to have effect.
- 4 After subsection (7) there shall be inserted—

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“(7A) Where any matter is registrable both in a register kept under this Act and in one or more of the registers kept under the Land Charges Act 1972, it shall be sufficient if it is registered in one register, and if it is so registered the person entitled to the benefit of it shall not be prejudicially affected by the provisions of this Act or that Act applying to any other register.

(7B) The registration of a charge under this Act may be vacated pursuant to an order of the court.”

5 In section 19 of that Act (general rules), for paragraphs (a) and (b) of subsection (1) there shall be substituted—

- “(a) for prescribing the mode of registration of a local land charge, whether by reference to the estate owner or to the land affected or otherwise ;
- (b) for prescribing the proper officer to act as local registrar, and making provision as to official certificates of search to be given by him in reference to subsisting entries in his register;
- (c) for determining the effect of an official certificate of search in regard to the protection of a purchaser, or a solicitor, trustee or other person in a fiduciary position, and for prescribing the fees to be paid for any such certificate or for a search;
- (d) for adapting the provisions of section 11 of the Land Charges Act 1972 to local land charges ;
- (e) for providing for the cancellation without an order of the court of the registration of a local land charge, on the cesser thereof, or with the consent of the person entitled thereto ;
- (f) for prescribing the fees, if any, to be paid for the cancellation of an entry in the register ;
- (g) for providing that any enactment which was contained in Part II of the Land Registration and Land Charges Act 1971, and any specific repeal made by that Act in so far as it reproduced the effect of any such enactment, shall have effect in relation to local land charges.”

6 In section 20 of that Act (definitions)—

(a) for paragraph (2) there shall be substituted—

“(2) ' court ' means the High Court of Justice, or the county court where that court has jurisdiction ;”

(b) for paragraph (4) there shall be substituted—

“(4) ' estate owner ' and ' legal estate ' have the same meanings as in the Law of Property Act 1925 ;”.

Agricultural Credits Act 1928

7 For section 9(7) of the Agricultural Credits Act 1928 (agricultural charges) there shall be substituted—

“(7) The Schedule to this Act shall have effect in relation to official searches in the register of agricultural charges.”;

and at the end of that Act there shall be added—

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“SCHEDULE

OFFICIAL SEARCHES IN THE REGISTER OF AGRICULTURAL CHARGES

- 1 Where any person requires search to be made at the Land Registry for entries of agricultural charges, he may on payment of a prescribed fee lodge at the Land Registry a requisition in that behalf.
- 2 The reference to the Land Registry in paragraph 1 above shall, if the Land Registrar so directs, be read as a reference to such office of Her Majesty's Land Registry (whether in London or elsewhere) as may be specified in the direction.
- 3 The Land Registrar shall make the search required, and shall issue a certificate setting forth the result of the search.
- 4 In favour of a purchaser or an intending purchaser, as against persons interested under or in respect of an agricultural charge, the certificate, according to its tenor, shall be conclusive, affirmatively or negatively, as the case may be.
- 5 Every requisition under this Schedule shall be in writing, signed by the person making it, specifying the name against which he desires search to be made, or in relation to which he requires a certificate of result of search, and other sufficient particulars.
- 6 If any officer, clerk or person employed in the Land Registry commits, or is party or privy to, any act of fraud or collusion, or is wilfully negligent, in the making of or otherwise in relation to any certificate under this Schedule, he shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20, or to both such imprisonment and fine.
- 7 A solicitor, or a trustee, personal representative, agent, or other person in a fiduciary position, shall not be answerable for any loss that may arise from error in a certificate under this Schedule obtained by him.”

Matrimonial Homes Act 1967

- 8 (1) In section 2(5) of the Matrimonial Homes Act 1967 (effect of statutory rights of occupation of dwelling house) for the words " in accordance with the following provisions of this section " there shall be substituted the words " under section 2 of the Land Charges Act 1972 or subsection (7) below ".
- (2) In subsection (8) of the said section 2 for the words "by virtue of subsection (6) above," there shall be substituted the words " under section 2 of the Land Charges Act 1972. "
- 9 In section 3 of that Act (restriction on registration where spouse entitled to more than one charge) for the words " in accordance with subsection (6) or (7) of that section " there shall be substituted the words " under section 2 of the Land Charges Act 1972 or section 2(7) above " and for the words " in accordance with the said subsection (6) or (7)" there shall be substituted the words " under either of those provisions. "

- 10 In section 4(1) of that Act (cancellation of charge before completion of sale of house) for the words " in accordance with subsection (6) or (7) of that section " there shall be substituted the words " under section 2 of the Land Charges Act 1972 or section 2(7) above ".
- 11 In section 5 of that Act (cancellation of registration after termination of marriage, etc.)—
- (a) in subsection (1), and in paragraph (a) of subsection (3), for the words "in accordance with subsection (6) or (7) of section 2 above" there shall be substituted the words " under section 2 of the Land Charges Act 1972 or section 2(7) above ";
 - (b) in paragraph (b) of subsection (3), for the words " in accordance with the said subsection (6) or (7)" there shall be substituted the words " under section 2 of the Land Charges Act 1972 or section 2(7) of this Act; ";
 - (c) in subsection (6), for the words " section 19 of the Land Charges Act 1925 " there shall be substituted the words " section 16 of the Land Charges Act 1972 ".
- 12 In section 6(2) of that Act (release of rights of occupation) for the words "in accordance with subsection (6) or (7) of section 2 above " there shall be substituted the words " under section 2 of the Land Charges Act 1972 or section 2(7) above ".

SCHEDULE 4

Section 18.

THE LAND CHARGES ACT 1925, AS AMENDED

“PART VI

LOCAL LAND CHARGES

15 Registration of local land charges.

- (1) Any charge (hereinafter called "a local land charge") acquired either before or after the commencement of this Act by the council of any administrative county, London borough, or urban or rural district, or by the corporation of any municipal borough, or by any other local authority under the Public Health Acts 1936 and 1937, the Highways Act 1959 or the Public Health Act 1961 or under any similar statute (public, general or local or private) passed or hereafter to be passed, which takes effect by virtue of the statute, shall be registered in the prescribed manner by the proper officer of the local authority, and shall (except as hereinafter mentioned in regard to charges created or arising before the commencement of this Act) be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby, unless registered in the appropriate register before the completion of the purchase.

For the purposes of this section any sum which is recoverable by a local authority under any of the Acts aforesaid from successive owners or occupiers of the property in respect of which the sum is recoverable shall, whether such sum is expressed to be a charge on the property or not, be deemed to be a charge.

- (1A) The expenses incurred by the person entitled to a charge registrable under subsection (1) above in causing the charge to be registered in the appropriate register shall be deemed

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to form part of the charge, and shall be recoverable by him accordingly on the day for payment of any part of the charge next after such expenses are incurred.

- (2) Except as expressly provided by this section, the provisions of the Land Charges Act 1972 relating to a land charge of Class B shall apply to a local land charge.
- (3) As regards a local land charge, the registration by the proper officer shall (without prejudice to the right of the registrar also to register the charge if and when the prescribed application and information is made and furnished to him) take the place of registration by the registrar, and, in reference thereto, the proper officer of the local authority shall have all the powers and be subject to the same obligations as the registrar has or is subject to in regard to a land charge under the Land Charges Act 1972.
- (4) Where a local authority has expended money for any purpose which, when the work is completed and any requisite resolution is passed or order is made, will confer a charge upon land, the proper officer of the local authority may in the meantime register a local land charge in his register against the land generally, without specifying the amount, but the registration of any such general charge shall be cancelled within the prescribed time not being less than one year after the charge is ascertained and allotted, and thereupon the specific local land charges shall, unless previously discharged, be registered as of the date on which the general charge was registered.
- (5) Nothing in this section operates to impose any obligation to register any local land charge created or arising before the commencement of this Act except after the expiration of one year from such commencement or to discharge a purchaser from liability in respect of any local land charge which is not for the time being required to be registered.
- (7) The foregoing provisions of this section shall apply to—
 - (b) any prohibition of or restriction on the user or mode of user of land or buildings imposed by a local authority after the commencement of this Act by order, instrument, or resolution, or enforceable by a local authority under any covenant or agreement made with them after the commencement of this Act or by virtue of any conditions attached to a consent, approval, or licence granted by a local authority after that date, being a prohibition or restriction binding on successive owners of the land or buildings, and not being—
 - (i) a prohibition or restriction operating over the whole of the district of the authority or over the whole of any contributory place thereof ; or
 - (iii) a prohibition or restriction imposed by a covenant or agreement made between a lessor and lessee, as if the resolution, authority, prohibition or restriction were a local land charge ; and the same shall be registered by the proper officer as a local land charge accordingly.
- (7A) Where any matter is registrable both in a register kept under this Act and in one or more of the registers kept under the Land Charges Act 1972, it shall be sufficient if it is registered in one register, and if it is so registered the person entitled to the benefit of it shall not be prejudicially affected by the provisions of this Act or that Act applying to any other register.
- (7B) The registration of a local land charge may be vacated pursuant to an order of the court.
- (8) This section applies to local land charges affecting registered as well as unregistered land.”

“PART VII

SEARCHES

16 Power to make searches.

Any person may search in any register or index kept in pursuance of this Act on paying the prescribed fee.”

“PART VIII

GENERAL

19 General rules.

The Lord Chancellor may, with the concurrence of the Treasury as to fees, make such general rules as may be required for carrying this Act into effect, and in particular—

- (a) for prescribing the mode of registration of a charge, whether by reference to the estate owner or to the land affected or otherwise ;
- (b) for prescribing the proper officer to act as local registrar, and making provision as to official certificates of search to be given by him in reference to subsisting entries in his register;
- (c) for determining the effect of an official certificate of search in regard to the protection of a purchaser, or a solicitor, trustee or other person in a fiduciary position, and for prescribing the fees to be paid for any such certificate or for a search ;
- (d) for adapting the provisions of section 11 of the Land Charges Act 1972 to local land charges ;
- (e) for providing for the cancellation without an order of the court of the registration of a local land charge, on the cesser thereof, or with the consent of the person entitled thereto ;
- (f) for prescribing the fees, if any, to be paid for the cancellation of any entry in the register ;
- (g) for providing that any enactment which was contained in Part II of the Land Registration and Land Charges Act 1971, and any specific repeal made by that Act in so far as it reproduced the effect of any such enactment, shall have effect in relation to local land charges."

20 Definitions.

In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them that is to say:—

- (2) " court" means the High Court of Justice or the county court where that court has jurisdiction ;
- (4) " estate owner " and " legal estate " have the same meanings as in the Law of Property Act 1925 ;
- (6) " land " includes land of any tenure and mines and minerals, whether or not severed from the surface, buildings or parts of buildings (whether the definition is horizontal, vertical or made any other way) and other corporeal hereditaments, also a manor, an

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advowson and a rent and other incorporeal hereditaments, and an easement, right, privilege or benefit in, over or derived from land, but not an undivided share in land ; and " hereditament" means real property which, on an intestacy occurring before the commencement of this Act, might have devolved on an heir.

- (8) " purchaser" means any person (including a mortgagee or lessee) who, for valuable consideration, takes any interest in land or in a charge on land, and "purchase" has a corresponding meaning ;
- (9) " prescribed " means prescribed by rules made pursuant to this Act;
- (10) " registrar" means the Chief Land Registrar and " registered land" has the same meaning as in the Land Registration Act 1925.

24 Repeals.

Without prejudice to the provisions of section 38 of the Interpretation Act 1889:—

- (a) nothing in this repeal shall affect any entry in a register made under any enactment so repealed, but the registration shall have effect as if made under this Act;
- (c) references in any document to any enactment repealed by this Act shall be construed as references to this Act or to the corresponding enactment in this Act.

25 Application to the Crown.

The provisions of this Act bind the Crown, but nothing in this Act shall be construed as rendering land owned by or occupied for the purposes of the Crown subject to any charge to which, independently of this Act, it would not be subject.

26 Short title and Extent.

- (1) This Act may be cited as the Land Charges Act 1925.
- (3) This Act extends to England and Wales only.”

SCHEDULE 5

Section 18.

REPEALS

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5. c. 22.	The Land Charges Act 1925.	Sections 1 to 14, except section 10(6). Section 15(6). Section 16(2). Section 17. Section 19(2). In section 20, paragraphs (1), (3), (5) and (7), in

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Chapter	Short Title	Extent of Repeal
16 & 17 Geo. 5. c. 11.	The Law of Property (Amendment) Act 1926.	<p>paragraph (10) the words " ' registry' means His Majesty's Land Registry," and paragraphs (11) and (13). Sections 21 to 23. In section 24, paragraph (b). Section 4. In the Schedule, the first entry relating to section 10 of the Land Charges Act 1925.</p>
26 Geo. 5. and 1 Edw. 8. c. 43.	The Tithe Act 1936.	Section 13(10).
11 & 12 Geo. 6. c. 63.	The Agricultural Holdings Act 1948.	In Schedule 7, paragraph 3.
1967 c. 75.	The Matrimonial Homes Act 1967.	<p>Section 2(6), except so far as it relates to paragraphs 1 and 4 of the Schedule. In the Schedule, paragraphs 2 and 3.</p>
1969 c. 59.	The Law of Property Act 1969.	<p>Section 25(7). Sections 26 and 27.</p>
1971 c. 54.	The Land Registration and Land Charges Act 1971.	<p>Sections 5 to 11. In section 12, the words from " and for " to the end of the section. In section 15(1), paragraph (b) and the word " and " immediately preceding it. In section 15(2), the words from " and Part II" to the end of the subsection. In section 15(3), the words " Without prejudice to subsection (2) above ". Schedule 1.</p>