



# Land Charges Act 1972

## 1972 CHAPTER 61

### *Registration in register of land charges*

#### **2 The register of land charges.**

- (1) If a charge on or obligation affecting land falls into one of the classes described in this section, it may be registered in the register of land charges as a land charge of that class.
- (2) A Class A land charge is—
  - (a) a rent or annuity or principal money payable by instalments or otherwise, with or without interest, which is not a charge created by deed but is a charge upon land (other than a rate) created pursuant to the application of some person 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
  - (b) a rent or annuity or principal money payable as mentioned in paragraph (a) above which is not a charge created by deed but is a charge upon land (other than a rate) created pursuant to the application of some person under any of the enactments mentioned in Schedule 2 to this Act.
- (3) A Class B land charge is a charge on land (not being a local land charge . . . <sup>F1</sup>) of any of the kinds described in paragraph (a) of subsection (2) above, created otherwise than pursuant to the application of any person.
- (4) A Class C land charge is any of the following [<sup>F2</sup>(not being a local land charge)], namely—
  - (i) a puisne mortgage;
  - (ii) a limited owner's charge;
  - (iii) a general equitable charge;
  - (iv) an estate contract;and for this purpose—

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*Changes to legislation: There are currently no known outstanding effects for the Land Charges Act 1972, Section 2. (See end of Document for details)*

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- (i) a puisne mortgage is a legal mortgage which is not protected by a deposit of documents relating to the legal estate affected;
  - (ii) a limited owner's charge is an equitable charge acquired by a tenant for life or statutory owner under [<sup>F3</sup>the Capital Transfer Tax Act 1984][<sup>F4</sup>or under]any other statute by reason of the discharge by him of any [<sup>F4</sup>capital transfer tax] or other liabilities and to which special priority is given by the statute;
  - (iii) a general equitable charge is any equitable charge which—
    - (a) is not secured by a deposit of documents relating to the legal estate affected; and
    - (b) does not arise or affect an interest arising under a [<sup>F5</sup>trust of land] or a settlement; and
    - (c) is not a charge given by way of indemnity against rents equitably apportioned or charged exclusively on land in exoneration of other land and against the breach or non-observance of covenants or conditions; and
    - (d) is not included in any other class of land charge;
  - (iv) an estate contract is a 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 to purchase, a right of pre-emption or any other like right.
- (5) A Class D land charge is any of the following [<sup>F6</sup>(not being a local land charge)], namely—
- (i) an Inland Revenue charge;
  - (ii) a restrictive covenant;
  - (iii) an equitable easement;
- and for this purpose—
- (i) an Inland Revenue charge is a charge on land, being a charge acquired by the Board under [<sup>F7</sup>the Capital Transfer Tax Act 1984;]
  - (ii) a restrictive covenant is a covenant or agreement (other than a covenant or agreement between a lessor and a lessee) restrictive of the user of land and entered into on or after 1st January 1926;
  - (iii) an equitable easement is an easement, right or privilege over or affecting land created or arising on or after 1st January 1926, and being merely an equitable interest.
- (6) A Class E land charge is an annuity created before 1st January 1926 and not registered in the register of annuities.
- (7) A Class F land charge is a charge affecting any land by virtue of the [<sup>F8</sup>Part IV of the Family Law Act 1996],
- (8) A charge or obligation created before 1st January 1926 can only be registered as a Class B land charge or a Class C land charge if it is acquired under a conveyance made on or after that date.
- (9) . . . . . <sup>F9</sup>

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**Textual Amendments**

**F1** Words repealed (with savings) by [Local Land Charges Act 1975 \(c.76, SIF 98:2\)](#) s. 19, Sch. 2

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- F2** Words inserted (with savings) by [Local Land Charges Act 1975 \(c.76, SIF 98:2\)](#) ss. 17(1)(b), 19(2)–(4)
- F3** Words substituted by [Capital Transfer Tax Act 1984 \(c.51, SIF 65\)](#), s. 276, **Sch. 8 para. 3(1)(a)**
- F4** Words substituted by [Finance Act 1975 \(c.7\)](#), s. 52(1), **Sch. 12 para. 18(1)(2)**
- F5** Words in s. 2(4)(iii)(b) substituted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 12(2)** (with ss. 24(2), 25(4)); S.I. 1997/2974, **art. 2**.
- F6** Words inserted (with savings) by [Local Land Charges Act 1975 \(c.76, SIF 98:2\)](#) ss. 17(1)(b), 19(2)–(4)
- F7** Words substituted by virtue of [Finance Act 1975 \(c.7, SIF 63:1\)](#), s. 52(1), **Sch. 12 para. 18(1)(3)** and [Capital Transfer Tax Act 1984 \(c.51, SIF 65\)](#), s. 276, **Sch. 8 para. 3(1)(b)**
- F8** Words in s. 2(7) substituted (1.10.1997) by virtue of 1996 c. 27, s. 66(1), **Sch. 8 Pt. III para.47** (with [Sch. 9 paras. 5, 8-10](#)); S.I. 1997/1892, **art. 3(1)**
- F9** S. 2(9) repealed by [Finance Act 1977 \(c.36, SIF 98:5\)](#), s. 59(5), **Sch. 9 Pt. V** (subject to a saving at the end of Pt. V in relation to any payment made or required to be made before 2.10.1977)

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**Modifications etc. (not altering text)**

- C1** S. 2 restricted by [Matrimonial Homes Act 1983 \(c.19, SIF 49:5\)](#), **s. 3**  
S. 2 restricted (1.10.1997) by 1996 c. 27, **ss. 31(13)**, 63(4) (with [Sch. 9 para. 5](#)); S.I. 1997/1892, **art.3(1)**.  
S. 2 restricted (1.10.1997) by 1996 c. 27, s. 32, **Sch. 4 para.2** (with [Sch. 9 para. 5](#)); S.I. 1997/1892, **art.3(1)**.
- C2** S. 2 extended (1.12.1991) by [Water Industry Act 1991 \(c. 56, SIF 130\)](#), **ss. 164(3)**, 223(2) (with ss. 82(3), 186(1), 188, 222(1), [Sch. 14 para. 6](#))  
S. 2 extended (1.10.1997) by 1996 c. 27, ss. 32, **Sch. 4 para. 4(3)(b)** (with [Sch. 9 para. 5](#)); S.I. 1997/1892, **art.3(1)**.
- C3** Definition of "an estate contract" in s. 2(4)(iv) restricted (1.1.1996) by 1995 c. 30, **s. 20(6)** (with s. 26(1)(2)); S.I. 1996/2963, **art. 2**.

**Changes to legislation:**

There are currently no known outstanding effects for the Land Charges Act 1972, Section 2.