



# Local Land Charges Act 1975

## 1975 CHAPTER 76

### *Definition of local land charges*

#### **1 Local land charges.**

- (1) A charge or other matter affecting land is a local land charge if it falls within any of the following descriptions and is not one of the matters set out in section 2 below:—
- (a) any charge acquired either before or after the commencement of this Act by a local authority [<sup>F1</sup>or National Park authority], water authority [<sup>F2</sup>sewerage undertaker] or new town development corporation under the <sup>M1</sup>Public Health Acts 1936 <sup>M2</sup> and 1937, . . . <sup>F3</sup>, the <sup>M3</sup>Public Health Act 1961 or [<sup>F4</sup>the Highways Act <sup>M4</sup>1980 (or any Act repealed by that Act)] [<sup>F5</sup>or the Building Act <sup>M5</sup>1984], or any similar charge acquired by a local authority [<sup>F1</sup>or National Park authority] under any other Act, whether passed before or after this Act, being a charge that is binding on successive owners of the land affected;
  - (b) any prohibition of or restriction on the use of land—
    - (i) imposed by a local authority [<sup>F1</sup>or National Park authority] on or after 1st January 1926 (including any prohibition or restriction embodied in any condition attached to a consent, approval or licence granted by a local authority [<sup>F1</sup>or National Park authority] on or after that date), or
    - (ii) enforceable by a local authority [<sup>F1</sup>or National Park authority] under any covenant or agreement made with them on or after that date,being a prohibition or restriction binding on successive owners of the land affected;
  - (c) any prohibition of or restriction on the use of land—
    - (i) imposed by a Minister of the Crown or government department on or after the date of the commencement of this Act (including any prohibition or restriction embodied in any condition attached to a consent, approval or licence granted by such a Minister or department on or after that date), or
    - (ii) enforceable by such a Minister or department under any covenant or agreement made with him or them on or after that date,

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being a prohibition or restriction binding on successive owners of the land affected;

- (d) any positive obligation affecting land enforceable by a Minister of the Crown, government department or local authority [<sup>F1</sup>or National Park authority] under any covenant or agreement made with him or them on or after the date of the commencement of this Act and binding on successive owners of the land affected;
- (e) any charge or other matter which is expressly made a local land charge by any statutory provision not contained in this section.

(2) For the purposes of subsection (1)(a) above, any sum which is recoverable from successive owners or occupiers of the land in respect of which the sum is recoverable shall be treated as a charge, whether the sum is expressed to be a charge on the land or not.

[<sup>F6</sup>(3) For the purposes of this section and section 2 of this Act, the Broads Authority shall be treated as a local authority [or National Park authority].]

#### Textual Amendments

- F1** Words in s. 1 inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para.14** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**
- F2** Words inserted by Water Act 1989, (c.15, SIF 130), s. 190(1), Sch. 25 para. 52 (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26, paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F3** Words repealed by Highways Act 1980 (c. 66, SIF 59), s. 343(2), **Sch. 24 para. 26**
- F4** Words substituted by Highways Act 1980 (c. 66, SIF 59), s. 343(2), **Sch. 24 para. 26**
- F5** Words inserted by Building Act 1984 (c. 55, SIF 15), s. 133(1), **Sch. 6 para. 16**
- F6** S. 1(3) added by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), Sch. 6 para. 14, **Sch. 7**

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

- C1** S. 1(1)(c) modified by Highways Act 1980 (c. 66, SIF 59), **ss. 73(12), 74(12), 79(16), 177(11)**
- C2** S. 1(1)(d) modified by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), **s. 33(10)**

#### Marginal Citations

- M1** 1936 c. 49.
- M2** 1937 c. 40.
- M3** 1961 c. 64.
- M4** 1980 c.xx (59).
- M5** 1984 c.35 (15).

## 2 Matters which are not local land charges.

The following matters are not local land charges:—

- (a) a prohibition or restriction enforceable under a covenant or agreement made between a lessor and a lessee;
- (b) a positive obligation enforceable under a covenant or agreement made between a lessor and a lessee;
- (c) a prohibition or restriction enforceable by a Minister of the Crown, government department or local authority [<sup>F7</sup>or National Park authority] under

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- any covenant or agreement, being a prohibition or restriction binding on successive owners of the land affected by reason of the fact that the covenant or agreement is made for the benefit of land of the Minister, government department or local authority [<sup>F7</sup>or National Park authority];
- (d) a prohibition or restriction embodied in any bye-laws;
  - (e) a condition or limitation subject to which planning permission was granted at any time before the commencement of this Act or was or is (at any time) deemed to be granted under any statutory provision relating to town and country planning, whether by a Minister of the Crown, government department or local authority [<sup>F7</sup>or National Park authority];
  - (f) a prohibition or restriction embodied in a scheme under the <sup>M6</sup>Town and Country Planning Act 1932 or any enactment repealed by that Act;
  - (g) a prohibition or restriction enforceable under a forestry dedication covenant entered into pursuant to section 5 of the <sup>M7</sup>Forestry Act 1967;
  - (h) a prohibition or restriction affecting the whole of any of the following areas:—
    - (i) England, Wales or England and Wales;
    - (ii) England, or England and Wales, with the exception of, or of any part of, Greater London;
    - (iii) Greater London.

#### Textual Amendments

- F7** Words in s. 2 inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para.14** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**

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

- C3** S. 2(a)(b) excluded (1.11.1993) by 1993 c. 28, s. 70(11); S.I. 1993/2134, **art. 5.**

#### Marginal Citations

- M6** 1932 c. 48.  
**M7** 1967 c. 10.

### *Local land charges registers, registration and related matters*

## **3 Registering authorities, local land charges registers, and indexes.**

- (1) Each of the following local authorities—
- (a) the council of any district,
  - [<sup>F8</sup>(aa) a Welsh county council;
  - (ab) a county borough council;]
  - (b) the council of any London borough, and
  - (c) the Common Council of the City of London,
- shall be a registering authority for the purposes of this Act.
- (2) There shall continue to be kept for the area of each registering authority—
- (a) a local land charges register, and
  - (b) an index whereby all entries made in that register can readily be traced,
- and as from the commencement of this Act the register and index kept for the area of a registering authority shall be kept by that authority.

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[<sup>F9</sup>(3) Neither a local land charges register nor an index such as is mentioned in subsection (2) (b) above need be kept in documentary form.]

(4) For the purposes of this Act the area of the Common Council of the City of London includes the Inner Temple and the Middle Temple.

#### Textual Amendments

**F8** S. 3(1)(aa)(ab) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para.49**; S.I. 1996/396, art. 4, **Sch.2**

**F9** S. 3(3) substituted by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 34(a)

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

**C4** S. 3 modified (3.4.1995) by 1994 c. 19, s. 66(7), **Sch. 17 Pt. I para. 11**; S.I. 1996/852, art. 9(1), **Sch. 5**

## 4 The appropriate local land charges register.

In this Act . . . <sup>F10</sup>, unless the context otherwise requires, “the appropriate local land charges register”, in relation to any land or to a local land charge, means the local land charges register for the area in which the land or, as the case may be, the land affected by the charge is situated or, if the land in question is situated in two or more areas for which local land charges registers are kept, each of the local land charges registers kept for those areas respectively.

#### Textual Amendments

**F10** Words repealed by Interpretation Act 1978 (c. 30, SIF 115:1), s. 23, **Sch. 3**

## 5 Registration.

- (1) Subject to subsection (6) below, where the originating authority as respects a local land charge are the registering authority, it shall be their duty to register it in the appropriate local land charges register.
- (2) Subject to subsection (6) below, where the originating authority as respects a local land charge are not the registering authority, it shall be the duty of the originating authority to apply to the registering authority for its registration in the appropriate local land charges register and upon any such application being made it shall be the duty of the registering authority to register the charge accordingly.
- (3) The registration in a local land charges register of a local land charge, or of any matter which when registered becomes a local land charge, shall be carried out by reference to the land affected or such part of it as is situated in the area for which the register is kept.
- (4) In this Act, “the originating authority”, as respects a local land charge, means the Minister of the Crown, government department, local authority or other person by whom the charge is brought into existence or by whom, on its coming into existence, the charge is enforceable; and for this purpose—

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- (a) where a matter that is a local land charge consists of or is embodied in, or is otherwise given effect by, an order, scheme or other instrument made or confirmed by a Minister of the Crown or government department on the application of another authority the charge shall be treated as brought into existence by that other authority; and
  - (b) a local land charge brought into existence by a Minister of the Crown or government department on an appeal from a decision or determination of another authority or in the exercise of powers ordinarily exercisable by another authority shall be treated as brought into existence by that other authority.
- (5) The registration of a local land charge may be cancelled pursuant to an order of the court.
- (6) Where a charge or other matter is registrable in a local land charges register and before the commencement of this Act was also registrable in a register kept under the <sup>M8</sup>Land Charges Act 1972, then, if before the commencement of this Act it was registered in a register kept under that Act, there shall be no duty to register it, or to apply for its registration, under this Act and section 10 below shall not apply in relation to it.

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

**C5** S. 5(4) excluded by [Highways Act 1980 \(c. 66, SIF 59\)](#), s. 224(3)

**Marginal Citations**

**M8** 1972 c. 61.

**6 Local authority's right to register a general charge against land in certain circumstances.**

- (1) Where a local authority have incurred any expenditure in respect of which, when any relevant work is completed and any requisite resolution is passed or order is made, there will arise in their favour a local land charge (in this section referred to as "the specific charge"), the following provisions of this section shall apply.
- (2) At any time before the specific charge comes into existence, a general charge against the land, without any amount being specified, may be registered in the appropriate local land charges register by the registering authority if they are the originating authority and, if they are not, shall be registered therein by them if the originating authority make an application for that purpose.
- (3) A general charge registered under this section shall be a local land charge, but section 5(1) and (2) above shall not apply in relation to such a charge.
- (4) If a general charge is registered under this section pursuant to an application by the originating authority, they shall, when the specific charge comes into existence, notify the registering authority of that fact, and any such notification shall be treated as an application (subject to subsection (5) below) for the cancellation of the general charge and the registration of the specific charge.
- (5) Where a general charge is registered under this section its registration shall be cancelled within such period starting with the day on which the specific charge comes

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into existence, and not being less than 1 year, as may be prescribed, and the specific charge shall not be registered before the general charge is cancelled.

- (6) If the registration of the general charge is duly cancelled within the period specified in subsection (5) above and the specific charge is registered forthwith upon the cancellation or was discharged before the cancellation, then, for the purposes of section 10 below, the specific charge shall be treated as having come into existence at the time when the general charge was cancelled.

**7 Effect of registering certain financial charges.**

A local land charge falling within section 1(1)(a) above shall, when registered, take effect as if it had been created by a deed of charge by way of legal mortgage within the meaning of the <sup>M9</sup>Law of Property Act 1925, but without prejudice to the priority of the charge.

**Marginal Citations**  
**M9** 1925 c. 20.

*Searches*

**8 Personal searches.**

- (1) Any person may search in any local land charges register on paying the prescribed fee.

[<sup>F11</sup>(1A) If a local land charges register is kept otherwise than in documentary form, the entitlement of a person to search in it is satisfied if the registering authority makes the portion of it which he wishes to examine available for inspection in visible and legible form.]

- (2) Without prejudice to [<sup>F12</sup>subsections (1) and (1A)] above, a registering authority may provide facilities for enabling persons entitled to search in the authority’s local land charges register to see photographic or other images or copies of any portion of the register which they may wish to examine.

**Textual Amendments**  
**F11** S. 8(1A) inserted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 34(b)  
**F12** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 34(c)

**9 Official searches.**

- (1) Where any person requires an official search of the appropriate local land charges register to be made in respect of any land, he may make a requisition in that behalf to the registering authority.

- (2) . . . . . <sup>F13</sup>for the purposes of serving any such requisition on the Common Council of the City of London section 231(1) of the

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<sup>M10</sup>Local Government Act 1972 shall apply in relation to that Council as it applies in relation to a local authority within the meaning of that Act.

[<sup>F14</sup>(3) In relation to England, the fee (if any) specified by a registering authority under section 13A below shall be payable, in such manner as the authority may specify, in respect of any requisition made under this section to that authority.

(3A) In relation to Wales, the prescribed fee (if any) shall be payable in the prescribed manner in respect of any requisition made under this section.]

(4) Where a requisition is made to a registering authority under this section and the fee [<sup>F15</sup>(if any) ] payable in respect of it is paid in accordance with subsection (3) [<sup>F16</sup> or (3A) ] above, the registering authority shall thereupon make the search required and shall issue an official certificate setting out the result of the search.

#### Textual Amendments

- F13** Words repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), **s. 158(1)** (and also expressed to be repealed (*prosp.*) by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), **Sch. 12 Pt. II**)
- F14** S.9(3)(3A) substituted for s. 9(3) (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 4 para. 84(2)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)
- F15** Words in s. 9(4) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 4 para. 84(3)(a)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)
- F16** Words in s. 9(4) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 4 para. 84(3)(b)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

#### Marginal Citations

- M10** 1972 c. 70.

*Compensation for non-registration or defective official search certificate*

## 10 Compensation for non-registration or defective official search certificate.

(1) Failure to register a local land charge in the appropriate local land charges register shall not affect the enforceability of the charge but where a person has purchased any land affected by a local land charge, then—

(a) in a case where a material personal search of the appropriate local land charges register was made in respect of the land in question before the relevant time, if at the time of the search the charge was in existence but not registered in that register; or

[<sup>F17</sup>(aa) in a case where the appropriate local land charges register is kept otherwise than in documentary form and a material personal search of that register was made in respect of the land in question before the relevant time, if the entitlement to search in that register conferred by section 8 above was not satisfied as mentioned in subsection (1A) of that section; or]

(b) in a case where a material official search of the appropriate local land charges register was made in respect of the land in question before the relevant time, if the charge was in existence at the time of the search but (whether registered or not) was not shown by the official search certificate as registered in that register,

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the purchaser shall (subject to section 11(1) below) be entitled to compensation for any loss suffered by him <sup>F18</sup>in consequence.]

- (2) At any time when rules made under this Act make provision for local land charges registers to be divided into parts then, for the purposes of subsection (1) above—
- (a) a search (whether personal or official) of a part or parts only of any such register shall not constitute a search of that register in relation to any local land charge registrable in a part of the register not searched; and
  - (b) a charge shall not be taken to be registered in the appropriate local land charges register unless registered in the appropriate part of the register.
- (3) For the purposes of this section—
- (a) a person purchases land where, for valuable consideration, he acquires any interest in land or the proceeds of sale of land, and this includes cases where he acquires as lessee or mortgagee and shall be treated as including cases where an interest is conveyed or assigned at his direction to another person;
  - (b) the relevant time—
    - (i) where the acquisition of the interest in question was preceded by a contract for its acquisition, other than a qualified liability contract, is the time when that contract was made;
    - (ii) in any other case, is the time when the purchaser acquired the interest in question or, if he acquired it under a disposition which took effect only when registered <sup>F19</sup> in the register of title kept under the Land Registration Act 2002 ], the time when that disposition was made;
 and for the purposes of sub-paragraph (i) above, a qualified liability contract is a contract containing a term the effect of which is to make the liability of the purchaser dependent upon, or avoidable by reference to, the outcome of a search for local land charges affecting the land to be purchased.
  - (c) a personal search is material if, but only if—
    - (i) it is made after the commencement of this Act, and
    - (ii) it is made by or on behalf of the purchaser or, before the relevant time, the purchaser or his agent has knowledge of the result of it;
  - (d) an official search is material if, but only if—
    - (i) it is made after the commencement of this Act, and
    - (ii) it is requisitioned by or on behalf of the purchaser or, before the relevant time, the purchaser or his agent has knowledge of the contents of the official search certificate.
- (4) Any compensation for loss under this section shall be paid by the registering authority in whose area the land affected is situated; and where the purchaser has incurred expenditure for the purpose of obtaining compensation under this section, the amount of the compensation shall include the amount of the expenditure reasonably incurred by him for that purpose (so far as that expenditure would not otherwise fall to be treated as loss for which he is entitled to compensation under this section).
- (5) Where any compensation for loss under this section is paid by a registering authority in respect of a local land charge as respects which they are not the originating authority, then, unless an application for registration of the charge was made to the registering authority by the originating authority in time for it to be practicable for the registering authority to avoid incurring liability to pay that compensation, an amount equal thereto shall be recoverable from the originating authority by the registering authority.



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- (6) Where any compensation for loss under this section is paid by a registering authority, no part of the amount paid, or of any corresponding amount paid to that authority by the originating authority under subsection (5) above, shall be recoverable by the registering authority or the originating authority from any other person except as provided by subsection (5) above or under a policy of insurance or on grounds of fraud.
- (7) In the case of an action to recover compensation under this section the cause of action shall be deemed for the purposes of the <sup>M11</sup>Limitation Act 1939 to accrue at the time when the local land charge comes to the notice of the purchaser; and for the purposes of this subsection the question when the charge came to his notice shall be determined without regard to the provisions of section 198 of the <sup>M12</sup>Law of Property Act 1925 (under which registration under certain enactments is deemed to constitute actual notice).
- [<sup>F20</sup>(8) Where the amount claimed by way of compensation under this section does not exceed £5,000, proceedings for the recovery of such compensation may be begun in a county court.]
- (9) If in any proceedings for the recovery of compensation under this section the court dismisses a claim to compensation, it shall not order the purchaser to pay the registering authority's costs unless it considers that it was unreasonable for the purchaser to commence the proceedings.

#### Textual Amendments

- F17** S. 10(1)(aa) inserted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. [34\(d\)\(i\)](#)
- F18** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. [34\(d\)\(ii\)](#)
- F19** Words in s. 10(3)(b)(ii) substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. [136\(2\)](#), [Sch. 11 para. 13](#) (with s. [129](#)); [S.I. 2003/1725](#), art. [2\(1\)](#)
- F20** S. 10(8) substituted (01. 07. 1991) for s. 10(8)(8A) by [S.I. 1991/724](#), art. [2\(8\)](#), [Sch. Pt. I](#) (with art. [12](#)).

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

- C6** S. 10 extended (1.7.1991) by [S.I. 1991/724](#), art. [2\(2\)\(a\)](#) (with art. [12](#)).
- C7** S. 10 excluded (1.11.1993) by [1993 c. 28](#), s. [70\(13\)](#); [S.I. 1993/2134](#), art. [5](#).

#### Marginal Citations

- M11** [1939 c. 21](#).
- M12** [1925 c. 20](#).

## 11 Mortgages, trusts for sale and settled land.

- (1) Where there appear to be grounds for a claim under section 10 above in respect of an interest that is subject to a mortgage—
- the claim may be made by any mortgagee of the interest as if he were the person entitled to that interest but without prejudice to the making of a claim by that person;
  - no compensation shall be payable under that section in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage);

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- (c) any compensation payable under that section in respect of the interest that is subject to the mortgage shall be paid to the mortgagee or, if there is more than one mortgagee, to the first mortgagee and shall in either case be applied by him as if it were proceeds of sale.
- (2) Where an interest is [<sup>F21</sup>subject to a trust of land] any compensation payable in respect of it under section 10 above shall be dealt with as if it were proceeds of sale arising under the trust.
- (3) Where an interest is settled land for the purposes of the <sup>M13</sup>Settled Land Act 1925 any compensation payable in respect of it under section 10 above shall be treated as capital money arising under that Act.

#### Textual Amendments

**F21** Words in s. 11(2) substituted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para.14**; S.I. 1996/2974, **art.2**

#### Marginal Citations

**M13** 1925 c. 18.

### Miscellaneous and supplementary

#### 12 Office copies as evidence.

An office copy of an entry in any local land charges register shall be admissible in evidence in all proceedings and between all parties to the same extent as the original would be admissible.

#### 13 Protection of solicitors, trustees etc.

A solicitor or a trustee, personal representative, agent or other person in a fiduciary position, shall not be answerable in respect of any loss occasioned by reliance on an erroneous official search certificate or an erroneous office copy of an entry in a local land charges register.

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

**C8** S. 13 extended by **Administration of Justice Act 1985 (c. 61, SIF 98:1), s. 34(2)(d)**

**C9** S. 13 extended (01. 01. 1992) by **Administration of Justice Act 1985 (c. 61, SIF 76:1), s. 9, Sch. 2 para. 37(d)**; S.I. 1991/2683, **art. 2**.

**C10** S. 13 extended (*prosp.*) by **Building Societies Act 1986 (c. 53, SIF 16), ss. 54(3)(a)(5), 119(5), 124, 126, Sch. 21 paras. 9(d), 12(2)(3)** (the said s. 124 which induces Sch. 21 being repealed (*prosp.*) by **Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), Sch. 20**)

#### [<sup>F22</sup>13A Specification of fees by registering authorities in England

- (1) Each registering authority in England must specify fees which are to be payable by persons for services relating to local land charges which are provided to them by the authority.

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- (2) This section does not apply to any fees payable for the making of a personal search (for which see section 14(1)(h)(i) below).
- (3) Different fees may be specified for different services or descriptions of service.
- (4) A registering authority may provide for there to be services or descriptions of service in respect of which no fees are to be payable.
- (5) In specifying fees, a registering authority must secure that, taking one financial year with another, the income from fees for each service or description of service, or for each group of services or descriptions of service that they think appropriate, does not exceed the costs of its provision.
- (6) When exercising the duty under subsection (1) above, a registering authority must specify the date on or after which the fees specified under that subsection are to be payable.
- (7) Where the duty under subsection (1) above is exercised by a registering authority, they must publish details of the fees specified under that subsection before the date mentioned in subsection (6) above.
- (8) If any fees specified under subsection (1) above are to be the same immediately before as immediately after the beginning of a financial year, a registering authority must publish details of those fees shortly before the beginning of the financial year.
- (9) In specifying fees or publishing details of fees, a registering authority must have regard to such guidance as the Lord Chancellor may issue.
- (10) That guidance—
  - (a) may also include provision concerning the manner in which fees are to be paid, and
  - (b) may be framed by reference to guidance issued by a person other than the Lord Chancellor.
- (11) The Lord Chancellor must lay before both Houses of Parliament any guidance that he issues under this section.
- (12) In this section “financial year” means a period of 12 months beginning with 1st April.]

#### **Textual Amendments**

**F22** S. 13A inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 83](#); [S.I. 2006/1014](#), art. 2(a), [Sch. 1 para. 11\(e\)](#)

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

**C11** S. 13A modified (28.6.2006) by [Constitutional Reform Act 2005 \(Supplementary Provisions\) Order 2006 \(S.I. 2006/1693\)](#), arts. 1, 3

**C12** S. 13A modified (28.6.2006) by [Constitutional Reform Act 2005 \(Supplementary Provisions\) Order 2006 \(S.I. 2006/1693\)](#), arts. 1, 4

## **14 Rules.**

- (1) The Lord Chancellor may, with the concurrence of the Treasury as to fees, make rules for carrying this Act into effect and, in particular, rules—

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*Status: Point in time view as at 28/06/2006.*

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- (a) for regulating the practice of registering authorities in connection with the registration of local land charges or matters which, when registered, become local land charges;
  - (b) as to forms and contents of applications for registration, and the manner in which such applications are to be made;
  - (c) as to the manner in which the land affected or to be affected by a local land charge is, where practicable, to be identified for purposes of registration;
  - (d) as to the manner in which and the times at which registrable matters are to be registered;
  - (e) as to forms and contents of requisitions for official searches and of official search certificates;
  - (f) for regulating personal searches and related matters;
  - (g) as to the cancellation without an order of the court of the registration of a local land charge on its cesser, or with the consent of the authority or body by whom it is enforceable;
  - [<sup>F23</sup>(h) for prescribing—
    - (i) in relation to England, the fees, if any, to be paid for the making of any personal search;
    - (ii) in relation to Wales, the fees, if any, to be paid for the filing of documents with a registering authority, the making of any entry on a register, the supply of copies of, or the variation or cancellation of, any such entry, and the making of any search of a register.]
- (2) Without prejudice to the generality of subsection (1) above, the power to make rules under that subsection shall include
- [<sup>F24</sup>(a)] power to make rules (with the concurrence of the Treasury as to fees) for carrying into effect the provisions of any statutory provision by virtue of which any matter is registrable in any local land charges register.
  - [<sup>F24</sup>(b)] power to make rules providing for the use of electronic means in the making of requisitions for, and in the issue of, official search certificates, notwithstanding subsection (3) of section 231 of the Local Government Act 1972 (service of documents on local authorities) provided that—
    - (i) such rules shall not provide that a requisition is duly made by electronic means, except where the local authority to whom it is made consents to the use of those means, or that an official search certificate is duly issued by electronic means, except where the person requiring the search consents to the use of those means; and
    - (ii) such consent may be given either generally or in relation to a specified document or description of documents, and either before or after the making of the requisition or the issue of the certificate; and
  - (c) power to make rules modifying the application of sections 10 and 11 above in cases where—
    - (i) the rules provide for the making of a requisition for, or the issuing of, an official search certificate by electronic means, and
    - (ii) there has been any error or failure in those means.]
- (3) The power to make rules under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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### Textual Amendments

- F23** S. 14(1)(h) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 4 para. 85; S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(e\)](#)
- F24** “(a)” and paragraphs (b) and (c) inserted by the [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\), s. 158\(2\)](#)

### Modifications etc. (not altering text)

- C13** S. 14(1) certain functions transferred (31.12.2004) by [The National Assembly for Wales \(Transfer of Functions\) Order 2004 \(S.I. 2004/3044\), art. 1\(2\), Sch. 1 \(with art. 3\)](#)

## 15 Expenses.

There shall be paid out of money provided by Parliament—

- (a) any administrative expenses incurred by a Minister of the Crown or government department in consequence of this Act;
- (b) any expenditure incurred by a Minister of the Crown or government department in the payment of any amount recoverable from him or them under this Act by a registering authority;
- (c) any increase attributable to this Act in the sums so payable under any other Act.

## 16 Interpretation.

(1) In this Act, except where the context otherwise requires—

“the appropriate local land charges register” has the meaning provided by section 4 above;

“the court” means the High Court, or the county court in a case where the county court has jurisdiction;

“land” includes mines and minerals, whether or not severed from the surface, buildings or parts of buildings (whether the division is horizontal, vertical or made in any other way) and other corporeal hereditaments;

“official search certificate” means a certificate issued pursuant to section 9(4) above;

“the originating authority”, as respects a local land charge, has the meaning provided by section 5(4) above;

“personal search” means a search pursuant to section 8 above;

“prescribed” means prescribed by rules made under section 14 above;

“the registering authority”, in relation to any land or to a local land charge, means the registering authority in whose area the land or, as the case may be, the land affected by the charge is situated, or, if the land in question is situated in the areas of two or more registering authorities, each of those authorities respectively;

“statutory provision” means a provision of this Act or of any other Act or Measure, whenever passed, or a provision of any rules, regulations, order or similar instrument made (whether before or after the passing of this Act) under an Act, whenever passed.

[<sup>F25</sup>(1A) Any reference in this Act to an office copy of an entry includes a reference to the reproduction of an entry in a register kept otherwise than in documentary form.]

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- (2) Except in so far as the context otherwise requires, any reference in this Act to an enactment is a reference to that enactment as amended, extended or applied by or under any other enactment, including this Act.

**Textual Amendments**

**F25** S. 16(1A) inserted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. [34\(e\)](#)

**17 Amendments of other satutory provisions.**

- (1) The <sup>M14</sup>Land Charges Act 1972 shall be amended as follows:—

- (a) for section 1(3) there shall be substituted—

“(3) Where any charge or other matter is registrable in more than one of the registers kept under this Act, it shall be sufficient if it is registered in one such register, and if it is so registered the person entitled to the benefit of it shall not be prejudicially affected by any provision of this Act as to the effect of non-registration in any other such register.

(3A) Where any charge or other matter is registrable in a register kept under this Act and was also, before the commencement of the Local Land Charges Act 1975, recistrable in a local land charges register, then, if before the commencement of the said Act it was registered in the appropriate local land charges register, it shall be treated for the purposes of the provisions of this Act as to the effect of non-registration as if it had been registered in the appropriate register under this Act ; and any certificate setting out the result of an official search of the appropriate local land charges register shall, in relation to it, have effect as if it were a certificate setting out the result of an official search under this Act.”

- (b) in section 2(4) and in section 2(5) the words “(not being a local land charge)” shall be inserted after “any of the following”.

- (2) .....

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

**C14** The text of s. 17(1)(a)(b), 17(2), 19(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M14** [1972 c.61](#)

**18 Power to amend local Acts.**

- (1) Subject to the provisions of this section, the Lord Chancellor may by order made by statutory instrument repeal or amend any relevant local Act provision that appears to him to be inconsistent with, or to require modification in consequence of, any provision of this Act.

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- (2) For the purposes of this section, a relevant local Act provision is a provision—
  - (a) contained in any local Act passed before this Act, and
  - (b) providing for any matter to be, or to be registered as, a local land charge or otherwise requiring or authorising the registration of any matter in a local land charges register.
- (3) An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament and may be varied or revoked by a subsequent order under this section.
- (4) Before making an order under this section the Lord Chancellor shall consult any local authority appearing to him to be concerned.

## 19 Repeals and transitional provisions.

- (1) The enactments specified in Schedule 2 to this Act (which include certain spent provisions) and the instrument there specified are hereby repealed to the extent specified in the third column of that Schedule.
- (2) Nothing in this Act shall operate to impose any obligation to register or apply for the registration of any local land charge within the meaning of this Act which immediately before the commencement of this Act was by virtue of subsection (7) (b)(i) of section 15 of the <sup>M15</sup>Land Charges Act 1925 not required by that section to be registered as a local land charge, except after the expiration of one year from the commencement of this Act; and a purchaser shall not be entitled to compensation under section 10 above by virtue of section 10(1)(a) or, where the charge was not registered at the time of the search, section 10(1)(b) in respect of a local land charge which at the time of the search was not required to be registered.
- <sup>F26</sup>(3) .....
- (4) In so far as any entry subsisting in a local land charges register at the commencement of this Act could have been made in that register pursuant to this Act, or to any statutory provision amended by or under this Act, it shall be treated as having been so made, but nothing in this Act shall render enforceable against any purchaser whose purchase was completed before the commencement of this Act any local land charge which immediately before the commencement of this Act was not enforceable against him.

### Textual Amendments

**F26** S. 19(3) repealed (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), [Sch. 13](#) (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), art. 2(1)

### Modifications etc. (not altering text)

**C15** The text of s. 17(1)(a)(b), 17(2), 19(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### Marginal Citations

**M15** [1925 c. 22](#).

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**20 Short title etc.**

- (1) This Act may be cited as the Local Land Charges Act 1975.
- (2) This Act binds the Crown, but nothing in this Act shall be taken to render 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.
- <sup>F27</sup>(3) .....
- (4) This Act extends to England and Wales only.

**Textual Amendments**

**F27** S. 20(3) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 12](#)

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

**C16** Power of appointment conferred by s. 20(3) fully exercised: 1.8.1977 appointed by [S.I. 1977/984](#), [art. 2](#)



**Status:**

Point in time view as at 28/06/2006.

**Changes to legislation:**

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