



# Local Land Charges Act 1975

## 1975 CHAPTER 76

### *Local land charges [<sup>F1</sup> register], registration and related matters*

#### Textual Amendments

- F1** Word in cross-heading substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(5\)\(e\), Sch. 5 para. 2](#) (with [Sch. 5 Pt. 4](#))

#### <sup>F23</sup> **The local land charges register** **E+W**

- (1) The Chief Land Registrar must keep the local land charges register.
- (2) The local land charges register is a register of—
  - (a) each local land charge registered in a local land charges register for a local authority's area immediately before this section first had effect in relation to that area, and
  - (b) each local land charge subsequently registered under section 5 or 6 or another relevant enactment in respect of land which is wholly or partly within that area.
- (3) Subsection (2) is subject to any later variation or cancellation of the registration of the local land charge.
- (4) The local land charges register may be kept in electronic form.
- (5) In this section—

“ local authority ” means—

  - (a) a district council,
  - (b) a county council in England for an area for which there is no district council,
  - (c) a county council in Wales,
  - (d) a county borough council,
  - (e) a London borough council,

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- (f) the Common Council of the City of London, or
- (g) the Council of the Isles of Scilly;

“ relevant enactment ” means a provision which is made by or under an Act and which provides for the registration of a charge or other matter as a local land charge.

- (6) For the purposes of this section the area of the Common Council of the City of London includes the Inner Temple and the Middle Temple.]

**Textual Amendments**

**F2** S. 3 substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(5)(e), **Sch. 5 para. 3** (with [Sch. 5 Pt. 4](#))

**F3 4 The appropriate local land charges register. E+W**

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**Textual Amendments**

**F3** S. 4 omitted (12.4.2015) by virtue of [Infrastructure Act 2015 \(c. 7\)](#), s. 57(5)(e), **Sch. 5 para. 4** (with [Sch. 5 Pt. 4](#))

**5 Registration. E+W**

<sup>F4</sup>(1) .....

[<sup>F5</sup>(2) Subject to subsection (6) below, the originating authority as respects a local land charge must apply to the Chief Land Registrar for its registration in the local land charges register; and on the application being made the Chief Land Registrar must register the charge accordingly.

- (3) The registration in the local land charges register of a local land charge, or of any matter which when registered becomes a local land charge, must be carried out by reference to the land affected.]

(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—

- (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.

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- (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 [<sup>F6</sup> the local land charges register ] and before the commencement of this Act was also registrable in a register kept under the <sup>M1</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.

#### Textual Amendments

- F4** S. 5(1) omitted (12.4.2015) by virtue of Infrastructure Act 2015 (c. 7), s. 57(5)(e), Sch. 5 para. 5(2) (with Sch. 5 Pt. 4)
- F5** S. 5(2)(3) substituted (12.4.2015) by Infrastructure Act 2015 (c. 7), s. 57(5)(e), Sch. 5 para. 5(3) (with Sch. 5 Pt. 4)
- F6** Words in s. 5(6) substituted (12.4.2015) by Infrastructure Act 2015 (c. 7), s. 57(5)(e), Sch. 5 para. 5(4) (with Sch. 5 Pt. 4)

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

- C1** S. 5(4) excluded by Highways Act 1980 (c. 66, SIF 59), s. 224(3)

#### Marginal Citations

- M1** 1972 c. 61.

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

- (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.
- [<sup>F7</sup>(2) At any time before the specific charge comes into existence, the Chief Land Registrar must register a general charge against the land, without any amount being specified, in the local land charges register 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 [<sup>F8</sup> 5(2)] above shall not apply in relation to such a charge.
- (4) If a general charge is registered under this section [<sup>F9</sup> the originating authority ] shall, when the specific charge comes into existence, notify the [<sup>F10</sup> Chief Land Registrar ] 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 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.

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- (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.

#### Textual Amendments

- F7** S. 6(2) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(5)(e), [Sch. 5 para. 6\(2\)](#) (with [Sch. 5 Pt. 4](#))
- F8** Word in s. 6(3) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(5)(e), [Sch. 5 para. 6\(3\)](#) (with [Sch. 5 Pt. 4](#))
- F9** Words in s. 6(4) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(5)(e), [Sch. 5 para. 6\(4\)\(a\)](#) (with [Sch. 5 Pt. 4](#))
- F10** Words in s. 6(4) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(5)(e), [Sch. 5 para. 6\(4\)\(b\)](#) (with [Sch. 5 Pt. 4](#))

## 7 Effect of registering certain financial charges. **E+W**

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>M2</sup>Law of Property Act 1925, but without prejudice to the priority of the charge.

#### Marginal Citations

- M2** 1925 c. 20.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act modified by [2023 asc 3 s. 22\(6\)](#)
- Act modified by [2023 asc 3 s. 77\(3\)](#)