



Charging Orders Act 1979

1979 CHAPTER 53

Charging orders

3 Provisions supplementing sections 1 and 2.

- (1) A charging order may be made either absolutely or subject to conditions as to notifying the debtor or as to the time when the charge is to become enforceable, or as to other matters.
- (2) The ^{M1}Land Charges Act 1972 and the [^{F1}Land Registration Act 2002] shall apply in relation to charging orders as they apply in relation to other orders or writs issued or made for the purpose of enforcing judgments.
- (3) ^{F2}.....
- (4) Subject to the provisions of this Act, a charge imposed by a charging order shall have the like effect and shall be enforceable in the same courts and in the same manner as an equitable charge created by the debtor by writing under his hand.
- (5) The court by which a charging order was made may at any time, on the application of the debtor or of any person interested in any property to which the order relates, make an order discharging or varying the charging order.
- (6) Where a charging order has been protected by an entry registered under the Land Charges Act 1972 or the [^{F1}Land Registration Act 2002], an order under subsection (5) above discharging the charging order may direct that the entry be cancelled.
- (7) The Lord Chancellor may by order made by statutory instrument amend section 2(2) of this Act by adding to, or removing from, the kinds of asset for the time being referred to there, any asset of a kind which in his opinion ought to be so added or removed.
- (8) Any order under subsection (7) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Status: Point in time view as at 13/10/2003. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Charging Orders Act 1979, Section 3. (See end of Document for details)

Textual Amendments

- F1** Words in s. 3(2)(6) substituted (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), ss. 133, 136(2), Sch. 11 para. 15 (with s. 129); S.I. 2003/1725, [art. 2\(1\)](#)
- F2** S. 3(3) repealed (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), ss. 135, 136(2), Sch. 13 (with s. 129, Sch. 12 para. 1); Sch. 11 para. 15 (with s. 129); S.I. 2003/1725, [art. 2\(1\)](#)
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Modifications etc. (not altering text)

- C1** S. 3(1)(2)(4)(6) extended by [Insolvency Act 1986 \(c. 45, SIF 66\)](#), [s. 313\(4\)\(5\) \(s. 313\(5\)\)](#) of the amending Act inserted (1.4.2004) by [2002 c. 40](#), ss. 261(2)(c), 279 (with s. 249(6)); S.I. 2003/2093, [art. 2\(2\)](#), [Sch. 2](#)
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Marginal Citations

- M1** [1972 c. 61](#).

Status:

Point in time view as at 13/10/2003. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Charging Orders Act 1979, Section 3.