



Rights of Light Act 1959

1959 CHAPTER 56 7 and 8 Eliz 2

3 Effect of registered notice and proceedings relating thereto.

- (1) Where, in pursuance of an application made in accordance with the last preceding section, a notice is registered thereunder, then, for the purpose of determining whether any person is entitled (by virtue of the ^{M1}Prescription Act, 1832, or otherwise) to a right to the access of light to the dominant building across the servient land, the access of light to that building across that land shall be treated as obstructed to the same extent, and with the like consequences, as if an opaque structure, of the dimensions specified in the application,—
 - (a) had, on the date of registration of the notice, been erected in the position on the servient land specified in the application, and had been so erected by the person who made the application, and
 - (b) had remained in that position during the period for which the notice has effect and had been removed at the end of that period.
- (2) For the purposes of this section a notice registered under the last preceding section shall be taken to have effect until either—
 - (a) the registration is cancelled, or
 - (b) the period of one year beginning with the date of registration of the notice expires, or
 - (c) in the case of a notice registered in pursuance of an application accompanied by a certificate issued under paragraph (b) of subsection (3) of the last preceding section, the period specified in the certificate expires without [^{F1}a copy of] such a further certificate as is mentioned in paragraph (c) of subsection (5) of that section having before the end of that period been lodged with the [^{F2}Chief Land Registrar],and shall cease to have effect on the occurrence of any one of those events.
- (3) Subject to the following provisions of this section, any person who, if such a structure as is mentioned in subsection (1) of this section had been erected as therein mentioned, would have had a right of action in any court in respect of that structure, on the grounds that he was entitled to a right to the access of light to the dominant building across the servient land, and that the said right was infringed by that structure, shall have the

Changes to legislation: There are currently no known outstanding effects for the Rights of Light Act 1959, Section 3. (See end of Document for details)

like right of action in that court in respect of the registration of a notice under the last preceding section:

Provided that an action shall not be begun by virtue of this subsection after the notice in question has ceased to have effect.

- (4) Where, at any time during the period for which a notice registered under the last preceding section has effect, the circumstances are such that, if the access of light to the dominant building had been enjoyed continuously from a date one year earlier than the date on which the enjoyment thereof in fact began, a person would have had a right of action in any court by virtue of the last preceding subsection in respect of the registration of the notice, that person shall have the like right of action in that court by virtue of this subsection in respect of the registration of the notice.
- (5) The remedies available to the plaintiff in an action brought by virtue of subsection (3) or subsection (4) of this section (apart from any order as to costs) shall be such declaration as the court may consider appropriate in the circumstances, and an order directing the registration of the notice to be cancelled or varied, as the court may determine.
- (6) For the purposes of section four of the ^{M2}Prescription Act, 1832 (under which a period of enjoyment of any of the rights to which that Act applies is not to be treated as interrupted except by a matter submitted to or acquiesced in for one year after notice thereof)—
- (a) as from the date of registration of a notice under the last preceding section, all persons interested in the dominant building or any part thereof shall be deemed to have notice of the registration thereof and of the person on whose application it was registered;
 - (b) until such time as an action is brought by virtue of subsection (3) or subsection (4) of this section in respect of the registration of a notice under the last preceding section, all persons interested in the dominant building or any part thereof shall be deemed to acquiesce in the obstruction which, in accordance with subsection (1) of this section, is to be treated as resulting from the registration of the notice;
 - (c) as from the date on which such an action is brought, no person shall be treated as submitting to or acquiescing in that obstruction:

Provided that if, in any such action, the court decides against the claim of the plaintiff, the court may direct that the preceding provisions of this subsection shall apply in relation to the notice as if that action had not been brought.

Textual Amendments

- F1** Words in s. 3(2)(c) inserted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(5\)\(e\), Sch. 5 para. 29\(a\)](#) (with [Sch. 5 Pt. 4](#))
- F2** Words in s. 3(2)(c) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(5\)\(e\), Sch. 5 para. 29\(b\)](#) (with [Sch. 5 Pt. 4](#))
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Marginal Citations

- M1** 1832 c. 71.
- M2** 1832 c. 71.

Changes to legislation:

There are currently no known outstanding effects for the Rights of Light Act 1959, Section 3.