
STATUTORY INSTRUMENTS

1974 No. 1286

The Land Charges Rules 1974

Citation, commencement and interpretation

1. These Rules may be cited as the Land Charges Rules 1974 and shall come into operation on 9th September 1974.

2.—(1) The Interpretation Act 1889 shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(2) In these Rules, unless the context otherwise requires—

“the Act” means the Land Charges Act 1972 and “section” means section of the Act;

“application” includes requisition;

“county” includes Greater London;

“credit account” means an account authorised by the registrar for the purpose of providing credit facilities for the payment of fees;

“day” means a day on which the principal office is open to the public;

“index” means the index kept pursuant to section 1;

“principal office” means the office of the Land Charges Department at Burrington Way, Plymouth, Devon, PL5 3LP or such other office as the registrar shall direct to be the principal office;

“register” means a register kept pursuant to section 1;

“relevant particulars” means particulars specified in Schedule 1 to these Rules which have been furnished in an application under these Rules.

(3) A form referred to by number means the form so numbered in Schedule 2 to these Rules.

The Registers

3.—(1) The registrar shall, in respect of each land charge or other matter for the registration of which an application is made in accordance with these Rules, record in the appropriate register the relevant particulars, the date on which the entry is registered and the date (if any) on which the registration is renewed.

(2) Any person may, upon completion of Form K21 and on payment of the prescribed fee, inspect an entry in the register at the principal office or at such other office as the registrar shall direct.

Priority notices and applications for registration

4. A priority notice shall be given in Form K6.

5. An application for registration or renewal of registration shall be made in Form K1, K2, K3, K4, K5, K7 or K8, whichever is appropriate.

6. An application for registration or rectification (other than an application made by a practising solicitor or relating to a land charge of Class F) shall, unless the registrar otherwise directs, be supported by a statutory declaration in Form K14 by the person on whose behalf the application is made.

7. Where an application for registration has been duly made pursuant to a priority notice it shall, in order to comply with the requirements of section 11(3), refer to that notice by citing the official reference number allocated thereto.

8.—(1) Every priority notice and application for registration or renewal of registration or rectification given or made in accordance with these Rules shall, having been received in the principal office between 15.00 hours on one day and 15.00 hours on the next day, be deemed to have been given or made at the same time, namely immediately before 15.00 hours on the second of those days.

(2) The date of registration recorded on a register under rule 3(1) above shall be the date of the day on which the application is deemed to have been made, notwithstanding that the entry is made pursuant to a priority notice.

Cancellation

9. Where the registrar is satisfied that an application to cancel the whole or part of an entry in the register has been properly made, he shall—

- (i) if the application relates to the whole of an entry, cancel that entry and remove from the index the reference thereto;
- (ii) if the application relates to part only of an entry, note on the register the effect of the cancellation and amend the index accordingly.

10. An application to cancel an entry (other than the entry of a land charge of Class F) shall be made in Form K11 and shall be accompanied by—

- (i) sufficient evidence of the applicant's title to apply for cancellation, unless he is the person on whose behalf the registration was made and is entitled to the benefit of the entry; or
- (ii) such office copies of orders of the court or the Lands Tribunal as shall justify cancellation:

Provided that if the registrar has first been consulted and is satisfied that the applicant would suffer exceptional hardship or expense by reason of the foregoing provisions of this rule, he may allow the application to be made in Form K12, supported by sufficient evidence that the land charge or other matter has been discharged or overreached or is of no effect.

11. An application to cancel the registration of a land charge of Class F shall be made in Form K13 and shall, unless it is signed by the person on whose behalf the application for registration was made, be accompanied by—

- (i) a written release of the rights of occupation to which the charge relates, or
- (ii) the evidence referred to in section 5(1) of the Matrimonial Homes Act 1967 and (if the charge was registered, or the registration of the charge was renewed, pursuant to section 5(3) of that Act) evidence to satisfy the registrar that the order referred to in the application for registration or renewal has ceased to have effect.

12. An application for a certificate that an entry in the register has been cancelled shall be made in Form K20.

Registered land

13.—(1) Where an application for registration, or where an entry in a register, relates to an instrument or matter to which by virtue of section 14 the Act does not apply, the registrar may refuse that application or, as the case may be, cancel that entry.

(2) Without prejudice to the provisions of section 14(2), the registrar may, for the purpose of paragraph (1) above, require a person applying for registration or his solicitor to certify that the land the subject of the application is not registered land.

Rectification and amendment

14.—(1) Where it appears that an error in an application has led to a corresponding error in the register, application may be made—

- (i) in accordance with rule 10 or 11 above for cancellation of the original entry, and, in accordance with rule 5 above, for the registration of a fresh entry; or
- (ii) for rectification of the original entry.

(2) Where an application for rectification has been duly made, the registrar shall rectify the register so as to indicate the original entry and the amendments and shall record on the register the date of rectification.

(3) An application for rectification shall be made in Form K9 and shall be signed by or on behalf of the person on whose behalf the original application was made or, subject to production of sufficient evidence of title, by or on behalf of any successor in title of that person.

(4) No person who has obtained a certificate of the result of an official search in the index or an office copy of the register, dated in either case before the date of rectification, shall, in respect of that search or office copy, be affected by the rectification.

15.—(1) Where compensation has been claimed under section 25 of the Law of Property Act 1969 in respect of a registered land charge, the registrar shall make such entries in or amendments and additions to the relevant register and the index as he deems necessary in order to bring the charge to the notice of any person who inspects that register, or requires a search to be made in the index, in relation to the estate or interest affected by the charge.

(2) For the purpose of this rule “registered land charge” has the meaning assigned to it by section 25(10) of the Law of Property Act 1969.

Official searches

16.—(1) A written application for an official search in the index pursuant to section 10(1)(a) shall be made in Form K15 or K16 whichever is appropriate.

(2) An application for an official search in the index made by telephone pursuant to section 10(1)(b) shall provide, in such order as may be requested, the same particulars as are required for an application made in Form K15.

(3) An application for an official search in the index transmitted by teleprinter in accordance with section 10(1)(b) shall be made in the form set out in Part I of Schedule 3.

17.—(1) The certificate of the result of a search issued pursuant to section 10(3)(a) shall be in Form K17 or K18, whichever is appropriate, and shall bear a date which shall be the date of the certificate for the purpose of section 11(5).

(2) The date of the certificate shall be the date of the day on which the search is commenced or such earlier day as may be necessary to enable the registrar to comply with paragraph (3) below.

(3) The certificate shall extend to all entries bearing dates of registration up to and including the date of the certificate.

18. Without prejudice to section 10(3)(a) (issue of certificate), where an applicant for an official search in the index—

- (a) makes his application by telephone and requests the result of search to be given to him orally as part of the same telephone call; or
- (b) delivers Form K15 in person at the principal office or at such other office as the registrar may direct and requests the result of search to be displayed to him,

the registrar may comply with the request in such manner and on such conditions as he may determine.

Office copies

19.—(1) A written application for an office copy of an entry in a register shall be made in Form K19.

(2) Where the applicant has a credit account and the prescribed fee is debited by the registrar to that account, an application for an office copy of an entry in a register may also be made by teleprinter in the form set out in Part II of Schedule 3.

(3) Where an application has been made by telephone for an official search in the index and the result has been given orally in accordance with rule 18 above, the applicant may, as part of the same telephone call, request that an office copy of an entry disclosed and identified in the result of search be sent to him whereupon the fee shall be debited to his credit account.

Applications generally

20.—(1) Every written application shall, unless the registrar otherwise directs, be sent by prepaid post, or delivered by hand, to the principal office.

(2) Every such application shall be accompanied by the prescribed fee, unless that fee is debited by the registrar to a credit account.

(3) An application for an official search pursuant to rule 16(3) above or for an office copy pursuant to rule 19(2) above shall be transmitted by teleprinter to the principal office.

(4) An application for an official search pursuant to rule 16(2) above or for an office copy pursuant to rule 19(3) above shall be made by telephone to the principal office or such other office as the registrar shall direct.

21. No application shall, unless these Rules or the appropriate form so provides, be accompanied or supported by any deed, document or plan.

22. Except in the case of an application for cancellation or rectification and without prejudice to the provisions of rule 13 above, the registrar shall not be concerned to inquire into or otherwise verify the accuracy or validity of any matter or thing stated or appearing in any notice given or application made to him.

23. Every application for registration, or for renewal, cancellation or rectification of registration and every priority notice shall be acknowledged by the registrar in Form K22.

Forms

24.—(1) The prescribed forms may be used with such variations as in the opinion of the registrar are required for the purposes of the Act or these Rules.

(2) Nothing in this rule shall prejudice any powers of the registrar to promulgate additional forms for use under the Act or these Rules.

25. Unless the registrar otherwise directs, a separate form of application or priority notice shall be used for each entry in a register and for each full name in respect of which an entry is required to be made, renewed, cancelled or rectified.

26. Unless the registrar otherwise directs, no forms except those sold under arrangements made with H.M. Stationery Office or with such supplier as the registrar may from time to time approve, shall be accepted for the purpose of the Act or these Rules.

Revocation

27. The Land Charges (No. 2) Rules 1972(1) are hereby revoked.

Dated 20th July 1974

Elwyn-Jones, C