

2022 No. 1149

LAND CHARGES, ENGLAND AND WALES

The Local Land Charges (Amendment) Rules 2022

Made - - - - *7th November 2022*

Laid before Parliament *8th November 2022*

Coming into force - - *29th November 2022*

The Lord Chancellor, in exercise of the powers conferred by sections 14(1)(a), (fa) and (g) of the Local Land Charges Act 1975(a), makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Local Land Charges (Amendment) Rules 2022 and come into force on 29th November 2022.

Amendments to the Local Land Charges Rules 2018

2.—(1) The Local Land Charges Rules 2018(b) are amended as follows.

(2) In rule 2—

(a) in paragraph (1), after the definition of “charge” insert—

““conservation covenant” has the meaning given by Part 7 of the Environment Act 2021(c);” and

(b) in paragraph (2), after “In” insert “rule 6 and”.

(3) In rule 6—

(a) for paragraph (2), substitute—

“(2) Where a registered charge has been varied or any registration is incorrect, the following person must apply for the variation or cancellation of the registration—

(a) in the case of a conservation covenant, the originating authority(d); or

(b) in the case of any other charge, the person by whom the charge is enforceable.”;

(b) for paragraph (3), substitute—

“(3) Where a registered charge has been discharged, ceased to have effect or ceased to be a charge, the following person must apply for the cancellation of the registration—

(a) in the case of a conservation covenant, the originating authority; or

(a) 1975 c. 76; section 14 was amended by paragraph 13 of Schedule 5 to the Infrastructure Act 2015 (c. 7) and by section 158 of the Local Government and Housing Act 1989 (c. 42).

(b) S.I. 2018/273.

(c) 2021 c. 30.

(d) Section 120(2) of the Environment Act 2021 provides that for the purposes of the Local Land Charges Act 1975 the originating authority, as respects a conservation covenant, is the person by whom an obligation of the landowner under the covenant is enforceable.

- (b) in the case of any other charge, the person by whom the charge was enforceable.”;
- (c) for paragraph (6), substitute—
- “(6) The registrar must vary a registration if an application for its variation is received from—
- (a) in the case of a conservation covenant, the originating authority; or
- (b) in the case of any other charge, the person by whom the charge is enforceable.”;
- and
- (d) for paragraph (8), substitute—
- “(8) The registrar must cancel a registration if an application for its cancellation is received from—
- (a) in the case of a conservation covenant, the originating authority; or
- (b) in the case of any other charge, the person by whom the charge is or was enforceable.”.

Bellamy
Parliamentary Undersecretary of State
Ministry of Justice

7th November 2022

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Local Land Charges Rules 2018 (S.I. 2018/273) (“the 2018 Rules”) to give effect to Part 7 of the Environment Act 2021 (2021 c. 30) (“the EA 2021”) which introduced conservation covenants and, by section 120(1), provided that they are local land charges.

Rule 2(2) amends rule 2 of the 2018 Rules to insert the definition of a conservation covenant as that set out in Part 7 of the EA 2021 and extends the application of the definition of the originating authority in the 2018 Rules to rule 6 in addition to Schedule 1.

As a consequence of those amendments and section 120(2) of the EA 2021, the originating authority for the purposes of the amended rule 6 as respects a conservation covenant is the person by whom an obligation of the landowner under the covenant is enforceable. Under Part 7 of the EA 2021, that may be either the responsible body, as defined by that Act, or the Secretary of State.

Rule 2(3) amends rule 6 of the 2018 Rules, to require that variations or cancellations of registrations of conservation covenants are applied for by the originating authority, and once applied for, are varied or cancelled, as the case may be, by the registrar.

No impact assessment of these amendments has been carried out as no significant impact on the private, voluntary or public sectors is foreseen.

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