STATUTORY INSTRUMENTS

2018 No. 273

LAND CHARGES, ENGLAND AND WALES

The Local Land Charges Rules 2018

Made - - - -	*26th February 2018*
Laid before Parliament	*1st March 2018*
Coming into force - -	*6th April 2018*

The Lord Chancellor, in exercise of the powers conferred by section 14 of the Local Land Charges Act 1975 [F1], makes the following Rules:

F1 1975 c. 76; section 14 was amended by paragraph 13 of Schedule 5 to the Infrastructure Act 2015 (c. 7).

Citation and commencement

1. These Rules may be cited as the Local Land Charges Rules 2018 and shall come into force on 6th April 2018 [F2].

F2 Under paragraph 40(3) and (4) of Schedule 5 to the Infrastructure Act 2015, these Rules have effect in relation to the area of a local authority only on and after the date specified in a notice under paragraph 40(1) of that Schedule.

Interpretation

2.—(1) In these Rules—

"the Act" means the Local Land Charges Act 1975;

"charge" means a local land charge or a matter which is registrable in the register;

"date of registration" in relation to a charge registered in a local land charges register for a local authority's area immediately before Part 1 of Schedule 5 to the Infrastructure Act 2015 first had effect in relation to that area means the date of registration in that local land charges register;

"definitive certificate" means a certificate issued by the Upper Tribunal under section 2(3)(a) of the Rights of Light Act 1959 [F3];

"description" in relation to a charge means a description which is sufficient to indicate—

(a) the nature of any agreement, certificate, notice, order, resolution, scheme or other instrument or document (not being a statute or any instrument embodying statutory

provisions) which comprises the charge or in connection with which the charge came into existence,

(b) where apparent from the instrument or document, the date on which the charge came into existence,

(c) any statutory provision (other than section 1(1)(e) of the Act) under or by virtue of which the charge is a local land charge or registrable, or which comprises the charge;

"dominant building" and "servient land" have the meanings given by section 2(1) of the Rights of Light Act 1959;

"light obstruction notice" means a notice which is registrable under section 2 of the Rights of Light Act 1959;

"particulars of registration" means the particulars specified in Schedule 1;

"register" means the local land charges register kept by the registrar under the Act;

"registrar" means the Chief Land Registrar;

"temporary certificate" means a certificate issued by the Upper Tribunal under section 2(3)(b) of the Rights of Light Act 1959.

(2) In Schedule 1, "originating authority" means the authority or person who by virtue of section 5(4) of the Act or some other statutory provision is the originating authority for the purposes of the Act.

(3) A reference in these Rules to Form A or Form B is to the form so designated in Schedule 2.

F3 1959 c. 56; section 2 was amended by paragraphs 27 and 28 of Schedule 5 to the Infrastructure Act 2015.

Application for registration of charges other than light obstruction notices

3.—(1) This rule applies to all applications for registration of a charge in the register except an application for registration of a light obstruction notice.

(2) The application must contain a description of the charge and the other information necessary to enable the registrar to register the charge in accordance with rule 5.

(3) The application must be made using an electronic means of communication and in accordance with any determination by the registrar under rule 13.

Application for registration of a light obstruction notice

4.—(1) This rule applies to applications for registration of a light obstruction notice in the register.

(2) The application may be made using an electronic means of communication.

(3) An application made using an electronic means of communication must contain such of the particulars required by Form A as are appropriate and be in accordance with any determination by the registrar under rule 13.

(4) If the application is not made using an electronic means of communication, it must be made in Form A and be delivered to the address specified by the registrar under rule 14.

Registration

5.—(1) The registration of a charge must be effected by entering in the register the particulars of registration for the type of charge concerned.

(2) The registration of a charge must be by reference to the land affected by the charge in such a manner as to show the situation and extent of that land.

Variation and cancellation of registrations other than in respect of a light obstruction notice

6.—(1) This rule applies to all registrations of charges in the register except the registration of a light obstruction notice.

(2) Where a registered charge has been varied or any registration is incorrect, the person by whom the charge is enforceable must apply for the variation or cancellation of the registration.

(3) Where a registered charge has been discharged, ceased to have effect or ceased to be a charge, the person by whom the charge was enforceable must apply for the cancellation of the registration.

(4) An application for the variation or cancellation of a registration must identify the charge.

(5) The application must be made using an electronic means of communication and in accordance with any determination by the registrar under rule 13.

(6) The registrar must vary a registration if an application for its variation is received from the person by whom the charge is enforceable.

(7) The registrar may of his or her own motion vary a registration if satisfied that the charge has been varied or that the registration is incorrect.

(8) The registrar must cancel a registration if an application for its cancellation is received from the person by whom the charge is or was enforceable.

(9) The registrar may of his or her own motion cancel a registration if satisfied that the charge has been discharged, ceased to have effect or ceased to be a charge, or that the registration is incorrect.

Variation and cancellation of registrations in respect of light obstruction notices

7.—(1) The original applicant for registration of a light obstruction notice in the register, or any successor in title to the original applicant as owner of the servient land or part of it, may within a year beginning with the date of registration apply for—

(a) variation of the registered particulars of the position or dimensions of the structure to which registration is intended to be equivalent, so as to reduce its height or length or to increase its distance from the dominant building, or

(b) cancellation of the registration.

(2) An application under paragraph (1) may be made using an electronic means of communication.

(3) An application under paragraph (1) made using an electronic means of communication must contain such of the particulars required by Form B as are appropriate and be in accordance with any determination by the registrar under rule 13.

(4) If an application under paragraph (1) is not made using an electronic means of communication, it must be made in Form B and be delivered to the address specified by the registrar under rule 14.

(5) Where an application under paragraph (1) is made, the registrar must vary or cancel the registration accordingly.

(6) Where—

(a) an application for registration of a light obstruction notice in the register was accompanied by a copy of a temporary certificate, and

(b) a copy of a definitive certificate is lodged with the registrar before the expiry of the period for which the temporary certificate operates,

the registrar must vary the registration accordingly.

(7) The registrar must cancel the registration of a light obstruction notice in the register—

(a) where in relation to the notice a copy of a temporary certificate has been lodged and no copy of a definitive certificate has been lodged, on the expiration of the period of operation specified in the temporary certificate,

(b) in any other case, on the expiration of 21 years beginning with the date of registration.

(8) On the lodging of an official copy of an order of the court under section 3(5) of the Rights of Light Act 1959 directing the registration of a notice to be varied or cancelled, the registrar must vary or cancel the registration accordingly.

(9) A document is lodged for the purposes of this rule if—

(a) it is sent to the registrar using an electronic means of communication and in accordance with any determination by the registrar under rule 13, or

(b) it is received at the address specified by the registrar under rule 14.

(10) In this rule, "owner" has the meaning given by section 7(1) of the Rights of Light Act 1959.

General charges

8.—(1) A notification under section 6(4) of the Act must be made using an electronic means of communication and in accordance with any determination by the registrar under rule 13.

(2) The period within which the registration of a general charge in the register must be cancelled pursuant to section 6(5) of the Act is 15 months starting with the day on which the specific charge comes into existence.

Personal searches

9.—(1) The right to search in the register under section 8(1) of the Act may be exercised only on an application to the registrar.

(2) The application must identify the land in respect of which the search is to be made.

(3) The extent of the land identified must not be such that the registrar considers that the search could prejudice the exercise of any of his or her functions under these Rules or the Act.

(4) The application must be made using an electronic means of communication and in accordance with any determination by the registrar under rule 13.

Official searches

10.—(1) A requisition for an official search of the register under section 9(1) of the Act must identify the land in respect of which the official search is to be made.

(2) The extent of the land identified must not be such that the registrar considers that the search could prejudice the exercise of any of his or her functions under these Rules or the Act.

(3) The requisition must be made using an electronic means of communication and in accordance with any determination by the registrar under rule 13.

(4) The official search certificate issued under section 9(4) of the Act must either—

(a) certify that there are no subsisting registrations in respect of the land, or

(b) where there are any subsisting registrations in respect of the land, show the particulars of registration.

(5) The official search certificate must be in electronic form.

Destruction of documents

11. The registrar may destroy any paper document which relates to a registration or to an application or requisition under these Rules or the Act if satisfied that—

(a) he or she has retained a sufficient copy, or

(b) further retention of the document by the registrar is unnecessary.

Copies of documents

12.—(1) A person may apply for a copy of—

(a) any document which is listed as being kept by the registrar in the particulars of registration for a light obstruction notice, or

(b) any court order or item of correspondence kept by the registrar which relates to a registration or to an application or requisition under these Rules or the Act.

(2) The application must identify the document.

(3) The application must be made using an electronic means of communication and in accordance with any determination by the registrar under rule 13.

(4) Where an application is made under this rule and the prescribed fee (if any) payable in respect of it is paid in the prescribed manner, the registrar must issue a copy.

(5) Any copy of a document issued under this rule must be in electronic form.

Determination by the registrar of particular electronic means of communication, etc

13.—(1) The registrar may determine—

(a) the particular electronic means of communication which may or must be used for making applications or requisitions, or sending anything to the registrar,

(b) the circumstances in which a particular electronic means of communication may or must be used (which may be all circumstances, subject to exceptions),

(c) the form of any applications or requisitions made using electronic means of communication or anything sent using electronic means of communication, and

(d) subject to paragraph (2), in addition to the contents required under any other rule for an application or requisition of the type concerned, the contents of any applications or requisitions made using electronic means of communication.

(2) A determination under paragraph (1)(d) may only require information which the registrar considers is necessary or desirable for the purpose of facilitating the processing of the application or requisition as a result of it being made using electronic means of communication.

Specification by the registrar of address

14.—(1) This rule applies to applications for the registration of light obstruction notices and for the variation or cancellation of such registrations where the applications are not made using an electronic means of communication.

(2) The registrar must specify an address to which the applications to which this rule applies must be sent.

(3) The specification of an address must be publicised in such manner as the registrar considers appropriate for the purpose of bringing it to the attention of persons who are likely to want to make such applications.