

# ENVIRONMENT (WALES) ACT 2016

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1 – Sustainable management of natural resources**

##### *Section 17 – Effect on successors in title of certain land management agreements*

105. [Section 17](#) sets out the circumstances in which the terms of a section 16 land management agreement may bind subsequent owners or tenants of the land. This section only applies where the person making the land management agreement has a “qualifying interest” as defined in subsection (3), i.e. where the person owns the freehold of the land or holds it under a lease granted for a term of at least seven years. It makes provision for circumstances where the title to the land is either registered or not registered. Most titles in land in England and Wales are registered with HM Land Registry but there is some land that remains unregistered.
106. [Section 17\(1\)](#) applies to land that is not registered. The interest created under a management agreement may be registered as a Class D(ii) land charge in accordance with the [Land Charges Act 1972 \(c.61\)](#). The effect of registering the land charge is that the terms of a land management agreement are binding on any successor to the person with a qualifying interest.
107. A successor is defined in subsection (4) and will generally be any person who buys the freehold or leasehold interest (for a term of more than 7 years) in land. The buyer will not be bound by the terms of an agreement if the interest has not been registered as a Class D(ii) land charge.
108. [Section 17\(2\)](#) applies to registered land and the interest created under a section 16 land management agreement must be registered by way of a notice on the registered title in accordance with the [Land Registration Act 2002 \(c.9\)](#). If the interest is not registered as a notice the successor to the title will not be bound by the terms of the agreement.
109. Currently, an agreement made under section 39 of the 1981 Act binds subsequent/future owners or occupiers of the land whether it is registered or not.
110. Providing NRW either registers the interest under an agreement either as a notice on the register of title in the case of registered land or as a Class D(ii) land charge in the case of unregistered land they may enforce the terms of a land management agreement against any person who acquires a qualifying interest in the land.
111. [Section 17](#) needs to be read in conjunction with the consequential amendments made by Part 1 of Schedule 2.