



Land Charges Act 1972

1972 CHAPTER 61

Miscellaneous and supplementary

16 General rules. **E+W**

- (1) The [F1Secretary of State] may, with the concurrence of the Treasury as to fees, make such general rules as may be required for carrying this Act into effect, and in particular—
- (a) as to forms and contents of applications for registration, modes of identifying where practicable the land affected, requisitions for and certificates of official searches, and regulating the practice of the registry in connection therewith;
 - (b) for providing for the mode of registration of a land charge (and in the case of a puisne mortgage, general equitable charge, estate contract, restrictive covenant or equitable easement by reference to the instrument imposing or creating the charge, interest or restriction, or an extract from that instrument) and for the cancellation without an order of court of the registration of a land charge, on its cesser, or with the consent of the person entitled to it, or on sufficient evidence being furnished that the land charge has been overreached under the provisions of any Act or otherwise;
 - (c) for determining the date on which applications and notices shall be treated for the purposes of section 11 of this Act as having been made or given;
 - (d) for determining the times and order at and in which applications and priority notices are to be registered;
 - (e) For varying the relevant number of days for any of the purposes of section 11 of this Act;
 - (f) for enabling the registrar to provide credit accounting facilities in respect of fees payable by virtue of this Act;
 - (g) for treating the debiting of such a fee to a credit account maintained at the registry as being, for such purposes of this Act or of the rules as may be specified in the rules, payment of that fee;
 - (h) for the termination or general suspension of any credit accounting facilities provided under the rules or for their withdrawal or suspension in particular cases at the discretion of the registrar;

Changes to legislation: There are currently no known outstanding effects for the Land Charges Act 1972, Section 16. (See end of Document for details)

- (j) for requiring the registrar to take steps in relation to any instrument or matter in respect of which compensation has been claimed under section 25 of the ^{M1}Law of Property Act 1969 which would be likely to bring that instrument or matter to the notice of any person who subsequently makes a search of the registers kept under section 1 of this Act or requires such a search to be made in relation to the estate or interest affected by the instrument or matter; and
- (k) for authorising the use of the index kept under this Act in any manner which will serve that purpose, notwithstanding that its use in that manner is not otherwise authorised by or by virtue of this Act.
- (2) The power ^{F2}... to make [^{F3}rules under section][^{F4}412 of the Insolvency Act 1986] shall include power to make rules as respects the registration and re-registration of a [^{F5}bankruptcy application or] petition in bankruptcy under section 5 of this Act and [^{F3}a bankruptcy order] under section 6 of this Act, as if the registration and re-registration were required [^{F3}by [^{F4}Parts VIII to XI] of that Act]

Textual Amendments

- F1** Words in s. 16(1) substituted (9.11.2011) by [The Transfer of Functions \(Her Majesty's Land Registry, the Meteorological Office and Ordnance Survey\) Order 2011 \(S.I. 2011/2436\)](#), art. 1(2), **Sch. 2 para. 3**
- F2** Words in s. 16(2) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), Sch. 4 para. 75, **Sch. 18 Pt. 2**; S.I. 2006/1014, art. 2(a), Sch. 1 paras. 11(e), 30(b)
- F3** Words substituted by [Insolvency Act 1985 \(c.65, SIF 66\)](#), s. 235(1), **Sch. 8 para. 21(4)** (with saving in [Insolvency Act 1986 \(c.45, SIF 66\)](#), s. 437, **Sch. 11 para. 10**)
- F4** Words substituted by [Insolvency Act 1986 \(c. 45, SIF 66\)](#), s. 439(2), **Sch. 14**
- F5** Words in s. 16(2) inserted (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\) and the Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/481\)](#), reg. 1, **Sch. 1 para. 4(4)**

Modifications etc. (not altering text)

- C1** S.16 extended (1.10.1997) by [1996 c. 27](#), s. 32, **Sch. 4 para. 4(6)** (with Sch. 9 para. 5); S.I. 1997/1892, **art.3(a)**.
- C2** S. 16(1) functions transferred (9.11.2011) by [The Transfer of Functions \(Her Majesty's Land Registry, the Meteorological Office and Ordnance Survey\) Order 2011 \(S.I. 2011/2436\)](#), art. 1(2), **Sch. 1 para. 2**

Marginal Citations

- M1** [1969 c. 59](#).

Changes to legislation:

There are currently no known outstanding effects for the Land Charges Act 1972, Section 16.