



Local Land Charges Act 1975

1975 CHAPTER 76

Miscellaneous and supplementary

12 Office copies as evidence.

An office copy of an entry in [^{F1}the local land charges register] shall be admissible in evidence in all proceedings and between all parties to the same extent as the original would be admissible.

Textual Amendments

- F1** Words in s. 12 substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(5\)\(e\), Sch. 5 para. 10](#) (with [Sch. 5 Pt. 4](#))

13 Protection of solicitors, trustees etc.

A solicitor or a trustee, personal representative, agent or other person in a fiduciary position, shall not be answerable in respect of any loss occasioned by reliance on an erroneous official search certificate or an erroneous office copy of an entry in [^{F2}the local land charges register].

Textual Amendments

- F2** Words in s. 13 substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(5\)\(e\), Sch. 5 para. 11](#) (with [Sch. 5 Pt. 4](#))

Modifications etc. (not altering text)

- C1** S. 13 extended by [Administration of Justice Act 1985 \(c. 61, SIF 98:1\), s. 34\(2\)\(d\)](#)
- C2** S. 13 extended (01. 01. 1992) by [Administration of Justice Act 1985 \(c. 61, SIF 76:1\), s. 9, Sch. 2 para. 37\(d\)](#); [S.I. 1991/2683, art. 2.](#)
- C3** S. 13 extended (*prosp.*) by [Building Societies Act 1986 \(c. 53, SIF 16\), ss. 54\(3\)\(a\)\(5\), 119\(5\), 124, 126, Sch. 21 paras. 9\(d\), 12\(2\)\(3\)](#) (the said s. 124 which induces Sch. 21 being repealed (*prosp.*) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\), s. 125\(7\), Sch. 20](#))

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^{F3} 13A Specification of fees by registering authorities in England

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Textual Amendments

F3 S. 13A omitted (12.4.2015) by virtue of [Infrastructure Act 2015 \(c. 7\)](#), s. 57(5)(e), [Sch. 5 para. 12\(1\)](#) (with [Sch. 5 Pt. 4](#))

14 Rules.

(1) The Lord Chancellor may, with the concurrence of the Treasury as to fees, make rules for carrying this Act into effect and, in particular, rules—

- (a) for regulating the practice of [^{F4} the Chief Land Registrar] in connection with the registration of local land charges or matters which, when registered, become local land charges;
- (b) as to forms and contents of applications for registration, and the manner in which such applications are to be made;
- (c) as to the manner in which the land affected or to be affected by a local land charge is, where practicable, to be identified for purposes of registration;
- (d) as to the manner in which and the times at which registrable matters are to be registered;
- (e) as to forms and contents of requisitions for official searches and of official search certificates;
- (f) for regulating personal searches and related matters;
- [^{F5}(fa) as to the variation without an order of the court of the registration of a local land charge—
 - (i) on the application or with the consent of the person by whom it is enforceable, or
 - (ii) of the Chief Land Registrar's own motion;]
- [^{F6}(g) as to the cancellation without an order of the court of the registration of a local land charge—
 - (i) on its cesser,
 - (ii) on the application or with the consent of the person by whom it is or was enforceable, or
 - (iii) of the Chief Land Registrar's own motion;”, and]
- [^{F7}(h) for prescribing the fees to be paid to the Chief Land Registrar for services relating to local land charges provided by the Chief Land Registrar.]

(2) Without prejudice to the generality of subsection (1) above, the power to make rules under that subsection shall include

- [^{F8}(a)] power to make rules (with the concurrence of the Treasury as to fees) for carrying into effect the provisions of any statutory provision by virtue of which any matter is registrable in [^{F9} the local land charges register].
- [^{F10}(aa) power to make rules—
 - (i) prescribing different fees for different services or descriptions of service;
 - (ii) prescribing services or descriptions of service for which no fees are payable;]

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- [^{F11}(b) power to make rules about communications for the purposes of this Act, or any statutory provision by virtue of which any matter is registrable in the local land charges register, including rules as to—
- (i) the particular means of communication which may or must be used for such purposes (which may include an electronic means of communication),
 - (ii) the circumstances in which a particular means of communication may or must be used (which may be all circumstances, subject to exceptions);
 - (iii) the form or contents of anything sent using a particular means of communication;
- (ba) power to make rules requiring or enabling anything which is provided to or by the Chief Land Registrar for the purposes of this Act, or any statutory provision by virtue of which any matter is registrable in the local land charges register, to be provided in electronic form;
- (bb) power to make rules enabling the Chief Land Registrar, or a person providing services to the Chief Land Registrar, to determine—
- (i) any matter within paragraph (b), or
 - (ii) whether anything of the kind referred to in paragraph (ba) may or must be provided in electronic form; and]
- (c) power to make rules modifying the application of sections 10 and 11 above in cases where—
- (i) the rules provide for the making of a requisition for, or the issuing of, an official search certificate by electronic means, and
 - (ii) there has been any error or failure in those means.
- (3) The power to make rules under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F4** Words in s. 14(1)(a) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(5)(e), [Sch. 5 para. 13\(2\)\(a\)](#) (with [Sch. 5 Pt. 4](#))
- F5** S. 14(1)(fa) inserted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(5)(e), [Sch. 5 para. 13\(2\)\(b\)](#) (with [Sch. 5 Pt. 4](#))
- F6** S. 14(1)(g) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(5)(e), [Sch. 5 para. 13\(2\)\(c\)](#) (with [Sch. 5 Pt. 4](#))
- F7** S. 14(1)(h) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(5)(e), [Sch. 5 para. 13\(2\)\(d\)](#) (with [Sch. 5 Pt. 4](#))
- F8** “(a)” and paragraphs (b) and (c) inserted by the [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 158(2)
- F9** Words in s. 14(2)(a) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(5)(e), [Sch. 5 para. 13\(3\)\(a\)](#) (with [Sch. 5 Pt. 4](#))
- F10** S. 14(2)(aa) inserted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(5)(e), [Sch. 5 para. 13\(3\)\(b\)](#) (with [Sch. 5 Pt. 4](#))
- F11** S. 14(2)(b)-(bb) substituted for s. 14(2)(b) (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(5)(e), [Sch. 5 para. 13\(3\)\(c\)](#) (with [Sch. 5 Pt. 4](#))

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Modifications etc. (not altering text)

- C4** S. 14(1) certain functions transferred (31.12.2004) by [The National Assembly for Wales \(Transfer of Functions\) Order 2004 \(S.I. 2004/3044\)](#) , [art. 1\(2\)](#) , [Sch. 1](#) (with [art. 3](#))
- C5** S. 14(1) function deemed to have been transferred by S.I. 2004/3044 and 2006 c. 32, Sch. 11 (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#) , [s. 57\(5\)\(e\)](#) , [Sch. 5 para. 13\(4\)-\(6\)](#) (with [Sch. 5 Pt. 4](#))

15 Expenses.

There shall be paid out of money provided by Parliament—

- (a) any administrative expenses incurred by a Minister of the Crown or government department in consequence of this Act;
- (b) any expenditure incurred by a Minister of the Crown or government department in the payment of any amount recoverable from him or them under this Act by [^{F12} the Chief Land Registrar];
- (c) any increase attributable to this Act in the sums so payable under any other Act.

Textual Amendments

- F12** Words in [s. 15\(b\)](#) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#) , [s. 57\(5\)\(e\)](#) , [Sch. 5 para. 14](#) (with [Sch. 5 Pt. 4](#))

16 Interpretation.

- (1) In this Act, except where the context otherwise requires—

^{F13}
...

“the court” means the High Court, or the county court in a case where the county court has jurisdiction;

“land” includes mines and minerals, whether or not severed from the surface, buildings or parts of buildings (whether the division is horizontal, vertical or made in any other way) and other corporeal hereditaments;

“official search certificate” means a certificate issued pursuant to section 9(4) above;

“the originating authority”, as respects a local land charge, has the meaning provided by section 5(4) above;

“personal search” means a search pursuant to section 8 above;

“prescribed” means prescribed by rules made under section 14 above;

^{F13}
...

“statutory provision” means a provision of this Act or of any other Act or Measure, whenever passed, or a provision of any rules, regulations, order or similar instrument made (whether before or after the passing of this Act) under an Act, whenever passed.

- [^{F14}(1A) Any reference in this Act to an office copy of an entry includes a reference to the reproduction of an entry in a register kept [^{F15} in electronic] form.]

- (2) Except in so far as the context otherwise requires, any reference in this Act to an enactment is a reference to that enactment as amended, extended or applied by or under any other enactment, including this Act.

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Textual Amendments

- F13** Words in s. 16(1) omitted (12.4.2015) by virtue of [Infrastructure Act 2015 \(c. 7\), s. 57\(5\)\(e\)](#), [Sch. 5 para. 15\(2\)](#) (with [Sch. 5 Pt. 4](#))
- F14** S. 16(1A) inserted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\), s. 34\(e\)](#)
- F15** Words in s. 16(1A) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\), s. 57\(5\)\(e\)](#), [Sch. 5 para. 15\(3\)](#) (with [Sch. 5 Pt. 4](#))

17 Amendments of other statutory provisions.

(1) The ^{M1}Land Charges Act 1972 shall be amended as follows:—

(a) for section 1(3) there shall be substituted—

“(3) Where any charge or other matter is registrable in more than one of the registers kept under this Act, it shall be sufficient if it is registered in one such register, and if it is so registered the person entitled to the benefit of it shall not be prejudicially affected by any provision of this Act as to the effect of non-registration in any other such register.

(3A) Where any charge or other matter is registrable in a register kept under this Act and was also, before the commencement of the Local Land Charges Act 1975, registrable in a local land charges register, then, if before the commencement of the said Act it was registered in the appropriate local land charges register, it shall be treated for the purposes of the provisions of this Act as to the effect of non-registration as if it had been registered in the appropriate register under this Act ; and any certificate setting out the result of an official search of the appropriate local land charges register shall, in relation to it, have effect as if it were a certificate setting out the result of an official search under this Act.”

(b) in section 2(4) and in section 2(5) the words “(not being a local land charge)” shall be inserted after “any of the following”.

(2)

Modifications etc. (not altering text)

- C6** The text of s. 17(1)(a)(b), 17(2), 19(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** [1972 c.61](#)

18 Power to amend local Acts.

(1) Subject to the provisions of this section, the Lord Chancellor may by order made by statutory instrument repeal or amend any relevant local Act provision that appears to him to be inconsistent with, or to require modification in consequence of, any provision of this Act.

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- (2) For the purposes of this section, a relevant local Act provision is a provision—
- (a) contained in any local Act passed before this Act, and
 - (b) providing for any matter to be, or to be registered as, a local land charge or otherwise requiring or authorising the registration of any matter in a local land charges register.
- (3) An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament and may be varied or revoked by a subsequent order under this section.
- (4) Before making an order under this section the Lord Chancellor shall consult any local authority appearing to him to be concerned.

19 Repeals and transitional provisions.

- (1) The enactments specified in Schedule 2 to this Act (which include certain spent provisions) and the instrument there specified are hereby repealed to the extent specified in the third column of that Schedule.
- (2) Nothing in this Act shall operate to impose any obligation to register or apply for the registration of any local land charge within the meaning of this Act which immediately before the commencement of this Act was by virtue of subsection (7)(b)(i) of section 15 of the ^{M2}Land Charges Act 1925 not required by that section to be registered as a local land charge, except after the expiration of one year from the commencement of this Act; and a purchaser shall not be entitled to compensation under section 10 above by virtue of section 10(1)(a) or, where the charge was not registered at the time of the search, section 10(1)(b) in respect of a local land charge which at the time of the search was not required to be registered.
- ^{F16}(3)
- (4) ^{F17}... nothing in this Act shall render enforceable against any purchaser whose purchase was completed before the commencement of this Act any local land charge which immediately before the commencement of this Act was not enforceable against him.

Textual Amendments

- F16** S. 19(3) repealed (13.10.2003) by [Land Registration Act 2002 \(c. 9\)](#), s. 136(2), **Sch. 13** (with s. 129, [Sch. 12 para. 1](#)); [S.I. 2003/1725](#), art. 2(1)
- F17** Words in s. 19(4) omitted (12.4.2015) by virtue of [Infrastructure Act 2015 \(c. 7\)](#), s. 57(5)(e), **Sch. 5 para. 16** (with [Sch. 5 Pt. 4](#))

Modifications etc. (not altering text)

- C7** The text of s. 17(1)(a)(b), 17(2), 19(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M2** [1925 c. 22](#).

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20 Short title etc.

- (1) This Act may be cited as the Local Land Charges Act 1975.
- (2) This Act binds the Crown, but nothing in this Act shall be taken to render land owned by or occupied for the purposes of the Crown subject to any charge to which, independently of this Act, it would not be subject.
- ^{F18}(3)
- (4) This Act extends to England and Wales only.

Textual Amendments

F18 S. 20(3) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 12](#)

Modifications etc. (not altering text)

C8 Power of appointment conferred by s. 20(3) fully exercised: 1.8.1977 appointed by [S.I. 1977/984](#), [art. 2](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act modified by [2023 asc 3 s. 22\(6\)](#)
- Act modified by [2023 asc 3 s. 77\(3\)](#)