



Land Registration Act 2002

2002 CHAPTER 9

PART 5

CHARGES

Relative priority

49 Tacking and further advances

- (1) The proprietor of a registered charge may make a further advance on the security of the charge ranking in priority to a subsequent charge if he has not received from the subsequent chargee notice of the creation of the subsequent charge.
- (2) Notice given for the purposes of subsection (1) shall be treated as received at the time when, in accordance with rules, it ought to have been received.
- (3) The proprietor of a registered charge may also make a further advance on the security of the charge ranking in priority to a subsequent charge if—
 - (a) the advance is made in pursuance of an obligation, and
 - (b) at the time of the creation of the subsequent charge the obligation was entered in the register in accordance with rules.
- (4) The proprietor of a registered charge may also make a further advance on the security of the charge ranking in priority to a subsequent charge if—
 - (a) the parties to the prior charge have agreed a maximum amount for which the charge is security, and
 - (b) at the time of the creation of the subsequent charge the agreement was entered in the register in accordance with rules.
- (5) Rules may—
 - (a) disapply subsection (4) in relation to charges of a description specified in the rules, or

Changes to legislation: There are currently no known outstanding effects for the Land Registration Act 2002, Section 49. (See end of Document for details)

- (b) provide for the application of that subsection to be subject, in the case of charges of a description so specified, to compliance with such conditions as may be so specified.
- (6) Except as provided by this section, tacking in relation to a charge over registered land is only possible with the agreement of the subsequent chargee.

Modifications etc. (not altering text)

- C1** S. 49(3)(b) modified (13.10.2003) by [The Land Registration Act 2002 \(Transitional Provisions\) Order 2003 \(S.I. 2003/1953\)](#), [art. 25](#); [S.I. 2003/1725](#), [art. 2\(1\)](#)

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