



Charities Act 2011

2011 CHAPTER 25

PART 7

CHARITY LAND

Restrictions on mortgages of land in England and Wales

126 Mortgages of charity land and land registration

- (1) Where the mortgage referred to in section 125(1) will be a registrable disposition, the statement required by section 125(1) must be in such form as may be prescribed by land registration rules.
- (2) Where any such mortgage will be one to which section 4(1)(g) of the Land Registration Act 2002 applies—
 - (a) the statement required by section 125(1) must be in such form as may be prescribed by land registration rules, and
 - (b) if the charity is not an exempt charity, the mortgage must also contain a statement, in such form as may be prescribed by land registration rules, that the restrictions on disposition imposed by sections 117 to 121 apply to the land (subject to section 117(3)).
- (3) Where—
 - (a) the registrar approves an application for registration of a person's title to land in connection with such a mortgage as is mentioned in subsection (2),
 - (b) the mortgage contains statements complying with section 125(1) and subsection (2), and
 - (c) the charity is not an exempt charity,the registrar must enter in the register a restriction reflecting the limitation under sections 117 to 121 on subsequent disposal.

Changes to legislation: Charities Act 2011, Section 126 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (4) Subsections (3) and (4) of section 123 (removal of entry) apply in relation to any restriction entered under subsection (3) as they apply in relation to any restriction entered under section 123(2).

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 106(1)-(1B) substituted for s. 106(1) by [2022 c. 6 s. 16\(a\)](#)
- s. 322(2)(ea) inserted by [2022 c. 6 Sch. 2 para. 26](#)
- s. 331A331B and cross-heading inserted by [2022 c. 6 s. 15](#)