



## HM Land Registry

Government  
response to  
consultation on  
the draft Local  
Land Charges  
Rules

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# 1. Introduction

Local land charges are generally charges or restrictions on land usually imposed by public authorities under statutory powers and affecting successive owners and occupiers of the land. There is a legal obligation to register local land charges.

The Infrastructure Act 2015 provides for the transfer of responsibility for local land charges in England and Wales from local authorities to HM Land Registry. Whilst the Local Land Charges Rules 2018 will apply to England and Wales, at this stage they will be introduced incrementally throughout England only. Any transfer of the service in Wales to the Chief Land Registrar will take place at a later date. This is subject to agreement between HM Land Registry and the Welsh Government.

In today's world it is crucial that public services are available online. Customers expect to be able to access government information online without delay or complication and for a reasonable fee. Government is committed to meeting those expectations, and creating a national Local Land Charges Service would be another step towards achieving those objectives. The Government is currently analysing feedback to its call for evidence on improving the home buying and selling process that closed on 17 December 2017.

With a track record for modernising land related systems, and a continually evolving digitisation programme, HM Land Registry is well placed to deliver the national Local Land Charges Service.

A single digital register held by a single provider will reduce overheads and eliminate regional variations in the speed, format and costs of the local land charges service. It will make the local land charges system fit for purpose in a digital era. The benefits to consumers and business will include:

## **(a) digitisation of data improving customer access and resilience**

A single electronic point of access to local land charges data, and standard procedures, will improve data accessibility for all involved in purchase transactions. The digitisation of the local land charge service means that customers (both citizens and personal search companies) will be able to access the service online, rather than having to travel to local authority offices to perform a manual search of records. We intend that customers will be able to order automated official searches, in much the same way as they can currently order official searches of HM Land Registry's title register.

A single digital register, where the local land charge records are cleansed prior to being entered on the register, will provide the overall service with greater resilience and robustness

## **(b) a quicker turnaround time**

Customers of the existing local land charge service experience turnaround times between one and over thirty days. Digitisation of the local land charge service means that customers will be able to access the service online. Applications for local

land charge searches will be through existing HM Land Registry channels, via Business Gateway, Portal and GOV.UK. rather than having to often travel to local authority offices to perform a manual search of records.

**(c) a price reduction for customers**

By standardising processing costs, HM Land Registry will also eliminate the current variation in price which vary greatly from authority to authority. Although this will take time, ultimately the reduced overheads will mean a lower fee for the customer which will be passed on via lower disbursement to consumers and businesses and the standardised process means that fees will not differ based on location.

To implement the changes, secondary legislation is required. In May 2016 HM Land Registry published a consultation seeking views on the draft Local Land Charges Rules 8. The consultation closed on 11 July 2016.

A Summary of Responses was published on 4 October 2016.

This document is the Government response to the consultation following detailed analysis of the responses received and continued engagement with stakeholders.

It is intended that the national Local Land Charges Service will sit alongside HM Land Registry's existing services. It will form part of HM Land Registry's core operations under its statutory functions of keeping the Register of Title to freehold and leasehold property for England and Wales, the Land Charges and Agricultural Credits Registers.

## **2. Conducting the consultation exercise**

The consultation was primarily aimed at HM Land Registry customers, stakeholders and others who have an interest in the property sector.

In accordance with Government Digital Service guidelines the consultation was added to the GOV.UK website and a link provided to the online consultation platform for users to register and respond.

The launch of the consultation was announced on HM Land Registry's GOV.UK page and also on social media.

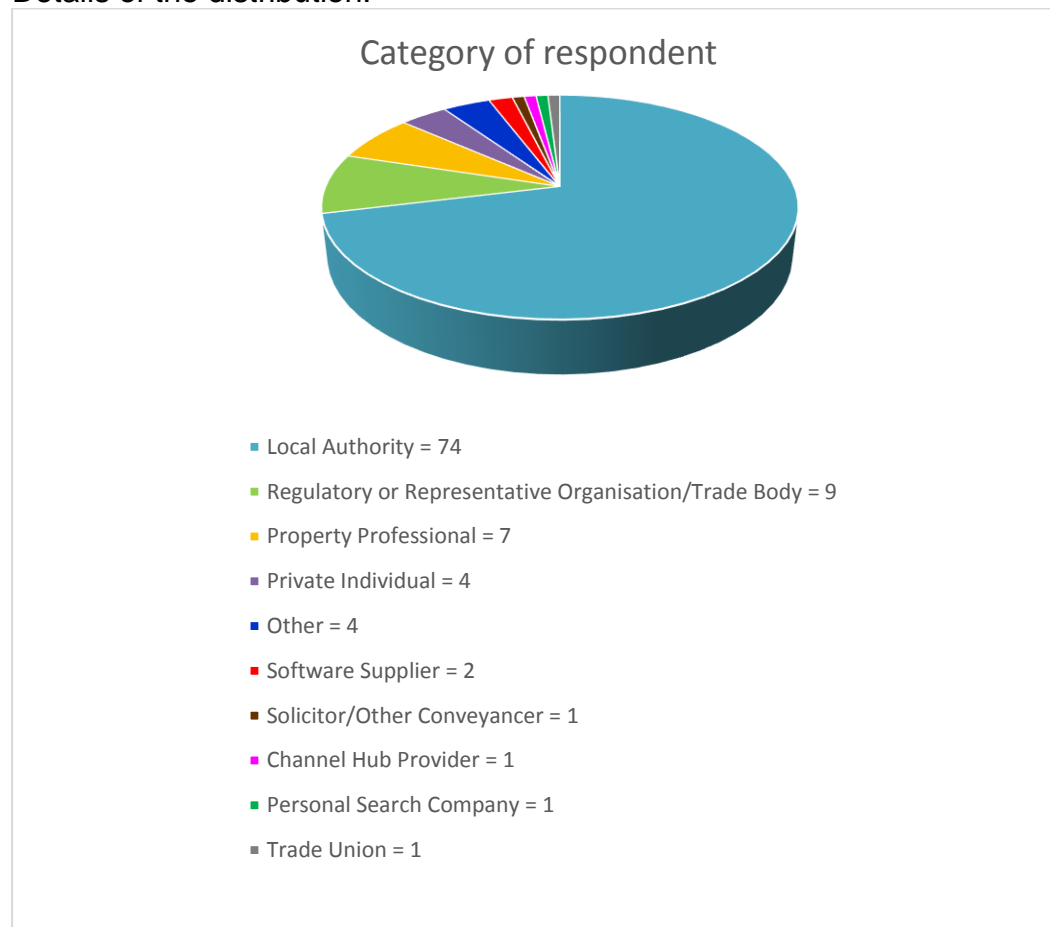
The online consultation platform was used to invite a list of stakeholders to take part. HM Land Registry channels, social media and the online platform were used to promote the consultation during the consultation period.

### 3. Statistical analysis of responses

We received 104 written responses to the consultation. [Annex 2](#) contains a list of respondents.

The majority were received via the online consultation platform, and a handful by email in a free format so they could provide further comment and/or concentrate on particular questions. Some respondents chose to answer only some of the questions or provided further detail within responses to other questions. All responses have been considered.

Details of the distribution:



## 4. Summary of responses received and response

**Question 1 - Do you agree with the requirements for applications for registration of charges (other than light obstruction notices) being those set out in rule 3?**

Response	Number	Percentage of total	Of those who responded
Yes	44	42%	51%
No	43	41%	49%
No answer	17	17%	

The responses to this question were mixed. Some respondents felt the level of detail required was right whilst others felt more information should be included. Suggestions as to the additional information that might be included were given in response to question 5.

Some respondents also expressed concern in respect of the lack of detail provided as to the means and form of electronic communication and stated that this made it difficult to give an informed response.

Several responses also stated that the means and form of electronic communication should be agreed with local authorities.

### **Government response**

No clear preference emerged from the consultation responses. However, the national Local Land Charges Service design is ongoing and will be centred upon user need and input. It is not therefore possible at this point to specify the electronic means of communication that will have to be used. The views of all stakeholders (including local authorities, other originating authorities and customers) will be sought and taken into account as part of the national Local Land Charges Service design. Once this work has been completed, the Chief Land Registrar will determine the means and form of electronic communication that must be used to apply to register a charge.

Suggestions as to additional information that might be included on the registration of a charge are addressed in the response to question 5.

**Question 2 - Do you agree that it should not be compulsory to apply electronically to register a light obstruction notice but that a paper application (using Form A) may be made instead?**

Response	Number	Percentage of total	Of those who responded
Yes	52	50%	68%
No	24	23%	32%
No answer	28	27%	

Many respondents felt that their lack of involvement with light obstruction notices meant that they could not express a view.

Some of the respondents that did express a view felt that whilst electronic delivery should be the default position, the alternative for paper applications was important so as not to disadvantage those not having access to electronic systems, or in circumstances where supporting material cannot easily be supplied electronically.

Other respondents felt that paper applications should not be provided, on the basis that an electronic only service would be simpler and more efficient.

**Government response**

Most of those who responded agreed that it should not be compulsory to apply electronically. Applications to register light obstruction notices as local land charges are not made in many local authority areas and as such a significant number of respondents did not feel able to comment in detail on this rule. Light obstruction notices are also different from other forms of local land charges in that they are not concerned with public administration. As a result, applications to register light obstruction notices will not be made by a public body but rather by private individuals (or at least solicitors, or other conveyancers, acting on their behalf). It is also necessary to provide accompanying documents on application for the registration of a light obstruction notice that are not required for other charges. It is not therefore considered that it would be reasonable or practicable to require all such applications of this kind to be made using an electronic means of communication. It will, however, be possible for a person who wishes to apply using an electronic means of communication to do so. The ability for light obstruction notices to be made either by paper or electronic format was supported by the majority of respondents and HM Land Registry will make this facility available.



### Question 3 - Do you agree to continue having a prescribed Form A?

Response	Number	Percentage of total	Of those who responded
Yes	57	55%	83%
No	12	11%	17%
No answer	35	34%	

The majority of respondents thought that it was beneficial to continue having a prescribed Form A to:

- Provide consistency of information
- Provide a clear procedure that is easy to follow
- Retain familiarity

Some respondents felt unable to express an opinion as they had little or no experience with light obstruction notices.

A small number felt that applications should be made or encouraged to be made electronically.

#### **Government response**

A significant majority agreed to the continuance of a prescribed Form A. The Rights of Light Act 1959 does not require that application for registration of a light obstruction notice be in Form A (or in any other prescribed form). Continuing to have a prescribed form should help ensure that all the information required by the Chief Land Registrar is sent and is presented in such a manner as to facilitate processing of the application. It is intended to make provision for application by an electronic means of communication to be made using an electronic equivalent of Form A, to provide applicants with the most convenient method of applying for registration of this type of charge.

### Question 4 - Do you think that the wording of the Form A in these draft Local Land Charges Rules should be changed in any way?

Response	Number	Percentage of total	Of those who responded
Yes	17	16%	27%
No	46	44%	73%
No answer	41	40%	

Some respondents felt unable to express an opinion as they had little or no experience with light obstruction notices.

Only a limited number of comments were received but suggestions were made for amendments to the form including the need to make clear that a corporate entity can apply.

### **Government response**

Whilst the majority of respondents to the consultation stated that Form A should not be changed we have taken on board the feedback in relation to corporate entities. As a consequence Form A will be amended to make clear that a corporate entity may apply for registration of a light obstruction notice and to make the instructions for completion of the form clearer.

### **Question 5 - Do you agree that the digital local land charges register should contain all the particulars referred to in Schedule 1, and nothing more?**

<b>Response</b>	<b>Number</b>	<b>Percentage of total</b>	<b>Of those who responded</b>
Yes	30	29%	33%
No	60	58%	67%
No answer	14	13%	

Some respondents felt that the level of detail included in the register should be more comprehensive. One respondent commented that the level of information provided should be sufficient to ensure that conveyancers are not routinely directed back to the local or other authority to obtain required information.

Several respondents queried the removal of the 12 parts of the register and suggested that this would make it more difficult to establish the type of charge.

Many local authority respondents expressed concern that they and not HM Land Registry would hold the documents that constituted or comprised the charge and that the cost of dealing with queries arising from search results and / or providing copy documents would therefore fall on them.

Some local authorities commented on the financial burden that not replicating the current rule 7 of the Local Land Charges Rules 1977 would create, as this would require the transfer of data from other registers to the local land charges register.

A number of respondents expressed concern in relation to the proposals for the identification of the land affected by the charge, suggesting that it would not be possible to provide a meaningful postal address in all circumstances and also stating that relying on a spatial polygon footprint would not reveal where a charge only affected, for example, a single flat in a building.

Suggestions as to the additional information that might be included were:

- The date of the decision or agreement
- The decision code
- Details of legislation under which the charge arose
- Details as to where documents are located / may be located
- Further particulars for specific financial charges

It was also suggested that there should be the capacity to add miscellaneous additional information.

### **Government response**

We received a wide range of responses to this question which have been valuable in determining what the particulars of registration should be (and therefore what information will be contained in search results) in future. All of the comments received will be considered as part of the national Local Land Charges Service design.

We have decided to keep the particulars of registration for all charges (other than specific financial charges – see Question 6) the same as proposed in the consultation. We are aware of the need to try to ensure that the information included as part of the ‘Description of charge’ is as detailed as practicable, to ensure that search results provide the level of detail that customers will require and to avoid further enquiries being unnecessarily made of local authorities. The responses to the consultation emphasised this requirement. We also recognise that there is significant variation in the amount of data currently held on local land charges registers by local authorities. We continue to work with all stakeholders to ensure that the appropriate amount of information will be included in the local land charges register. This work will also form part of the national Local Land Charges Service design. We do, however, recognise that in some cases, customers will need to obtain documents from or make further enquiries of a local authority, or other originating authority, as they do now.

Further work will be undertaken as part of the national Local Land Charges Service design to ascertain whether it will be of assistance to customers for charges revealed on official search certificates to be classified according to type. A significant number of respondents suggested this would be useful. The current 12 parts of the local land charges register will not be carried forward.

A number of respondents queried the requirement to provide a postal address for each charge and whether this would be possible. The requirement is not to provide a postal address but rather either a postal address or verbal description of the land affected by a charge.

So where no postal address exists for the land affected by the charge no postal address need be provided.

When an official search is made, the official search certificate will reveal all charges registered as affecting the footprint of the land searched against. It is intended that the requirement to provide an address or verbal description of the land should ordinarily enable the recipient of a search result to more clearly identify the land affected by any charges. This would be particularly useful in the case of flats and large, complex areas such as shopping centres. The intention is that this will be of use to customers and not too onerous for local authorities or other originating authorities to supply, as each charge will affect a specified area of some description.

Some queries were raised relating to the current 'rule 7' not being brought forward into the new rules and wider stakeholder engagement has also provided arguments both in favour of retaining this rule and in favour of removing it. At present our research indicates that there are only about 16 local authorities relying on rule 7. We have decided to proceed as stated in the consultation and not have an equivalent of this rule. We believe this will enable the policy aim of standardisation to be best met. Were we to replicate the current rule 7, we believe that this could result in a poorer service for customers who, in some areas, would routinely have to access other statutory registers to obtain the particulars of registration, where they do not currently have to do so.

A number of respondents from local authorities suggested that the cost of data preparation would be higher where rule 7 is currently used and this is being considered as part of the ongoing new burdens assessment work.

A number of respondents mentioned potential costs to local authorities. Government has issued new burdens guidelines. We have established a New Burdens Working Group to consider a number of areas including IT, data preparation, migration support, applications to register new charges, and the variation or cancellation of existing registrations.

Finally, we acknowledge that some respondents felt that HM Land Registry should hold all of the documents relating to local land charges and in particular those documents that constitute or comprise the charge. HM Land Registry will generally only hold documents relating to light obstruction notices. We believe that for HM Land Registry to hold copies of all the documents that constituted or comprised the local land charge would lead to unnecessary duplication of documents that are held by local authorities and other originating authorities. A significant number of these documents are already accessible online, and over time even more will become electronically available. These documents are currently held for a range of purposes and comprise or constitute the charge itself and so we believe these should remain with the body that created them. We intend, as part of the national Local Land Charges Service design, to explore opportunities to provide customers with a simplified route to access any documents they may require.

**Question 6 - Do you agree that it is not necessary to include the additional particulars of registration for specific financial charges?**

Response	Number	Percentage of total	Of those who responded
Yes	21	20%	24%
No	67	65%	76%
No answer	16	15%	

Some respondents expressed the view that it was not necessary to include any additional particulars of registration for specific financial charges, as the current additional particulars of registration under Local Land Charges Rules 1977 were often not entered or updated. Additionally, it was always likely that it would prove necessary to contact the originating authority for further information.

Other respondents thought that all the current additional particulars of registration should be retained.

However, the vast majority of respondents stated that the particulars of registration for a charge of this type should include the amount originally secured and the rate of interest (if any).

**Government response**

In advance of the consultation, stakeholders had expressed conflicting views in relation to whether the additional particulars of registration for specific financial charges required under the Local Land Charges Rules 1977 (these being the “Amount of Charge and rate of interest (if any)” and “Date of last payment and balance of charge then outstanding”) served any purpose. It was suggested by some that these additional particulars of registration were often not currently entered in the register or kept up to date and also that a conveyancer acting in relation to a transaction where a specific financial charge was revealed as affecting the property invariably had to contact the local authority for further information, regardless of the information included in the register. Others suggested that these particulars (or at least the amount of charge) served a useful purpose in providing an initial indication of the amount likely to be required to discharge the charge.

Consequently, the consultation specifically asked for views as to whether it was necessary to include additional particulars of registration for specific financial charges. Again, similar responses were received.

However, as a clear majority of respondents considered that the particulars of registration for a charge of this type should include the “amount originally secured and the rate of interest (if any)” the rules will be amended accordingly to require these particulars of registration to be entered in the register for charges of this type. The particulars will not include the “date of last payment and balance of charge then outstanding”.

**Question 7 - Do you agree with the proposals for variation and cancellation of registrations of charges in the register (other than those in respect of light obstruction notices)?**

Response	Number	Percentage of total	Of those who responded
Yes	22	21%	25%
No	67	64%	75%
No answer	15	15%	

Most respondents disagreed with the proposals, stating that the Chief Land Registrar should not be able to cancel or vary a registration without the consent of the relevant originating authority.

Other respondents thought that the Chief Land Registrar should be obliged to notify the relevant originating authority before the Chief Land Registrar cancelled or varied a registration other than on the application of the originating authority.

Others thought that the Chief Land Registrar should not have the power to cancel or to vary a registration at all.

**Government response**

Most respondents disagreed with the proposals, stating that the Chief Land Registrar should not be able to cancel or vary a registration without the consent of the relevant originating authority. The primary legislation (the Local Land Charges Act 1975, as amended by paragraph 13 of Schedule 5 to the Infrastructure Act 2015), expressly confers power to make rules as to the variation or cancellation of a local land charge by the Chief Land Registrar of his or her own motion.

However, as explained in the notes to draft rule 6 in the consultation, it is not envisaged that the Chief Land Registrar will cancel a registration of his or her own motion save in exceptional circumstances – for example, where the person entitled to enforce the charge is not identifiable. If it is not possible to identify the person by whom the charge is enforceable then it will not of course be possible to serve notice on that person or to agree the cancellation or variation of the registration with that person, as suggested by a number of respondents.

It is recognised that the Chief Land Registrar will not usually have the information to determine whether or not a registration should be cancelled or varied and that in most circumstances a registration should therefore only be varied or cancelled pursuant to an application by the person entitled to enforce the charge.

It is envisaged this power would only be used if all other options had been exhausted.

We believe this clarification will provide reassurance to respondents as to the anticipated scope for using this rule.

**Question 8 - Do you agree with the proposals for variation and cancellation of registrations in respect of light obstruction notices?**

Response	Number	Percentage of total	Of those who responded
Yes	37	36%	66%
No	19	18%	34%
No answer	48	46%	

A majority of respondents agreed with the proposals, some saying that they were similar to the existing rules.

Other respondents felt unable to express an opinion as they had little or no experience with light obstruction notices.

**Government response**

Most respondents agreed. The terms of this rule are substantially the same as those parts of rule 10 of the Local Land Charges Rules 1977, as they are provisions effectively required by the Rights of Light Act 1959. We have not therefore made any further amendments to this rule.

**Question 9 - Do you agree to continue having a prescribed Form B?**

Response	Number	Percentage of total	Of those who responded
Yes	44	42%	79%
No	12	12%	21%
No answer	48	46%	

As with responses to question 3 relating to the proposed Form A, where a respondent expressed a view, the majority thought it beneficial to continue having a prescribed Form B.

Some respondents felt unable to express an opinion as they had little or no experience with light obstruction notices.

### **Government response**

Most respondents agreed. The Rights of Light Act 1959 does not require that application for the variation or cancellation of a registration in respect of light obstruction notices be in Form B (or in any other prescribed form). However, a majority of respondents supported the proposal to continue having a prescribed Form B and continuing to have a prescribed form should help ensure that all the information required by the Chief Land Registrar is sent and is presented in such a manner as to facilitate processing of the application.

### **Question 10 - Do you think that the wording of the Form B in these draft Local Land Charges Rules should be changed in any way?**

<b>Response</b>	<b>Number</b>	<b>Percentage of total</b>	<b>Of those who responded</b>
Yes	21	20%	38%
No	34	33%	62%
No answer	49	47%	

Some respondents felt unable to express an opinion as they had little or no experience with light obstruction notices.

Most of those who did comment repeated the comments given in the response to question 4 in the response to this question.

### **Government response**

Some respondents felt unable to express an opinion to this question as they had little or no experience with light obstruction notices. However, in line with the changes we intend to make to Form A (referred to at question 4), Form B will also be amended to make clear that a corporate entity may apply to vary or cancel the registration of a light obstruction notice.

### **Question 11 - Do you agree with the proposal for notification and cancellation for general charges?**

<b>Response</b>	<b>Number</b>	<b>Percentage of total</b>	<b>Of those who responded</b>
Yes	41	39%	55%
No	34	33%	45%
No answer	29	28%	



Some respondents queried whether the reference to general charge should be to “general financial charge”.

Several respondents expressed concern in relation to the automatic cancellation of Community Infrastructure Levy charge registrations after 15 months, as it was stated that it may take several years until the amount of the charge becomes clear.

### **Government response**

Most respondents agreed with this proposal. The reference in draft rule 8(2) to “general charge” is followed by a reference to section 6 of the Local Land Charges Act 1975. The term must therefore have the same meaning as it does in the Local Land Charges Act 1975. However, in view of the decision to provide for additional particulars of registration for specific financial charges, it is necessary to amend the draft rules to define what “specific financial charge” means, as that term will need to be used in Schedule 1 where the particulars of registration are set out. That definition will accord with the definition contained in the Local Land Charges Rules 1977.

The Local Land Charges Act 1975 requires that the period within which a general charge shall be cancelled after the date on which the specific charge comes into existence must be specified (and must not be less than one year). The period of 15 months remains the same as that prescribed under the Local Land Charges Rules 1977.

General charges will not be cancelled 15 months after the date of registration but rather 15 months after the date when the specific charge comes into existence. It would not therefore appear to matter for the purpose of rule 8 how long it will take for the amount of the charge to become known, as the possibility of automatic cancellation will only arise 15 months after the date when the specific charge comes into existence.

### **Question 12 - Do you agree with the proposal for personal searches?**

<b>Response</b>	<b>Number</b>	<b>Percentage of total</b>	<b>Of those who responded</b>
Yes	44	42%	59%
No	31	30%	41%
No answer	29	28%	

A number of respondents stated that the proposals would bring no real benefit as personal search agents would still attend local authority offices for CON 29 purposes.

Some respondents were of the view that HM Land Registry must hold all the documents necessary to deal with queries arising from searches.

It was also suggested that the extent of the land that can be searched against should be limited.

### **Government response**

Most respondents agreed with this proposal. The consultation was on the draft Local Land Charges Rules, rather than CON 29 searches, however we acknowledge that the two parts of what is commonly known as a “local authority search” are usually completed together.

Applications for personal searches must be made in electronic format, however HM Land Registry will provide all of the appropriate support required for those unable to use an electronic service via Assisted Digital support. This will form a key part of the national Local Land Charges Service design.

As a result of comments made in a number of responses, we will be making amendment to rule 9 to mirror rule 10(2). This will enable the search extent to be limited to an extent that is not so large as to interfere with the running of the proposed national Local Land Charges Service, as will be the case for official searches. To reiterate what we said in the consultation document, we intend that this rule will not impact on the ability to search an area in the majority of cases and would be used only where an application is made for an exceptionally large area of land. Clear guidance will be provided in advance of the new rules coming into effect to ensure customers know in advance of a search being made whether there is likely to be any difficulty in this respect.

We acknowledge that some respondents felt that HM Land Registry should hold all documents relating to local land charges and this is covered in our response to question 5.

### **Question 13 (a) - Do you agree with the provision made in respect of official searches?**

<b>Response</b>	<b>Number</b>	<b>Percentage of total</b>	<b>Of those who responded</b>
Yes	42	40%	51%
No	41	40%	49%
No answer	21	20%	

Responses to this question were mixed.

Several respondents expressed concern in relation to the inability to know in advance of a search being made what the maximum area of land was that could be searched against.

Some respondents also suggested that problems may arise if an applicant needed to submit more than one set of CON 29 enquiries when only one LLC1 application would be required.

A few respondents expressed the view that an alternative to electronic search application should be provided.

A few respondents also suggested that under current proposals a quicker service would not be achieved as any queries would be referred back to the relevant local authority.

### **Government response**

Opinion was divided in the responses. The limitation on the extent of the land that may be the subject of a single search is only intended to apply where application is made in respect of an exceptionally large area of land. Clear guidance will be provided in advance of the new rules coming into effect to ensure customers know in advance of a search being made whether there is likely to be any difficulty in this respect.

Applications for official searches must be made in electronic format, however HM Land Registry will provide all of the appropriate support required for those unable to use an electronic service via Assisted Digital support. This will form a key part of the national Local Land Charges Service design.

We have carefully considered the points raised regarding the possible difference in search areas between the local land charges search and the CON 29 enquiries (which will be made of the relevant local authority). We acknowledge there will be a change to processes with local land charges searches and CON 29 enquiries being obtained from different places. We do not believe this will lead to difficulty for customers in terms of defining the search area. Even if made as part of a “local authority search”, the LLC1 and CON 29 enquiries are separate and distinct; only the LLC1 is a statutory service. It is not clear why an applicant should be made to pay more and make a series of LLC1 applications simply because more than one set of CON 29 enquiries may need to be submitted in respect of the same area of land.

### **Question 13(b) - In particular do you agree with what is required of applicants and what the official search certificate must contain?**

<b>Response</b>	<b>Number</b>	<b>Percentage of total</b>	<b>Of those who responded</b>
Yes	38	36%	49%
No	39	38%	51%
No answer	27	26%	

A mixed response was also received to this question. Many of the comments received in the responses to question 13(a) were repeated in responses to this question. Where separate comments were provided, they followed the themes referred to in response to the previous question.

#### **Government response**

A mixed response was also received to this question. Many of the comments received in the responses to question 13(a) were repeated in responses to this question. Where separate comments were provided, they followed the themes referred to in response to the previous question.

#### **Question 14 - Do you have comments on the proposed restriction contained in paragraph (2)?**

Many respondents expressed similar views to those given in response to question 13(a) stating that the maximum area of the land that can be searched should be defined.

The view was also again expressed that because an LLC1 application is generally made alongside of the submission of CON 29 enquiries as part of one “local authority search” there should be commonality in relation to the area.

Concerns were also expressed by a few respondents that allowing searches against a large extent of land may encourage speculative trawls or data banking.

#### **Government response**

Please see responses to question 12 and question 13(a).

We are considering the comments received around access to data, to inform the development of our open data policy for local land charges.

#### **Question 15 - Do you agree with the proposal for destruction of documents?**

<b>Response</b>	<b>Number</b>	<b>Percentage of total</b>	<b>Of those who responded</b>
Yes	68	65%	85%
No	12	12%	15%
No answer	24	23%	

A large majority of respondents agreed with the proposals for the destruction of documents.

Some respondents commented on how they felt the process should operate.

Others felt that paper copies of documents should be retained by HM Land Registry either indefinitely or for a set period.

### **Government response**

A significant majority of those responding agreed to this proposal. It is very difficult to see what, if anything, would be achieved by requiring that documents only be destroyed after a certain period of time had elapsed and so we do not intend to do so. Documents will be scanned before they are destroyed and, in the rare circumstances documents are lodged, there will be no obligation for these to be originals.

Save for applications relating to light obstruction notices, it will not usually be necessary to send any documents to the Chief Land Registrar in relation to a local land charges application.

### **Question 16 - Do you think that there are any other types of documents that are likely to be kept by the Chief Land Registrar in respect of which it ought to be possible to apply for copies?**

<b>Response</b>	<b>Number</b>	<b>Percentage of total</b>	<b>Of those who responded</b>
Yes	53	51%	65%
No	29	28%	35%
No answer	22	21%	

A majority of respondents thought that there were other types of documents that HM Land Registry should keep.

Some had the view that HM Land Registry should retain copies of all documents relating to local land charges.

Others questioned what documents HM Land Registry would actually hold when the new service is operational and who would be responsible for issuing copy documents.

### **Government response**

A majority of respondents thought that there were other types of documents that HM Land Registry should keep. We also acknowledge that some respondents felt that HM Land Registry should hold all of the documents relating to local land charges and in particular those documents that constitute or comprise the charge. We will generally only hold documents relating to light obstruction notices. We believe that for HM Land Registry to hold copies of all the documents that constituted or comprised the local land charge would lead to unnecessary duplication of documents that are held by local authorities and other originating authorities. A significant number of these documents are already accessible online and over time even more will become available in this way. These documents are currently held for a range of purposes and constitute or comprise the charge itself and so we believe these should remain with the body that created them. We intend, as part of the national Local Land Charges Service design, to explore opportunities to provide customers with a simplified route to access any documents they may require.

### **Question 17 - Do you have any comments on the matters which the Chief Land Registrar may determine?**

A large number of respondents stated that the data and means of electronic communication would need to be safe and secure and felt that the costs incurred by originating authorities must be met by HM Land Registry. Others said that HM Land Registry should not be permitted to sell or re-use local land charges data.

Some felt that the determination of a particular electronic means of communication should be by agreement with originating authorities so that all relevant aspects were considered.

Other respondents thought that HM Land Registry should allow for paper applications to prevent certain categories of person from being excluded or disadvantaged. Others thought that alternative means for communications should be provided in the event of IT system problems.

### **Government response**

Please see the response to question 1 in relation to the determination by the Chief Land Registrar of the means and form of electronic communication.

The wording of this rule provides scope for the national Local Land Charges Service to be designed to meet the needs of those using it and the comments made in response to this consultation are being taken into account as part of that work. An additional benefit of the wording of this rule is that it enables the future national Local Land Charges Service to be adapted to changes in technology or customer requirements without the rules needing to be changed.

Whilst the rules will not specify that agreement of local authorities or other originating authorities will be required, these stakeholders will be involved in every stage of the national Local Land Charges Service design to ensure their needs are taken into account.

Applications to register charges must be made in electronic format, however HM Land Registry will provide all of the appropriate support required for those unable to use an electronic service via Assisted Digital support. This will form a key part of the national Local Land Charges Service design.

Some respondents queried what would happen in the event of IT service problems and, as with any new service provided by HM Land Registry, the national Local Land Charges Service will be extensively tested. For our existing services, the average external e-service availability during published service hours for the period 2016/17 was 99.9 per cent (HM Land Registry Annual Report and Accounts 2016/17).

**Question 18 - Do you agree with the proposal for the Chief Land Registrar to be obliged to specify an address to which paper applications in respect of light obstruction notices must be sent?**

Response	Number	Percentage of total	Of those who responded
Yes	52	50%	90%
No	6	6%	10%
No answer	46	44%	

Some respondents felt unable to express an opinion as they had little or no experience with light obstruction notices.

Of those that did express a view, a majority agreed with the proposal but some stated that the address to be specified by the Chief Land Registrar must be a HM Land Registry Office address.

**Government response**

The majority of respondents agreed with this proposal. The ability to specify an address should help ensure that the receipt of such an application is not delayed. It is envisaged that the specified address will be that of a HM Land Registry Office, but there is no obvious reason why it should have to be such an Office.

**Question 19 - Do you have any further comments on the proposed draft Local Land Charges Rules?**

Most respondents had further comments on the proposed draft rules.

Some respondents suggested that the rules were not detailed or comprehensive enough and others commented on the similarity between the current and proposed rules. Comments were expressed about the identification of land affected by local land charges and also about the implementation plan and timescales.

Others suggested there is a difficulty in considering the draft rules in context until further details about the national Local Land Charges Service are available.

Some respondents felt that additional clarity is required about the effect of the overall changes to stakeholders and clarity of the migration plan and practicalities of the roll-out of the service.

### **Government response**

Most respondents had further comments on the proposed draft rules. The Local Land Charges Act 1975 has not been revoked by the Infrastructure Act 2015. The Infrastructure Act instead provides for the amendment of the 1975 Act. The draft Local Land Charges Rules are inevitably therefore similar to the Local Land Charges Rules 1977.

The national Local Land Charges Service design is ongoing. It is not therefore possible at this point in time to specify the means and form of electronic communication that will have to be used. However, the national Local Land Charges Service design will centre upon user need and input. The views of all stakeholders (including local authorities, other originating authorities and customers) will be sought and taken into account as part of the service design. Once this work has been completed, the Chief Land Registrar will determine the means and form of electronic communication that must be used to apply to register a charge.

HM Land Registry will work closely with stakeholders to ensure that the business changes for all affected parties are understood and taken account of.

Please see the response to question 5 in relation to the identification of the extent of the land affected by a local land charge.

### **Question 20 - Do you have any comments on the Regulatory Impact Assessment?**

Almost three quarters of respondents commented on the current Regulatory Impact Assessment as well as earlier published versions.

Respondents made reference to the:

- costs of the programme and timescales;
- fees to be charged;
- policy aims;
- impact on stakeholders, including burdens payments for local authorities; and
- relationship between LLC1 and CON 29.



**Government response**

The Impact Assessment is a document that evolves as the policy develops. An updated Impact Assessment will be published before, or at the time, the Local Land Charges Rules are laid before Parliament.

Respondents gave views on a range of aspects of the policy as a whole in response to this question, as well as points specifically relating to the Impact Assessment. We point out that although a number of respondents made comments about timescales and costs increasing in previous versions, the updated Impact Assessment does not show any increases in either of these areas since the last published version dated 27 October 2015.

**Question 21 - Do you have any comments at this stage on CON 29 searches and how they relate to our proposed changes to local land charges, including the practical steps taken to digitise local land charges information?**

This question was included in the consultation to assist Government with separate work on CON 29. The large number of comments received will be passed to both the Department for Communities and Local Government and the Department of Business, Energy & Industrial Strategy for their consideration.

Some felt that the responsibility for dealing with LLC1 searches and CON 29 enquiries should not be separated.

A range of views were offered as to if or how the CON 29 service could be improved.

**Government response**

CON 29 enquiries remain out of scope for the local land charges programme at HM Land Registry.

We have passed the responses received to both the Department for Communities and Local Government and the Department of Business, Energy & Industrial Strategy for their consideration.

## 5. Overall conclusion

The Government is grateful for all responses to the consultation and for the time taken to consider rules that are, in many cases, quite technical. The responses received have been given careful consideration and some key conclusions are set out below.

The Infrastructure Act 2015 amends the Local Land Charges Act 1975, to provide for the transfer of the local land charges statutory function from local authorities to the Chief Land Registrar. These provisions are already in force but will only have effect in a local authority area after the Chief Land Registrar has given notice in writing to the local authority that from the date specified in the notice the amendments are to have effect. This consultation was on the draft Local Land Charges Rules, which will be necessary to bring these amendments into operation.

[Annex 1](#) contains a revised version of the draft rules taking into account the responses received to the consultation.

The draft rules, once made and in force, will only have effect in a local authority area after the notice referred to above has been given. So for each local authority the amendments to the Local Land Charges Act 1975 and the draft rules will both have effect at the same time. The power to make and revoke fees rules for Wales has been devolved to the Welsh Ministers: this is why, in the revised version, the draft rules do not seek to revoke the parts of the Local Land Charges Rules 1977 concerning fees for Wales.

Local land charges fees in England will be the subject of separate local land charges fees rules which will also only have effect in a local authority area after notice has been given.

We recognise that some stakeholders do not agree with the transfer of the local land charges function to HM Land Registry but will work with them to ensure the future service meets their needs.

Account has been taken of the comments made around the policy in general, although this was not the purpose of this consultation, which was to obtain views on the draft rules. The case for changes to the local land charges service has been discussed during the previous consultation on primary legislation.

Several respondents commented in relation to the liability to pay compensation. This is, however, dealt with by primary legislation and not in the Local Land Charges Rules. Please see section 10 of the Local Land Charges Act 1975, as amended by paragraph 9 of Schedule 5 to the Infrastructure Act 2015, and paragraph 43 of that Schedule.

HM Land Registry has already completed the Alpha phase of the development of the national Local Land Charges Service and this has been subject to rigorous testing and assessment by Government Digital Services.

We are now moving into the next phase of service development, where customer research and extensive user testing is taking place to ensure the new national Local Land Charges Service is simple and intuitive to use for all. This includes the local authorities and other originating authorities who will be applying to register, vary and cancel charges and the private search market, professional customers and citizens who will be making official and personal searches of the register.

A number of respondents pointed out that this consultation lacked detail about how the future service will operate, particularly regarding how enquiries and document requests will be serviced in future. It is anticipated that the relationships between HM Land Registry, local authorities and other originating authorities will be managed through service level agreements.

CON 29 enquiries remain out of scope for this work, which only relates to the statutory local land charges service. Customers will come to HM Land Registry for local land charges searches - this facility will sit alongside our current electronic services. HM Land Registry will not provide access to CON 29 information - customers will have to apply for these searches using the applicable channel.

A significant number of responses made reference to the potential moving of HM Land Registry operations to the private sector. This has been the subject of a separate consultation run by the Department for Business, Energy and Industrial Strategy (formerly the Department for Business, Innovation and Skills). HM Land Registry in the future will be transformed into a data driven digital registration organisation in the public sector.

## **6. Next steps**

The Local Land Charges Rules 2018 will shortly be laid before Parliament.

The national Local Land Charges Service design is ongoing.

It is intended that digitisation of the first local authorities will begin in 2018.

## 7. Contact details

If you have any enquiries regarding this document or require it in an alternative format, please contact:

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Chief Executive and Chief Land Registrar's Office  
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Telephone 030 00063424

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# Annex 1: Draft Local Land Charges Rules 2018

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## STATUTORY INSTRUMENTS

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2018 No.

### LAND CHARGES, ENGLAND AND WALES

#### The Local Land Charges Rules 2018

*Made* - - - - - \*\*\*

*Laid before Parliament* \*\*\*

*Coming into force* - - - \*\*\*

The Lord Chancellor, in exercise of the powers conferred by section 14 of the Local Land Charges Act 1975(a), makes the following Rules:

#### Citation and commencement

1. These Rules may be cited as the Local Land Charges Rules 2018 and shall come into force on 6<sup>th</sup> April 2018(b).

#### Interpretation

2.—(1) In these Rules—

“the Act” means the Local Land Charges Act 1975;

“charge” means a local land charge or a matter which is registrable in the register;

“date of registration” in relation to a charge registered in a local land charges register for a local authority’s area immediately before Part 1 of Schedule 5 to the Infrastructure Act 2015 first had effect in relation to that area means the date of registration in that local land charges register;

“definitive certificate” means a certificate issued by the Upper Tribunal under section 2(3)(a) of the Rights of Light Act 1959(c);

“description” in relation to a charge means a description which is sufficient to indicate—

- (a) the nature of any agreement, certificate, notice, order, resolution, scheme or other instrument or document (not being a statute or any instrument embodying statutory provisions) which comprises the charge or in connection with which the charge came into existence,
- (b) where apparent from the instrument or document, the date on which the charge came into existence,

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(a) 1975 c.76; section 14 was amended by paragraph 13 of Schedule 5 to the Infrastructure Act 2015 (c.7).

(b) Under paragraph 40(3) and (4) of Schedule 5 to the Infrastructure Act 2015, these Rules have effect in relation to the area of a local authority only on and after the date specified in a notice under paragraph 40(1) of that Schedule.

(c) 1959 c.56; section 2 was amended by paragraphs 27 and 28 of Schedule 5 to the Infrastructure Act 2015.

(c) any statutory provision (other than section 1(1)(e) of the Act) under or by virtue of which the charge is a local land charge or registrable, or which comprises the charge;

“dominant building” and “servient land” have the meanings given by section 2(1) of the Rights of Light Act 1959;

“light obstruction notice” means a notice which is registrable under section 2 of the Rights of Light Act 1959;

“particulars of registration” means the particulars specified in Schedule 1;

“register” means the local land charges register kept by the registrar under the Act;

“registrar” means the Chief Land Registrar;

“temporary certificate” means a certificate issued by the Upper Tribunal under section 2(3)(b) of the Rights of Light Act 1959.

(2) In Schedule 1, “originating authority” means the authority or person who by virtue of section 5(4) of the Act or some other statutory provision is the originating authority for the purposes of the Act.

(3) A reference in these Rules to Form A or Form B is to the form so designated in Schedule 2.

### **Application for registration of charges other than light obstruction notices**

**3.—**(1) This rule applies to all applications for registration of a charge in the register except an application for registration of a light obstruction notice.

(2) The application must contain a description of the charge and the other information necessary to enable the registrar to register the charge in accordance with rule 5.

(3) The application must be made using an electronic means of communication and in accordance with any determination by the registrar under rule 13.

### **Application for registration of a light obstruction notice**

**4.—**(1) This rule applies to applications for registration of a light obstruction notice in the register.

(2) The application may be made using an electronic means of communication.

(3) An application made using an electronic means of communication must contain such of the particulars required by Form A as are appropriate and be in accordance with any determination by the registrar under rule 13.

(4) If the application is not made using an electronic means of communication, it must be made in Form A and be delivered to the address specified by the registrar under rule 14.

### **Registration**

**5.—**(1) The registration of a charge must be effected by entering in the register the particulars of registration for the type of charge concerned.

(2) The registration of a charge must be by reference to the land affected by the charge in such a manner as to show the situation and extent of that land.

### **Variation and cancellation of registrations other than in respect of a light obstruction notice**

**6.—**(1) This rule applies to all registrations of charges in the register except the registration of a light obstruction notice.

(2) Where a registered charge has been varied or any registration is incorrect, the person by whom the charge is enforceable must apply for the variation or cancellation of the registration.

(3) Where a registered charge has been discharged, ceased to have effect or ceased to be a charge, the person by whom the charge was enforceable must apply for the cancellation of the registration.

(4) An application for the variation or cancellation of a registration must identify the charge.

(5) The application must be made using an electronic means of communication and in accordance with any determination by the registrar under rule 13.

(6) The registrar must vary a registration if an application for its variation is received from the person by whom the charge is enforceable.

(7) The registrar may of his or her own motion vary a registration if satisfied that the charge has been varied or that the registration is incorrect.

(8) The registrar must cancel a registration if an application for its cancellation is received from the person by whom the charge is or was enforceable.

(9) The registrar may of his or her own motion cancel a registration if satisfied that the charge has been discharged, ceased to have effect or ceased to be a charge, or that the registration is incorrect.

### **Variation and cancellation of registrations in respect of light obstruction notices**

**7.—**(1) The original applicant for registration of a light obstruction notice in the register, or any successor in title to the original applicant as owner of the servient land or part of it, may within a year beginning with the date of registration apply for—

(a) variation of the registered particulars of the position or dimensions of the structure to which registration is intended to be equivalent, so as to reduce its height or length or to increase its distance from the dominant building, or

(b) cancellation of the registration.

(2) An application under paragraph (1) may be made using an electronic means of communication.

(3) An application under paragraph (1) made using an electronic means of communication must contain such of the particulars required by Form B as are appropriate and be in accordance with any determination by the registrar under rule 13.

(4) If an application under paragraph (1) is not made using an electronic means of communication, it must be made in Form B and be delivered to the address specified by the registrar under rule 14.

(5) Where an application under paragraph (1) is made, the registrar must vary or cancel the registration accordingly.

(6) Where—

(a) an application for registration of a light obstruction notice in the register was accompanied by a copy of a temporary certificate, and

(b) a copy of a definitive certificate is lodged with the registrar before the expiry of the period for which the temporary certificate operates,

the registrar must vary the registration accordingly.

(7) The registrar must cancel the registration of a light obstruction notice in the register—

(a) where in relation to the notice a copy of a temporary certificate has been lodged and no copy of a definitive certificate has been lodged, on the expiration of the period of operation specified in the temporary certificate,

(b) in any other case, on the expiration of 21 years beginning with the date of registration.

(8) On the lodging of an official copy of an order of the court under section 3(5) of the Rights of Light Act 1959 directing the registration of a notice to be varied or cancelled, the registrar must vary or cancel the registration accordingly.

(9) A document is lodged for the purposes of this rule if—

(a) it is sent to the registrar using an electronic means of communication and in accordance with any determination by the registrar under rule 13, or

(b) it is received at the address specified by the registrar under rule 14.

(10) In this rule, “owner” has the meaning given by section 7(1) of the Rights of Light Act 1959.



## **General charges**

**8.**—(1) A notification under section 6(4) of the Act must be made using an electronic means of communication and in accordance with any determination by the registrar under rule 13.

(2) The period within which the registration of a general charge in the register must be cancelled pursuant to section 6(5) of the Act is 15 months starting with the day on which the specific charge comes into existence.

## **Personal searches**

**9.**—(1) The right to search in the register under section 8(1) of the Act may be exercised only on an application to the registrar.

(2) The application must identify the land in respect of which the search is to be made.

(3) The extent of the land identified must not be such that the registrar considers that the search could prejudice the exercise of any of his or her functions under these Rules or the Act.

(4) The application must be made using an electronic means of communication and in accordance with any determination by the registrar under rule 13.

## **Official searches**

**10.**—(1) A requisition for an official search of the register under section 9(1) of the Act must identify the land in respect of which the official search is to be made.

(2) The extent of the land identified must not be such that the registrar considers that the search could prejudice the exercise of any of his or her functions under these Rules or the Act.

(3) The requisition must be made using an electronic means of communication and in accordance with any determination by the registrar under rule 13.

(4) The official search certificate issued under section 9(4) of the Act must either—

- (a) certify that there are no subsisting registrations in respect of the land, or
- (b) where there are any subsisting registrations in respect of the land, show the particulars of registration.

(5) The official search certificate must be in electronic form.

## **Destruction of documents**

**11.** The registrar may destroy any paper document which relates to a registration or to an application or requisition under these Rules or the Act if satisfied that—

- (a) he or she has retained a sufficient copy, or
- (b) further retention of the document by the registrar is unnecessary.

## **Copies of documents**

**12.**—(1) A person may apply for a copy of—

- (a) any document which is listed as being kept by the registrar in the particulars of registration for a light obstruction notice, or
- (b) any court order or item of correspondence kept by the registrar which relates to a registration or to an application or requisition under these Rules or the Act.

(2) The application must identify the document.

(3) The application must be made using an electronic means of communication and in accordance with any determination by the registrar under rule 13.

(4) Where an application is made under this rule and the prescribed fee (if any) payable in respect of it is paid in the prescribed manner, the registrar must issue a copy.

(5) Any copy of a document issued under this rule must be in electronic form.

### **Determination by the registrar of particular electronic means of communication, etc**

**13.**—(1) The registrar may determine—

- (a) the particular electronic means of communication which may or must be used for making applications or requisitions, or sending anything to the registrar,
- (b) the circumstances in which a particular electronic means of communication may or must be used (which may be all circumstances, subject to exceptions),
- (c) the form of any applications or requisitions made using electronic means of communication or anything sent using electronic means of communication, and
- (d) subject to paragraph (2), in addition to the contents required under any other rule for an application or requisition of the type concerned, the contents of any applications or requisitions made using electronic means of communication.

(2) A determination under paragraph (1)(d) may only require information which the registrar considers is necessary or desirable for the purpose of facilitating the processing of the application or requisition as a result of it being made using electronic means of communication.

### **Specification by the registrar of address**

**14.**—(1) This rule applies to applications for the registration of light obstruction notices and for the variation or cancellation of such registrations where the applications are not made using an electronic means of communication.

(2) The registrar must specify an address to which the applications to which this rule applies must be sent.

(3) The specification of an address must be publicised in such manner as the registrar considers appropriate for the purpose of bringing it to the attention of persons who are likely to want to make such applications.

### **Revocations**

**15.**—(1) Subject to paragraph (2), the Local Land Charges Rules 1977<sup>(a)</sup> are revoked.

(2) Rule 14 of, and Schedule 3 to, the Local Land Charges Rules 1977 are not revoked in relation to Wales.

Signatory text

Address  
Date

*Signatories*  
Job Title  
Department

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(a) S.I. 1977/985.

## SCHEDULE 1

### PARTICULARS OF REGISTRATION

#### **Light obstruction notice**

1. The particulars of registration for a light obstruction notice are—
- (a) description of charge,
  - (b) description of dominant building,
  - (c) name and address of applicant and short description of their interest in servient land,
  - (d) position and dimension of structure to which registration equivalent,
  - (e) date of temporary certificate (if any) and of its expiration,
  - (f) date of definitive certificate,
  - (g) list of any applications or certificates kept by the registrar and relating to the registration, and
  - (h) date of registration.

#### **Specific financial charge**

- 2.—(1) The particulars of registration for a specific financial charge are—
- (a) description of charge,
  - (b) postal address or verbal description of land affected by charge,
  - (c) originating authority,
  - (d) amount originally secured,
  - (e) rate of interest (if any) payable,
  - (f) where further information about charge can be obtained, and
  - (g) date of registration.

(2) In this paragraph, “specific financial charge” means a charge falling within section 1(1)(a) of the Act or a scheme falling within section 8(8) or 13(6) of the Coast Protection Act 1949<sup>(a)</sup> which specifies the persons by whom coast protection charges are to be paid.

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(a) 1949 c.74; section 8(8) was substituted by Schedule 1 to the Local Land Charges Act 1975 and section 13(6) was amended by paragraphs 1 and 11 of Schedule 2 to the Flood Management Act 2010 (c.29).

### **Charge constituted by deposit of particulars under section 8(4) of the Land Compensation Act 1973(a)**

**3.** The particulars of registration for a charge constituted by deposit of particulars under section 8(4) of the Land Compensation Act 1973 are—

- (a) description of charge,
- (b) originating authority,
- (c) postal address or verbal description of retained land,
- (d) particulars of nature and extent of works relating to acquired land,
- (e) where further information about charge can be obtained, and
- (f) date of registration.

### **Charge constituted by deposit of particulars under section 52(8) of the Land Compensation Act 1973(b)**

**4.** The particulars of registration for a charge constituted by deposit of particulars under section 52(8) of the Land Compensation Act 1973 are—

- (a) description of charge,
- (b) originating authority,
- (c) postal address or verbal description of land affected by charge,
- (d) particulars of relevant interest in land,
- (e) particulars of advance payment and agreed or estimated compensation,
- (f) where further information about charge can be obtained, and
- (g) date of registration.

### **Other charges**

**5.** The particulars of registration for other charges are—

- (a) description of charge,
- (b) postal address or verbal description of land affected by charge,
- (c) originating authority,
- (d) where further information about charge can be obtained, and
- (e) date of registration.

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(a) 1973 c.26; section 8 was amended by Schedule 1 to the Local Land Charges Act 1975 and paragraph 40(1) of Schedule 16 to the Local Government (Wales) Act 1994 (c.19).

(b) Section 52 was amended by Schedule 1 to the Local Land Charges Act 1975 and paragraph 40(3) of Schedule 16 to the Local Government (Wales) Act 1994.

## SCHEDULE 2

Rules 4 and 7

### Forms

#### Form A

##### Application for registration of a light obstruction notice

I/We (*name of applicant(s)*) .....  
of (*address*) ..... being  
(*delete inapplicable wording*)

- the freehold owner(s)
- the tenant(s) for a term of which over 7 years remain unexpired
- the mortgagees(s) in possession

of (*address or description of the servient land*) .....  
which is shown edged/coloured (*state colour*) ..... on the attached plan,  
apply to the Chief Land Registrar for registration of this notice under section 2 of the Rights of Light  
Act 1959 against the building known as (*name and address of building*) ..... which is  
shown edged/coloured (*state colour*) ..... on the attached plan (*edge or  
colour the building only and not any additional land on which the building is located*)

Registration of this notice is intended to be equivalent to the obstruction of the access of light to the  
said building across my/our land which would be caused by the erection of an opaque structure  
(*delete inapplicable wording*)

- on all the boundaries of my/our land
- in the position on my/our land marked by a line drawn in (*state colour of  
line*) ..... between points A and B on the attached plan

of

- unlimited height
- (*state height and other dimensions*) .....

I/We have enclosed a copy of the certificate issued by the Upper Tribunal

*Do not enclose the original certificate issued by the Upper Tribunal: documents enclosed will be  
scanned and destroyed*

Signed .....

*Where the applicant is a corporate body, the person signing on its behalf must also print their name  
and identify the position or office they hold*

Date .....

**Form B**

**Application to vary or cancel the registration of a light obstruction notice**

I/We *(name of applicant(s))*.....  
of *(address)* .....

being *(delete inapplicable wording)*

- the freehold owner(s)
- the tenant(s) for a term of which over 7 years remain unexpired
- the mortgagee(s) in possession

of *(address or description of the servient land)* .....

apply for *(delete inapplicable wording)*

- the variation of the registered particulars of the position or dimensions of the structure to which registration of the light obstruction notice is intended to be equivalent
- the cancellation of the registration of the light obstruction notice

The light obstruction notice was registered *(delete inapplicable wording)*

- on my/our application
- on the application of *(name(s))* .....

of *(address)* .....

The variation which I/we require is *(if variation is required, give particulars; if cancellation, delete sentence)*

.....  
.....  
.....

Consent to this application by the following persons, being persons who would be entitled to apply for the registration of a light obstruction notice, is attached: *(give names and addresses; if there are no such persons, delete sentence)*

.....  
.....  
.....

I/we confirm that there are no other persons who would be entitled to apply for the registration of a light obstruction notice

Signed .....

*Where the applicant is a corporate body, the person signing on its behalf must also print their name and identify the position or office they hold*

Date .....

## **EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Rules perform a similar function to the Local Land Charges Rules 1977 (S.I. 1977/985) made under the Local Land Charges Act 1975 (1975 c. 76) (the Act). The Act was amended by the Infrastructure Act 2015 (2015 c. 7) (the 2015 Act) to provide for the transfer of responsibility for local land charges from individual local authorities in England and Wales to the Chief Land Registrar (the registrar). These Rules are made under the Act as amended by the 2015 Act, and rule 16 revokes the Local Land Charges Rules 1977 (except for the provision made in those rules for fees in relation to Wales, the power to make rules prescribing fees having been devolved).

Where the Rules make provision about applications, other than applications in respect of light obstruction notices, they require that the applications be made using an electronic means of communication and in accordance with a determination by the registrar under rule 13. Rule 13 provides that the registrar may determine: the particular electronic means of communication which may or must be used, the circumstances in which a particular electronic means may or must be used, the form of anything sent by electronic means, and additional information that must be supplied.

Rule 1 provides for the Rules to come into force on 6<sup>th</sup> April 2018, but the Rules (including rule 16, which revokes the Local Land Charges Rules 1977) only have effect in relation to the area of a local authority on and after the date specified in written notice given by the registrar to the relevant local authority.

Rule 3 makes provision about applications for registration of charges other than light obstruction notices. The applications must contain a description of the charge and the other information required for the registrar to register the notice in accordance with rule 5. Rule 4 makes provision about applications for registration of light obstruction notices. These applications can be made using an electronic means of communication, or by sending a prescribed form (Form A, in Schedule 2) to an address specified by the registrar: rule 14 makes provision for the specification of this address.

Rule 5 deals with how a charge is to be registered: it requires that prescribed particulars of registration (set out in Schedule 1) are entered in the register and that the registration identifies the situation and extent of the land affected by the charge.

Rule 6 makes provision about variation and cancellation of registrations other than in respect of light obstruction notices. In particular, it identifies when applications for variation or cancellation must be made. It also provides for the registrar to vary or cancel a registration of his or her own motion.

Rule 7 makes similar provision in respect of light obstruction notices. It provides for applications for variation or cancellation to be made using an electronic means of communication, or by sending a prescribed form (Form B, in Schedule 2) to an address specified by the registrar: rule 14 makes provision for the specification of this address. Rule 7 also makes provision for other circumstances when the registrar may or must vary or cancel the registration of a light obstruction notice.

Rule 8 is about local authorities' general charges under section 6 of the Act. It requires that the notification to the registrar that a specific charge has come into existence be made using an electronic means of communication that accords with a determination by the registrar. It also prescribes fifteen months after the specific charge has come into existence as the period in which the registration of a general charge must be cancelled.

Rules 9 and 10 make provision for personal and official searches. Both require that the land in respect of which the search is to be made be identified and limit the extent of the land that may be the subject of a single search. Rule 10 also makes provision for the contents and form of the official search certificate.

Rule 11 provides that the registrar may destroy paper documents if he or she has kept a sufficient copy or if further retention is unnecessary. Rule 12 makes provision for the issuing of electronic copies of certain documents on application.

A full regulatory impact assessment of the effect that the amendments to the Act and this instrument will have on the costs of business and the voluntary sector is published on the Land Registry website [www.gov.uk/government/organisations/land-registry](http://www.gov.uk/government/organisations/land-registry) and with the Explanatory Memorandum alongside these Rules on [www.legislation.gov.uk](http://www.legislation.gov.uk).



## **Annex 2: List of respondents**

- Amber Valley Borough Council
- Arun District Council
- Ashford Borough Council
- Aylesbury Vale District Council
- Basingstoke and Deane Borough Council
- Birmingham City Council
- Borough Council of Wellingborough
- Borough of Poole
- Bracknell Forest Council
- Breckland District Council
- Building Societies Association
- Caerphilly County Borough Council
- Cambridge City Council
- Cambridgeshire County Council
- Castle Point Borough Council
- Cheshire West and Chester Council
- Chichester District Council
- Chiltern District Council and South Bucks District Council
- City of London Corporation
- City of Stoke-on-Trent
- Combined Councils across Suffolk
- Conveyancing Systems & Solutions
- Corby Borough Council
- Cornwall Council
- Council of Property Search Organisations
- Council of Mortgage Lenders
- CMS Cameron McKenna LLP
- Devon County Council
- Devon and Somerset Law Society
- East Devon District Council
- Fareham Borough Council
- Gateshead Council
- Hampshire County Council
- Hart District Council
- Havant Borough Council
- Highways England
- Historic England
- Idox Plc
- Islington Council
- Kettering Borough Council
- Kirklees Council
- Knowsley Metropolitan Borough Council
- Lake District National Park Authority
- Land Data cic
- Leeds City Council
- Leicestershire County Council

- Local Government Association
- Local Land Charges Institute
- London Borough of Havering
- Manchester City Council
- Medway Council
- Mid Kent Councils
- Mid Sussex District Council
- Milton Keynes Council
- Neath Port Talbot County Borough Council
- New Forest District Council
- North East Lincolnshire Council
- North Hertfordshire District Council
- North Lincolnshire Council
- North Norfolk District Council
- North Warwickshire Borough Council
- Northumberland County Council
- Oxfordshire County Council
- Pendle Borough Council
- Powys County Council
- Property Information Exchange Limited
- Public and Commercial Services Union
- PSG Connect Ltd
- Sefton Council
- Sheffield City Council
- South Holland District Council
- South Kesteven District Council
- South Lakeland District Council
- Southampton City Council
- Surrey Heath Borough Council
- Tandridge District Council
- The Chartered Institute of Legal Executives
- The Information Commissioner
- The Law Society
- The Royal Borough of Kingston upon Thames
- Three Rivers District Council
- Thurrock Council
- Tonbridge and Malling Borough Council
- Tower Hamlets Council
- Vale of White Horse and South Oxfordshire District Councils
- Wakefield Council
- Waverley Borough Council
- Wealden District Council
- West Lancashire Borough Council
- West Lindsey District Council
- Wirral Council
- Wokingham Borough Council
- Wycombe District Council

**Individual expressing view as a property professional (7)**

**Private individual (4)**