

Local Land Charges (Fees) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Constitutional Affairs with the consent of Mr David Borrow, the Member in charge of the Bill, are published separately as Bill 78 – EN.

Local Land Charges (Fees) Bill

CONTENTS

- 1 Specification of fees by registering authorities in England
- 2 Further amendments
- 3 Short title, commencement and extent

A
B I L L

TO

Make provision in relation to fees payable in connection with local land charges.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Specification of fees by registering authorities in England

- (1) The Local Land Charges Act 1975 (c. 76) is amended as follows.
- (2) After section 13 insert—

“13A Specification of fees by registering authorities in England

- (1) Each registering authority in England must specify fees which are to be payable by persons for services relating to local land charges which are provided to them by the authority. 5
- (2) This section does not apply to any fees payable for the making of a personal search (for which see section 14(1)(h)(i) below).
- (3) Different fees may be specified for different services or descriptions of service. 10
- (4) A registering authority may provide for there to be services or descriptions of service in respect of which no fees are to be payable.
- (5) In specifying fees, a registering authority must secure that, taking one financial year with another, the income from fees for each service or description of service, or for each group of services or descriptions of service that they think appropriate, does not exceed the costs of its provision. 15
- (6) When exercising the duty under subsection (1) above, a registering authority must specify the date on or after which the fees specified under that subsection are to be payable. 20

- (7) Where the duty under subsection (1) above is exercised by a registering authority, they must publish details of the fees specified under that subsection before the date mentioned in subsection (6) above.
- (8) If any fees specified under subsection (1) above are to be the same immediately before as immediately after the beginning of a financial year, a registering authority must publish details of those fees shortly before the beginning of the financial year. 5
- (9) In specifying fees or publishing details of fees, a registering authority must have regard to such guidance as the Lord Chancellor may issue.
- (10) That guidance— 10
- (a) may also include provision concerning the manner in which fees are to be paid, and
- (b) may be framed by reference to guidance issued by a person other than the Lord Chancellor.
- (11) In this section “financial year” means a period of 12 months beginning with 1st April.” 15

2 Further amendments

- (1) The Local Land Charges Act 1975 (c. 76) is further amended as follows.
- (2) In section 9 (official searches) for subsection (3) substitute—
- “(3) In relation to England, the fee (if any) specified by a registering authority under section 13A below shall be payable, in such manner as the authority may specify, in respect of any requisition made under this section to that authority. 20
- (3A) In relation to Wales, the prescribed fee (if any) shall be payable in the prescribed manner in respect of any requisition made under this section.” 25
- (3) In subsection (4) of that section—
- (a) after “fee” insert “(if any)”,
- (b) after “(3)” insert “or (3A)”.
- (4) In section 14 (rules) for subsection (1)(h) substitute— 30
- “(h) for prescribing—
- (i) in relation to England, the fees, if any, to be paid for the making of any personal search,
- (ii) in relation to Wales, the fees, if any, to be paid for the filing of documents with a registering authority, the making of any entry on a register, the supply of copies of, or the variation or cancellation of, any such entry, and the making of any search of a register.” 35

3 Short title, commencement and extent

- (1) This Act may be cited as the Local Land Charges (Fees) Act 2004. 40
- (2) Sections 1 and 2 come into force in accordance with provision made by the Lord Chancellor by order.

-
- (3) The power to make an order under subsection (2) is exercisable by statutory instrument.
 - (4) An order under subsection (2) may include incidental, supplemental, consequential, saving or transitional provisions.
 - (5) This Act extends to England and Wales only.

Local Land Charges (Fees) Bill

A

B I L L

*Ordered to be brought in by Mr David Borrow,
Mr Colin Pickthall, Mr Andrew Miller,
Mr Lindsay Hoyle, Kali Mountford,
Mr George Howarth, Mr Peter Pike,
Mr Mark Hendrick and Ms Dari Taylor.*

*Ordered, by the House of Commons,
to be Printed, 23rd March 2004.*

© Parliamentary copyright House of Commons 2004
*Applications for reproduction should be made in writing to the Copyright Unit,
Her Majesty's Stationery Office, St. Clements House, 2-16 Colegate, Norwich, NR3 1BQ*

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS
LONDON: THE STATIONERY OFFICE
Printed in the United Kingdom by
The Stationery Office Limited
£x.xx net