

LOCAL LAND CHARGES – FREQUENTLY ASKED QUESTIONS – Reviewed and updated 11.3.2019

What is a Local Land Charge?

An obligation or restriction on the property that is enforceable against successive owners, such as the conditions in a planning consent, tree preservation order, listed building or enforcement notice. These must be registered by the Local Authority in the Local Land Charges Register. Charges can affect both residential and non-residential properties, including land.

What is the Local Land Charges Register?

The Local Land Charges Register is a statutory Register, maintained by the Local Authority. It is the duty of the Local Authority to register charges brought into existence by them or by another originating authority. There are 12 Parts of the Register and it is important that the entry is made in the correct Part. Although it is usual to Search in all Parts of the Register, it is possible to Search in a single Part or Parts if preferred. Failure to register or disclose a charge does not affect its enforceability. There is a current national project to transfer the holding of the Local Land Charges Register from local authorities to Land Registry. At the current time, Three Rivers District Council data has not been transferred and is still responsible for the Local Land Charges Register in this area.

What is not Registrable?

Nothing that is personal to the current owner of the property is a Local Land Charge. Certain restrictions or obligations are only deemed to be a Local Land Charge after a specific date, eg. Conditions in a Planning Consent are normally a Local Land Charge after 1st August 1977. Any conditions prior to this date may still be enforceable but due to legislation are not classified as a Local Land Charge (there are exceptions to this rule concerning Listed Building and Conservation Area Consents). It is the responsibility of the Authority's Local Land Charges Officer, or responsible officer, to determine whether an entry should be made or removed from the Local Land Charges Register and specific legislation often needs to be considered.

What is the difference between Land Charges and Local Land Charges?

Land Charges are dealt with by Land Registry. The primary task of the Land Charges Department is to protect the interest of a person, or an organization in unregistered land and to maintain the bankruptcy index for England and Wales. The land charges index does not record ownership of unregistered land. This is because a person who owns unregistered land has title deeds which may be produced as proof of ownership. First mortgages are not registered at the Land Charges Department, because the mortgagee of unregistered land who has a first mortgage holds the title deeds as security. (This prevents the owner of the land from selling the land without contacting the mortgagee.) See **“What is a Local Land Charge?”** above.

How can I find out what Local Land Charges affect my property?

An official Search of the Register can be submitted to the Authority using form LLC1. The fee for an official Search of the Register at Three Rivers, which is duly signed by the Authority's Proper Officer is **£15.00**.

To request a view-only print out of the entries on the Local Land Charges Register, please access the "Apply/Request for It" page of the website or click on the Request a Personal Search link in the Land Charges section of the website. Please note that this will be a snapshot of the Register only and the results will not have been checked or verified. There is no fee for this service under the Environmental Information Regulations. We will endeavour to email the results to you within 5 working days.

What are the fees for Local Land Charges Searches?

Please see the Land Charges pages of the website for current fees. It is usual to make any necessary changes to fees at the beginning of the financial year. Payment may be made by credit card or debit card by telephoning the Council's Customer Call Centre on 01923 776611. Please telephone for bank transfer details. **Unfortunately we are no longer able to accept cheque payments.**

Are Local Land Charges Searches subject to VAT?

A Search of the Local Land Charges Register is not subject to VAT. However, the CON29 and CON29O enquiries are subject to VAT and any fees for additional parcels of land will be subject to VAT.

Why do I need to be aware of Local Land Charges?

If you are purchasing a property, both residential and commercial, you may need a Local Land Charges Search. This includes a Search of the Local Land Charges Register (Form LLC1), together with the replies to enquiry Form CON29. This will inform any potential purchaser whether they will inherit any obligations or restrictions on the property known to the Council when they buy and will reveal certain information that the Local Authority holds regarding the property. Failure to comply with an obligation or restriction may lead to a fine and/or a criminal record. If you are having a mortgage it is possible that the lender will insist on a Local Land Charges Search.

I am purchasing a non-residential property. Do I still need a Local Land Charges Search?

It is advisable to have a Local Land Charges Search on both residential and non-residential properties as this will reveal any obligations or restrictions that will be inherited with the property. It is important that any purchaser is given as much information as possible.

What is Form LLC1?

An official Search of the Register can be submitted to the Authority using form LLC1. The fee for an official Search of the Register, at Three Rivers, which is duly signed by the Authority's Proper Officer is **£15.00**. This form covers obligations and restrictions on the property, imposed by the Local Authority or other originating Authority, which will be inherited by any subsequent owner.

What is Form CON29?

Con29R is a form of standard enquiries that asks the Local Authority about the property. This form covers such information as the planning history of the property, whether the road is publicly or privately maintained, whether there are any public definitive footpaths or whether there are any major road or rail proposals within the vicinity of the property.

What is Form CON29O?

Con29O is a form of optional enquiries that asks the Local Authority about the property. The questions are not compulsory, are unlikely to affect all properties and are therefore able to be chosen singularly. CON29O covers such information as houses in multiple occupation, hazardous substance consents and common land.

Do I need to submit a location plan?

Please submit two plans showing the location and boundaries of the property to be searched against. This will ensure that all necessary information is revealed. If you do not have a location plan, please contact the Land and Property Information Section as it is possible that the boundaries of the property can be assumed from the Ordnance Survey maps, upon mutual agreement.

Where do I send a Local Land Charges Search?

Electronic: There are national electronic portals that will send and receive Search results electronically to and from the local authority. Three Rivers District Council is able to accept and return to these providers electronically. There are other Search providers in the market. There is wide choice and no obligation to use any particular provider.

Hard copy by post or DX: Please send to the Land and Property Information Section, Three Rivers District Council, Three Rivers House, Northway, Rickmansworth, WD3 1RL. DX38271 RICKMANSWORTH.

By Email: Searches can be sent by email to the Land and Property Information Team: landcharges.co-ordinator@threerivers.gov.uk. Copies of LLC1 and CON29 forms should be attached together with a location plan.

How long will it take to receive a reply to my Search?

Searches are normally returned within 5 working days. However, if your request is urgent, please contact the Land and Property Information Section and we will endeavour to return your Search as soon as possible. A fee may be charged to expedite.

What is a Personal Search?

A Personal Search is a Search of the Local Land Charges Register only, carried out either by a member of the public or by an Agent on their behalf. To complete a full local authority Search, the Agent should then inspect any Public Registers maintained by the Local Authority to obtain information that may be helpful to answer the enquiries on form CON29. It is possible for the Agent to request information from the Authority enabling him to reply to the CON29 enquiries more fully. However, the Agent must

interpret the information given and the officers of the Council will not be obliged to explain or interpret the information on their behalf. The Council is obliged to give access to this information under the Environmental Information Regulations within 20 working days. Please contact the source department direct for this information. Alternatively the information may be requested on payment of an official Search fee.

How do I make an appointment for a Personal Search of the Local Land Charges Register?

Unfortunately we are no longer able to provide appointments for inspection of the Local Land Charges Register. However, to request a view-only print out of the entries on the Local Land Charges Register, please access the “Apply/Request for It” page of the website or click on the Request a Personal Search link in the Land Charges section of the website. Please note that this will be a snapshot of the Register only and the results will not have been checked or verified. There is no fee for this service under the Environmental Information Regulations. We will endeavour to return the results to you within 5 working days.

I have an enquiry concerning Local Land Charges. How can I contact the Council?

Please contact the Council’s Customer Call Centre on 01923 776611 or alternatively enquiries@threerivers.gov.uk. If you need to send your enquiry direct to the Local Land Charges Team please email landcharges.co-ordinator@threerivers.gov.uk

I have a complaint in respect of Local Land Charges. Who should I contact?

Please contact Julie Scott, Senior Land and Property Information Officer, Three Rivers House, Northway, Rickmansworth, WD3 1RL 01923 776611 or email landcharges.co-ordinator@threerivers.gov.uk