



Changes to Chancel Repair Liability after 12 October 2013

As from 13 October 2013, chancel repair liability will no longer be an overriding interest. This means that further protection will be required to enforce liability against those purchasing land on or after 13 October 2013.

If title to the land is **registered**:

- The right to demand payment for chancel repairs can be protected by a notice in the register. Notices can be entered before 13 October 2013. They can also be entered after 12 October 2013, but only if there has been no change in land ownership since 12 October 2013. In most cases, the applicant will be the Parochial Church Council (PCC) (for English churches) or the Representative Body of the Church in Wales (RBCW) (for Welsh churches).
- The right will continue to bind the owner of land purchased or voluntarily registered before 13 October 2013 until that land is sold to a third party, even if the right has not been protected by notice in the register.
- As from 13 October 2013, a purchaser of land for valuable consideration will take free of any liability if it has not been protected by notice in the register. Since a notice can be entered at any time before the transfer is registered, a clear pre-exchange search should not be relied upon. An application for an official search with priority should be made to protect the transfer between exchange and registration (see [Practice note, The day list, priority searches and outline applications \(www.practicallaw.com/6-107-3912\)](http://www.practicallaw.com/6-107-3912)).

If title to the land is **unregistered**:

- The right to demand payment for chancel repairs can be protected by lodging a caution against first registration. Cautions can be registered before 13 October 2013. They can also be entered after 12 October 2013, but only if there has been no change in ownership since 12 October 2013.
- The right will continue to bind the owner of unregistered land, before and after 13 October 2013, until that land is conveyed to a third party. A conveyance will trigger compulsory first registration. If a caution has been lodged, the registrar will notify the cautioner (in most cases, the PCC or the RBCW), enabling it to object to the application and protect its interest by entering a notice in the register (see [Practice note, Cautions against first registration under the Land Registration Act 2002 \(www.practicallaw.com/0-107-4542\)](http://www.practicallaw.com/0-107-4542)).



- As from 13 October 2013, the transferee will take free of any liability if it has not been protected by notice in the register at the time of first registration.

For more information on the above or any other property matters contact the Property Team at Nantes Solicitors:

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