



# Rentcharges Act 1977

## 1977 CHAPTER 30

### MISCELLANEOUS AND GENERAL

#### **11 Implied covenants.**

- (1) Where any land affected by a rentcharge created after the passing of this Act by virtue of section 2(3)(a) or (b) above—
  - (a) is conveyed for consideration in money or money's worth, and
  - (b) remains affected by the rentcharge or by any part of it,the following provisions of this section shall have effect in place of those of section 77 of the <sup>M1</sup>Law of Property Act 1925, in respect of the covenants deemed to be included and implied in the conveyance.
- (2) In addition to the covenants implied under [<sup>F1</sup>Part I of the Law of Property (Miscellaneous Provisions) Act 1994], there shall be deemed to be included and implied in the conveyance covenants by the conveying party or joint and several covenants by the conveying parties (if more than one) with the grantee (or with each of the grantees) in the following terms:—
  - (a) that the conveying party will at all times from the date of the conveyance duly pay the rentcharge (or part of the rentcharge) and keep the grantee and those deriving title under him and their respective estates and effects indemnified against all claims and demands whatsoever in respect of the rentcharge; and
  - (b) that the conveying party will (at his expense), in the event of the rentcharge (or part of the rentcharge) ceasing to affect the land conveyed, furnish evidence of that fact to the grantee and those deriving title under him.
- (3) The benefit of the covenants deemed to be included and implied in a conveyance, by virtue of subsection (2) above, shall be annexed and incident to and shall go with the estate or interest of the implied covenantee and shall be capable of being enforced by every person in whom the estate or interest is from time to time vested.
- (4) Any stipulation which is contained in an agreement and which is inconsistent with, or designed to prevent the operation of, the said covenants (or any part of them) shall be void.

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**Changes to legislation:** Rentcharges Act 1977, Section 11 is up to date with all changes known to be in force on or before 22 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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**Textual Amendments**

**F1** Words in s. 11(2) substituted (1.7.1995) by 1994 c. 36, ss. 20, 21(1), **Sch. 1 para.7**; SI 1995/1317, art.2.

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**Marginal Citations**

**M1** 1925 c. 20.

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

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

- s. 7A inserted by [2016 c. 22 s. 138\(2\)](#)
- s. 8(1A) inserted by [2016 c. 22 s. 138\(3\)\(b\)](#)
- s. 12(1A)(1B) inserted by [2016 c. 22 s. 138\(4\)\(b\)](#)