



# Law of Property (Miscellaneous Provisions) Act 1994

## 1994 CHAPTER 36

### PART I

#### IMPLIED COVENANTS FOR TITLE

##### *The covenants*

### **3 Charges, incumbrances and third party rights**

- (1) If the disposition is expressed to be made with full title guarantee there shall be implied a covenant that the person making the disposition is disposing of the property free—
  - (a) from all charges and incumbrances (whether monetary or not), and
  - (b) from all other rights exercisable by third parties,other than any charges, incumbrances or rights which that person does not and could not reasonably be expected to know about.
- (2) In its application to charges, incumbrances and other third party rights subsection (1) extends to liabilities imposed and rights conferred by or under any enactment, except to the extent that such liabilities and rights are, by reason of—
  - (a) being, at the time of the disposition, only potential liabilities and rights in relation to the property, or
  - (b) being liabilities and rights imposed or conferred in relation to property generally,not such as to constitute defects in title.
- (3) If the disposition is expressed to be made with limited title guarantee there shall be implied a covenant that the person making the disposition has not since the last disposition for value—

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*Status: This is the original version (as it was originally enacted).*

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- (a) charged or incumbered the property by means of any charge or incumbrance which subsists at the time when the disposition is made, or granted third party rights in relation to the property which so subsist, or
  - (b) suffered the property to be so charged or incumbered or subjected to any such rights,
- and that he is not aware that anyone else has done so since the last disposition for value.