



Law of Property Act 1922

1922 CHAPTER 16

PART I

ASSIMILATION AND AMENDMENT OF THE LAW OF REAL AND PERSONAL ESTATE.

Savings and Reservations.

28 Legal interests converted into equitable interests not to fail.

- (1) A legal estate or interest in land subsisting or capable of taking effect at the commencement of this Act shall not fail by reason of the same being converted into an equitable interest either in the land or in the proceeds of sale thereof, nor shall its priority over other equitable interests be affected.
- (2) A purchaser of a legal beneficial interest in possession (subsisting immediately before the commencement of this Act) of a tenant for life under a settlement shall (without prejudice to any protection conferred by this Act on a purchaser of a legal estate) have and may exercise the same rights and remedies as he would have had or have been entitled to exercise if the interest had remained a legal interest, and the reversion (if any) on any leases or tenancies derived out of the settled land had remained vested in him.
- (3) Interests in land validly created or arising after the commencement of this Act, which are not capable of subsisting as legal estates, shall take effect as equitable interests, and save as otherwise expressly provided by this Act, interests in land which under the Statute of Uses or otherwise could before the commencement of this Act have been created as legal interests, shall be capable of being created as equitable interests.
- (4) Nothing in this Part of this Act shall affect the right to enforce any lessor's or lessee's covenants, agreements, or conditions (including a valid option to purchase or right of pre-emption over the reversion or the term of years absolute) contained in any instrument creating a term of years absolute the benefit or burden of which run with the reversion or the term, nor render necessary the registration of any land charge in respect of the same.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

29 Special statutory modes for conveying or acquiring land.

The provisions of the Forfeiture Act, 1870, in regard to the land of a convict, of the Friendly Societies Act, 1896, in regard to land to which that Act applies, and the provisions of any other statutes passed or hereafter to be passed conferring special facilities or modes (whether by way of registered memorial or otherwise) for disposing of or acquiring land, or providing for the vesting (by conveyance or otherwise) of the same in trustees or any person or holder for the time being of an office or corporation (sole or aggregate), shall remain in full force, with the variation that powers for disposing of or creating a legal estate shall be exercised, when practicable, in the name and on behalf of the estate owner.

30 Leasing powers.

- (1) All leases or tenancies at a rent for a term of years absolute authorised by the Conveyancing Acts, 1881 and 1911, or the Settled Land Acts, or any other statute (whether or not extended by any instrument) may be granted in the name and on behalf of the estate owner by the person empowered to grant the same, whether being an estate owner or not, with the same effect and priority as if this Part of this Act had not been passed; and nothing in this Act shall prejudicially affect the power to accept surrenders of leases conferred by the Conveyancing Act, 1911, as extended by any instrument; but this section shall not (except as respects the usual qualified covenant for quiet enjoyment) authorise any person granting a lease in the name of an estate owner to impose any personal liability on him.
- (2) Where a rentcharge is held for a legal estate the owner thereof may under section forty-four of the Conveyancing Act, 1881 (as amended), or under any corresponding power, create a legal term of years absolute for securing or compelling payment of the same; but in other cases terms created under that section shall, unless and until the estate owner of the land charged gives legal effect to the transaction, take effect only in equity.

31 Limitation and Prescription Acts.

Nothing in this Part of this Act shall affect the operation of any statutes already passed, or hereafter to be passed, for the limitation of actions or proceedings relating to land or with reference to the acquisition of easements or rights over or in respect to land.

32 Effect of possession of documents.

This Part of this Act shall not prejudicially affect the right or interest of any person arising out of or consequent on the possession by him of any documents relating to land, nor affect any question arising out of or consequent upon any omission to obtain or any other absence of possession by any person of any documents relating to land.

33 Interests of persons in possession.

This Part of this Act shall not prejudicially affect the interest of any person in possession or in actual occupation of land to which he may be entitled in right of such possession or occupation.