



Law of Property Act 1922

1922 CHAPTER 16

PART III

AMENDMENTS OF THE CONVEYANCING ACTS.

72 Abolition of technicalities in regard to conveyances and deeds.

- (1) A conveyance of freehold land to any person without words of limitation, or any equivalent expression, shall pass to the grantee the fee simple or other the whole interest which the grantor had power to convey in such land, unless a contrary intention appears in the conveyance.
- (2) A conveyance of freehold land to a corporation sole by his corporate designation without the word " successors " shall pass to the corporation the fee simple or other the whole interest which the grantor had power to convey in such land, unless a contrary intention appears in the conveyance.
- (3) A person may convey or vest land to or in himself.
- (4) Where after the commencement of this Act an individual executes a deed he shall either sign or place his mark against the same and sealing alone shall not be deemed sufficient.
- (5) The foregoing provisions of this section apply only to conveyances and deeds executed after the commencement of this Act.
- (6) Two or more persons (whether or not being trustees or personal representatives) may convey, and shall be deemed always to have been capable of conveying, any property vested in them to any one or more of themselves in like manner as they could have conveyed such property to a third party; provided that if the persons in whose favour the conveyance is made are, by reason of any fiduciary relationship or otherwise, precluded from validly carrying out the transaction, then the conveyance shall be liable to be set aside.

73 Execution of instruments by or on behalf of corporations and provisions as to corporations sole.

- (1) A corporation aggregate may execute a deed by having their seal affixed thereto in the presence of and attested by their clerk, secretary or other permanent officer or his deputy, and a member of the board of directors, council or other governing body of the corporation; and where the seal of the corporation is affixed to a deed, then, if the requirements of this subsection have been complied with, the deed shall be deemed to have been executed in the presence of the proper persons, and to have taken effect accordingly.
- (2) The board of directors, council or other governing body of a corporation aggregate may, by resolution or otherwise, appoint an agent either generally or in any particular case, to execute on behalf of the corporation any agreement or other instrument not under seal in relation to any matter within the powers of the corporation.
- (3) Where a person is authorised under a power of attorney or under any statutory or other power to convey any interest in property in the name or on behalf of a corporation sole or aggregate, he may as attorney sign the name of the corporation in the presence of at least one witness, and in the case of a deed affix his own seal, and such execution shall take effect and be valid in like manner as if the corporation had executed the conveyance of the interest in the property.
- (4) Where a corporation aggregate is authorised under a power of attorney or under any statutory or other power to convey any interest in property in the name or on behalf of any person (including another corporation), then an officer appointed for that purpose by the board of directors, council or other governing body of the corporation by resolution or otherwise, may execute the deed or other instrument in the name of such person; and where an instrument appears to be executed by an officer so appointed, then, unless the contrary is proved, the instrument shall be deemed to have been executed by an officer duly authorised.
- (5) The foregoing provisions of this section apply only to deeds and instruments executed after the commencement of this Act, and in the case of powers whether the power (if any) was conferred before or after the commencement of this Act or by this Act.
- (6) Notwithstanding anything contained in this section, any mode of execution or attestation authorised by law or by practice or by the statute, charter, memorandum or articles, deed of settlement or other instrument constituting the corporation or regulating the affairs thereof, shall (in addition to the modes authorised by this section) be as effectual as if this section had not been passed.
- (7) Where either after or before the commencement of this Act any property or any interest therein is or has been vested in a corporation sole, the same shall, unless and until otherwise disposed of by the corporation, pass and devolve to and vest in and be deemed always to have passed and devolved to or vested in the successors from time to time of such corporation.
- (8) Where either after or before the commencement of this Act there is or has been a vacancy in the office of a corporation sole or in the office of the head of a corporation aggregate (in any case in which the vacancy affects the status or powers of the corporation) at the time when, if there had been no vacancy, any interest in or charge on property would have been acquired by the corporation, such interest shall notwithstanding such vacancy vest and be deemed to have vested in the successor to such office on his appointment as a corporation sole, or in the corporation aggregate

(as the case may be), but without prejudice to the right of such successor or of the corporation aggregate after the appointment of its head officer, to disclaim that interest or charge.

- (9) Any contract or other transaction expressed or purported to be made with, or any appointment as a custodian or other trustee or as a personal representative expressed to be made of a corporation sole, at a time (either after or before the commencement of this Act) when there is or has been a vacancy in the office, shall on the vacancy being filled take effect and be deemed to have taken effect as if the vacancy had been filled before the contract, transaction or appointment was expressed to be made or was capable of taking effect, and shall be capable of being enforced, accepted, disclaimed or renounced when the successor is appointed.

74 Abolition of acknowledgments by married women.

- (1) Every disposition (including a disclaimer) of real or personal property or any interest therein which a married woman is under the Fines and Recoveries Act, 1833, or the Married Women's Reversionary Interests Act, 1857, or any other enactment authorised to make by deed, acknowledged in the manner thereby prescribed as amended by the Conveyancing Act, 1882, shall, from the date of execution of the deed of disposition, be effectual if made by her with the concurrence of her husband, but without acknowledgment.
- (2) The separate examination of a married woman shall not be necessary as a preliminary to any order of the court directing payment or transfer of any money or property to her or in accordance with her directions.
- (3) Where the court, under any statutory power, dispenses in any case with the concurrence of the husband, and the court is satisfied that the wife is entitled for her separate use to the property to be dealt with, the court may by the order declare that the disposition shall have the same effect as if the husband had concurred therein and had disposed of his rights and interests, and the disposition by the wife alone shall take effect accordingly without acknowledgment.
- (4) This section applies only to deeds executed and orders made after the commencement of this Act and does not render necessary the concurrence of a husband in any deed where such concurrence would not have been requisite, if this section had not been passed.

75 Acquisitions and dispositions of trust estates by married women.

- (1) For removing doubts, it is hereby declared that subsection (1) of section one of the Married Women's ' Property Act, 1907, shall be construed as having authorised, a woman who was married after the thirty-first day of December one thousand eight hundred and eighty-two, or who, if she had not been married, would, after that date, have acquired any interest in the trust property referred to in that section, or in any other trust property, to acquire and hold such property or any such interest therein, as well as to dispose of or to join in disposing of the property, without her husband, as if she had been a feme sole ; and no interest in such property shall vest or be deemed to have vested in her husband by reason only of such acquisition; and she shall accordingly acquire, or be deemed to have acquired (as well from her husband as from any other person) and shall hold or be deemed to have held every such interest as a feme sole.

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- (2) Section one aforesaid, as explained by this section, does not prejudicially affect any beneficial interest of the husband of any such woman; and in those sections "disposition" includes a disclaimer and an assent, and "dispose of" has a corresponding meaning.

76 Abolition of enrolment of disentailing assurance, &c.

- (1) Every assurance or instrument executed or made after the commencement of this Act which, under the provisions of sections forty-one, forty-six, fifty-eight, fifty-nine, seventy-one, and seventy-two of the Fines and Recoveries Act, 1833, or otherwise under that Act (as extended by this Act), would have been required to be enrolled in the Central Office in England, shall be as effectual for all purposes, without such enrolment, as if it had been duly enrolled within the time prescribed by the said Act for such enrolment.
- (2) In this section "assurance" includes a vesting order operating as a disentailing assurance, whether made for barring an estate tail or enlarging a base fee or otherwise.
- (3) This section applies to entailed interests authorised to be created by this Act as well as to estates tail created before the commencement of this Act.

77 Power for tenant in tail in possession to dispose of property by specific devise or bequest.

- (1) A tenant in tail of full age shall have power to dispose by will, by means of a devise or bequest referring specifically either to the property or to the instrument under which it was acquired or to entailed property generally—
- (a) of all property of which he is tenant in tail in possession at his death; and
 - (b) of property to be sold where the money arising from the sale is subject to be invested in the purchase of property to be settled so that if purchased he would, at his death, have been tenant in tail in possession thereof; and
 - (c) of money subject to be invested in the purchase of lands, of which if it had been so invested he would have been tenant in tail in possession at his death;
- in like manner as if after barring the entail he had in equity been tenant in fee-simple or absolute owner thereof at his death; but, subject to and in default of any such disposition by will, such property shall devolve in the same manner as if this section had not been passed.
- (2) This section applies to entailed interests authorised to be created by this Act as well as to estates tail created before the commencement of this Act, but does not extend to a tenant in tail who is by statute restrained from barring or defeating his estate tail, whether the land or property in respect whereof he is so restrained was purchased with money provided by Parliament in consideration of public services or not, or to a tenant in tail after possibility of issue extinct, and shall not render any interest which is not disposed of by the will of the tenant in tail liable for his debts or other liabilities.
- (3) In this section the expressions "tenant in tail" and "money subject to be invested in the purchase of lands" have the same meanings as in the Fines and Recoveries Act, 1833; and the expression "tenant in tail" includes an owner of a base fee in possession who has power to enlarge the base fee into a fee-simple without the concurrence of any other person.

- (4) This section only applies to wills executed after the commencement of this Act, or confirmed or republished by codicil executed after such commencement.

78 Relief against forfeiture of leases on assignment, &c, and as to powers to distrain.

- (1) The words " To a covenant or condition against assigning, underletting, parting with the possession, or disposing of the land leased; or" in subclause (i) of subsection (6) of section fourteen of the Conveyancing Act, 1881, are hereby repealed. This subsection only applies where the breach occurs after the commencement of this Act and the foregoing repeal shall not apply where the land leased has been assigned, underlet, parted with, or disposed of, to a limited company.
- (2) For removing doubts it is hereby declared—
- (a) That a power of distress in regard to land, given by way of indemnity against a rent or any part thereof payable in respect of any land, is not and shall not be deemed ever to have been a bill of sale within the meaning of the Bills of Sale Acts, 1878 and 1882, as amended by any subsequent enactment:
- (b) That the benefit of all covenants and powers given by way of indemnity against a rent or any part thereof payable in respect of land is and shall be deemed always to have been annexed to the land intended to be indemnified, and may be enforced by the estate owner for the time being of the whole or any part of that land, notwithstanding that the benefit may not have been expressly apportioned or assigned to him or to any of his predecessors in title.

79 Powers of attorney relating to land to be filed.

- (1) Where an instrument creating a power of attorney confers a power to dispose of or deal with any interest in or charge upon land, the instrument or a certified copy thereof or of such portions thereof as refer to or are necessary to the interpretation of such power shall be filed at the Central Office pursuant to section forty-eight of the Conveyancing Act, 1881, unless the instrument only relates to one transaction and is to be handed over on the completion of that transaction:

Provided that, if the instrument relates to land or a charge registered under the Land Transfer Acts, 1875 and 1897, the instrument or a certified copy thereof or of such portions thereof as aforesaid shall be filed at the Land Registry, and it shall not be necessary to file it at the Central Office unless it also relates to land or a charge not so registered, in which case the instrument or a certified copy thereof or of such portions thereof as aforesaid shall be filed at the Central Office and an office copy shall be filed at the Land Registry.

- (2) Notwithstanding any stipulation to the contrary, a purchaser of any interest in or charge upon land (not being land or a charge registered as aforesaid) shall be entitled to have any instrument creating a power of attorney which affects his title, or an office copy thereof or of the material portions thereof delivered to him free of expense. (3.) This section only applies to instruments executed after the commencement of this Act.

80 Powers of attorney for value and amendment of section 47 of the Act of 1881.

- (1) A power of attorney given for valuable consideration may be given, and shall be deemed to have been always capable of being given, to a purchaser of property or any

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interest therein, and to the persons deriving title under him thereto; and those persons shall be the duly constituted attorneys for all the purposes of the power, but without prejudice to any right to appoint substitutes given by the power.

- (2) This section only applies to powers of attorney created by instruments executed after the thirty-first day of December, one thousand eight hundred and eighty-two.
- (3) This section shall not authorise the persons deriving title under the donee of the power to execute, on behalf of the registered proprietor, an instrument relating to registered land to which effect is to be given on the register.
- (4) The following provision shall have effect as if inserted at the end of subsection (1) of section forty-seven of the Conveyancing Act, 1881, namely :—

“A statutory declaration by an attorney to the effect that he has not received any notice or information of the revocation of such power of attorney by death or otherwise shall, if made immediately before or within three months after any such payment or act as aforesaid, be taken to be conclusive proof of such non-revocation at the time when such payment or act was made or done.”

81 Effect of bankruptcy of the mortgagor as respects the power for the mortgagee to sell or appoint a receiver.

- (1) Where the statutory or express power for a mortgagee either to sell or to appoint a receiver is made exercisable by reason of the mortgagor committing an act of bankruptcy or being adjudged a bankrupt, such power shall not become exercisable only on account of the act of bankruptcy or adjudication, without the leave of the court.
- (2) After the words " or that due notice was not given " in subsection (2) of section twenty-one of the Conveyancing Act, 1881, the words " or that leave of the court was not obtained " are hereby inserted.
- (3) This section applies only where the mortgage deed is executed after the commencement of this Act; and in this section " act of bankruptcy " includes the filing of a petition by any person against the mortgagor, and the making of a receiving order.

82 Transfers of mortgages.

- (1) A deed executed by a mortgagee purporting to transfer his mortgage or the benefit thereof shall, unless a contrary intention is therein expressed, and subject to any provisions therein contained, operate to transfer to the transferee the right to demand, sue for, recover and give receipts for the mortgage money, or the unpaid part thereof, and the interest then due, if any, and thenceforth to become due thereon, and the benefit of all securities for the same, and the benefit of and the right to sue on all covenants with the mortgagee, and the right to exercise all powers of the mortgagee, and all the estate and interest in the mortgaged property then vested in the mortgagee, subject to redemption or cesser, but as to such estate and interest subject to the right of redemption then subsisting.
- (2) In this section the expressions " mortgagee " and " mortgage money " have the same meanings as in the Conveyancing Act, 1881, but " mortgagee " includes a chargee by way of legal mortgage, and the expression " transferee " includes his executors, administrators, and assigns.

- (3) A transfer of mortgage may be made in the form contained in Part I. of the Eleventh Schedule to this Act, with such variations and additions, if any, as the circumstances may require.
- (4) This section applies, whether the mortgage transferred was made before or after the commencement of this Act and whether by way of statutory mortgage or not, but applies only to transfers made after the commencement of this Act.
- (5) This section does not extend to a transfer of a bill of sale of chattels by way of security.

83 Amendments of sections 5, 19, 23 and 24 of the Act of 1881, and of the Act of 1882, and of section 8 of the Act of 1911.

- (1) For removing doubts, it is hereby declared as follows:—
 - (i) The expression " the mortgaged property " where first used in clause (ii) of subsection (1) of section nineteen of the Conveyancing Act, 1881, and where used in clause (iii) of the same subsection, and in section twenty-four of the said Act means and shall be deemed always to have meant the property which, or the estate or interest in property which is mortgaged;
 - (ii) The expression " bankruptcy " in the Conveyancing Act, 1882, has and shall be deemed to have always had the same meaning as in the Conveyancing Act, 1881.
- (2) The power for the court under section five of the Conveyancing Act, 1881, to declare land to be freed from an incumbrance shall extend to other land affected by the incumbrance besides the land sold or exchanged; and this power may be exercised, either after or without notice to the incumbrancer, notwithstanding that on a previous occasion the order was confined to the land then sold or exchanged or part thereof; and in that section (as amended) references to sales shall include exchanges.
- (3) The words " effected under the mortgage deed or under this Act " in subsection (3) of section twenty-three of the Conveyancing Act, 1881, are hereby repealed, and the words " of mortgaged property against loss or damage " by fire or otherwise effected under this Act or for the " maintenance of which the mortgagor is liable under the " mortgage deed " are hereby inserted in their place, and are also inserted after the word " insurance " in subsection (4) of section twenty-three aforesaid.
- (4) At the end of subsection (1) of section eight of the Conveyancing Act, 1911, the words " or other the trustees or trustee for the time being of the trust " are hereby inserted and that subsection shall be construed as if those words had always formed part thereof.

84 Reconveyances of mortgages by endorsed receipts.

- (1) A receipt endorsed on, written at the foot of, or annexed to, a mortgage for all money thereby secured, which states the name of the person who pays the money and is executed by the person in whom the mortgaged property is vested and who is legally entitled to give a receipt for the mortgage money shall operate, without any reconveyance, surrender, or release—
 - (a) In the case of a mortgage taking effect by demise or subdemise, as a surrender of the term, as respects the subject matter of the mortgage, so as to determine the term or merge the same in the reversion immediately expectant thereon ;
 - (b) Where the mortgage does not take effect by demise or subdemise, then as a reconveyance thereof to the extent of the interest which is the subject matter

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of the mortgage, to the person who immediately before the execution of the receipt was entitled to the equity of redemption;

- (c) And in all cases, as a discharge of the mortgaged property from all principal money and interest secured by, and from all claims under the mortgage.
- (2) Provided that (except as hereinafter mentioned) where, by the receipt, the money appears to have been paid by a person who is not entitled to the immediate equity of redemption, then, unless it is otherwise expressly provided, the receipt shall operate as if the benefit of the mortgage had by deed been transferred to him but this provision shall not apply where the mortgage is paid off out of capital money, or other money in the hands of a personal representative or trustee properly applicable for the discharge of the mortgage, unless it is expressly provided that the receipt is to operate as a transfer.
- (3) Nothing in this section shall confer on a mortgagor a right to keep alive a mortgage, paid off by him, so as to affect prejudicially any subsequent incumbrancer; and where there is no right to keep the mortgage alive, the receipt shall not operate as a transfer.
- (4) This section shall, not affect the right of any person to require a reassignment, surrender, release, or transfer to be executed in lieu of a receipt.
- (5) A receipt may be given in the form contained in Part II. of the Eleventh Schedule to this Act, with such variations and additions, if any, as may be deemed expedient; and where it takes effect under this section, it shall (subject as hereinafter provided) be liable to the same stamp duty as if it were a reconveyance under seal.
- (6) In a receipt given under this section the same covenants shall be implied as if the person who executes the receipt had by deed been expressed to convey the property as mortgagee.
- (7) Where the mortgage consists of a mortgage and a further charge or of more than one deed, it shall be sufficient for the purposes of this section, if the receipt refers either to all the deeds whereby the mortgage money is secured or to the aggregate amount of the mortgage money thereby secured and is endorsed on, written at the foot of, or annexed to, one of the mortgage deeds.
- (8) In this section the expressions " mortgage " " mortgage money " " mortgagor " and " mortgagee " have the same meanings as in the Conveyancing Act, 1881.
- (9) This section applies to the discharge of a charge by way of legal mortgage and a mortgage, whether made by way of statutory mortgage or not, executed before or after the commencement of this Act, but only as respects discharges effected after such commencement.
- (10) The provisions of this section, relating to the operation of a receipt shall (in substitution for the like statutory provisions relating to receipts given by or on behalf of a building, friendly, industrial or provident society) apply to the discharge of a mortgage made to any such society, provided that the receipt is executed in' the manner required by the statute relating to the society, but nothing in this section shall render a receipt given by or on behalf of any such society liable to any stamp duty which would not have been otherwise payable.
- (11) This section shall not apply to the discharge of a charge or incumbrance registered under the Land Transfer Acts, 1875 and 1897.

85 Notice of trusts affecting mortgage debts.

- (1) A purchaser from a mortgagee under his statutory or express power of sale, and a transferee for money or money's worth of a mortgage, shall not be concerned with any trust affecting the mortgage money or the income thereof, whether or not he has notice of the trust, and may assume unless the contrary appears in the instruments relating to the mortgage, that the mortgagees (if more than one) are entitled to the mortgage money on a joint account, and that the mortgagee or mortgagees has or have power to give valid receipts for the purchase money or mortgage money and the income thereof (including any arrears of interest) without investigating the equitable title to the mortgage debt or the appointment or discharge of trustees in reference thereto.
- (2) This section applies to mortgages made before or after the commencement of this Act, but only as respects sales and transfers effected after such commencement.

86 Management of land of infants or persons entitled contingently.

- (1) Where any person is contingently entitled to land, subsections (1), (2), (3), and (7) of section forty-two of the Conveyancing Act, 1881 (as amended by any subsequent enactment), shall, subject to any prior interests or charges affecting that land, apply until his interest vests, or, if his interest vests during his minority, until he attains the age of twenty-one years.
- (2) This section applies only where a person becomes contingently entitled under an instrument coming into operation after the commencement of this Act.

87 Contingent and future testamentary gifts to carry the intermediate income.

- (1) A contingent or future specific devise or bequest of property, whether real or personal, and a contingent residuary devise of freehold land, and a specific or residuary devise of freehold land to trustees upon trust for persons whose interests are contingent or executory shall, subject to the provisions of the Accumulations Act, 1800, carry the intermediate income of that property from the death of the testator, except so far as such income, or any part thereof, may be otherwise expressly disposed of.
- (2) This section applies only to wills coming into operation after the commencement of this Act.

88 Power to apply income for maintenance and to accumulate surplus income during a minority.

- (1) Where any property is held by trustees in trust for any person for any interest whatsoever, whether vested or contingent, then subject to any prior interests or charges affecting that property—
 - (i) During the infancy of such person, if his interest so long continues, the trustees may, at their sole discretion, pay to his parent or guardian, if any, or otherwise apply for or towards his maintenance, education or benefit, the whole or such part (if any) as may under all the circumstances be reasonable of the income of that property, whether there is any other fund applicable to the same purpose, or any person bound by law to provide for his maintenance or education, or riot; and
 - (ii) If such person on attaining the age of twenty-one years has not a vested interest in such income, the trustees shall thenceforth pay the income of that property

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and of any accretion thereto under subsection (2) of this section to him, until he either attains a vested interest therein or dies, or until failure of his interest:

(iii) Provided that, in deciding whether the whole or any part of the income of the property is during a minority to be paid or applied for the purposes aforesaid, the trustees shall have regard to the age of the infant and his requirements and generally to the circumstances of the case, and in particular to what other income (if any) is applicable for the same purposes; and where trustees have notice that the income of more than one fund is applicable for those purposes then, so far as practicable, unless the entire income of the funds is paid or applied as aforesaid or the court otherwise directs, a proportionate part only of the income of each fund shall be so paid or applied.

(2) During the infancy of such person, if his interest so long continues, the trustees shall accumulate all the residue of that income in the way of compound interest by investing the same and the resulting income thereof from time to time on securities on which they are by the settlement, if any, or by law, authorised to invest trust money, and shall hold those accumulations—

(i) If such person attains the age of twenty-one years, or marries under that age, and his interest in such income during his infancy or until his marriage is a vested interest, - or, if such person on attaining the age of twenty-one years or marriage under that age becomes entitled to the property from which such income arose in fee simple, absolute or determinable, or absolutely, or for an entailed interest then in trust for such person absolutely, but without prejudice to any provision with respect thereto contained in any settlement by him made under any statute during his infancy, and so that the receipt of such person after marriage, and though still an infant, shall be a good discharge; and

(ii) In any other case (and notwithstanding that such person had a vested interest in such income) as an accretion to the capital of the property from which such accumulations arose, and as one fund with such capital for all purposes, and so that, if such property is settled land, such accumulations shall be held upon the same trusts as if the same were capital money arising therefrom;

but the trustees may, at any time during the infancy of such person if his interest so long continues, apply those accumulations, or any part thereof, as if the same were income arising in the then current year.

(3) This section applies in the case of a contingent interest only if the limitation or trust carries the intermediate income of the property; but it applies to a future or contingent legacy by the parent of, or a person standing in loco parentis to the legatee, if and for such period as, under the general law, the legacy carries interest for the maintenance of the legatee, and in any such case as last aforesaid the rate of interest shall be five pounds per centum per annum.

(4) This section shall apply to a vested annuity in like manner as if the annuity were the income of property held by trustees in trust to pay the income thereof to the annuitant for the same period for which the annuity is payable, save that in any case accumulations made during the infancy of the annuitant shall be held in trust for the annuitant or his personal representatives absolutely.

(5) Section forty-three and subsections (4) and (5) of section forty-two of the Conveyancing Act, 1881, are hereby repealed.

(6) This section applies only if and as far as a contrary intention is not expressed in the instrument, if any, under which the interest arises, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

- (7) This section and the repeals therein apply only where that instrument comes into operation after the commencement of this Act.

89 Accumulations of surplus income.

- (1) For removing doubts, it is hereby declared that where accumulations of surplus income are made during a minority under any statutory power or under the general law, the period for which such accumulations are made is not, whether the trust was created or the accumulations were made before or after the commencement of this Act, to be reckoned as one of the periods for which accumulations are authorised to be made under the Accumulations Act, 1800 (as amended by the Accumulations Act, 1892), and accordingly an express trust for accumulation for any other authorised period shall not be deemed to have been invalidated, or become invalid, by reason of accumulations also having been made during a minority as aforesaid.
- (2) This section applies to trusts created before or after the commencement of this Act.

90 Power to discharge or modify restrictive covenants affecting land.

- (1) The Authority hereinafter defined shall (without prejudice to the jurisdiction of the court) have power from time to time, on the application of any person interested in any freehold land affected by any restriction arising under covenant or otherwise as to the user thereof or the building thereon, by order wholly or partially to discharge or modify any such restriction (subject or not to the payment by the applicant of compensation to any person suffering loss in consequence of the order) upon being satisfied—
- (a) That by reason of changes in the character of the property or the neighbourhood or other circumstances of the case which the Authority may deem material, the restriction ought to be deemed obsolete, or that the continued existence thereof would impede the reasonable user of the land for public or private purposes, without securing practical benefits to other persons or, as the case may be, would unless modified so impede such user; or
- (b) That the persons of full age and capacity for the time being or from time to time entitled to the benefit of the restriction, whether in respect of estates in fee simple or any lesser estates or interests in the property to which the benefit of the restriction is annexed, have agreed, either expressly or by implication, by their acts or omissions, to the same being discharged or modified, or that the proposed discharge or modification will not injure the persons entitled to the benefit of the restriction:

Provided that no compensation shall be payable in respect of the discharge or modification of a restriction by reason of any advantage thereby accruing to the owner of the land affected by the restriction, unless the person entitled to the benefit of the restriction also suffers loss in consequence of the discharge or modification, nor in excess of such loss; but this provision shall not affect any right to compensation where, by reason of the imposition of the restriction, the amount of the consideration paid for the acquisition of the land was reduced.

- (2) The court shall have power in any proceedings on the application of any person interested—
- (a) To declare whether or not in any particular case any freehold land is affected by a restriction imposed by any instrument; or .

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- (b) To declare what, upon the true construction of any instrument purporting to impose a restriction, is the nature and extent of the restriction thereby imposed and whether the same is enforceable and if so by whom.
- (3) The Authority shall, before making any order under this section, direct such enquiries (if any) to be made of any local authority, or such notices (if any), whether by way of advertisement or otherwise, to be given to such of the persons who appear to be entitled to the benefit of the restriction intended to be discharged, modified, or dealt with as, having regard to any enquiries notices or other proceedings previously made, given or taken, the Authority may think fit.
- (4) The Authority may make rules in relation to any applications to be made to the Authority under this section and may revoke or vary any such rules, and with the consent of the Treasury may prescribe the fees to be paid in connexion with any application to the Authority.
- (5) Any order made under this section shall be binding on all persons, whether ascertained or of full age or capacity or not, then entitled or thereafter (subject to the order) capable of becoming entitled to the benefit of any restriction which is thereby discharged, modified, or dealt with, and whether such persons are parties to the proceedings or have been served with notice or not, but any order made by the Authority shall, in accordance with rules of court, be subject to appeal to the court.
- (6) An order may be made under this section notwithstanding that any instrument which is alleged to impose the restriction intended to be discharged, modified, or dealt with, may not have been produced to the court or the Authority, and the court or the Authority may act on such evidence of that instrument as it may think sufficient.
- (7) This section applies to restrictions whether subsisting at the commencement of this Act or imposed thereafter, and whether the freehold land affected thereby is registered or not, and, in the case of registered land, the Chief Land Registrar shall give effect on the register to the order when made, but this section does not apply where the restriction was imposed on the occasion of a disposition made gratuitously or for a nominal consideration for public purposes.
- (8) Where any proceedings by action or otherwise are taken to enforce a restrictive covenant, any person against whom the proceedings are taken, may, in such proceedings apply to the court for an order staying the proceedings and giving leave to apply to the Authority under this section.
- (9) In this section " the Authority " means such one or more of the Official Arbitrators appointed for the purposes of the Acquisition of Land (Assessment of Compensation) Act, 1919, as may be selected by the Reference Committee under that Act.
- (10) This section does not apply to restrictions imposed by the Commissioners of Works under this Act for the protection of any Royal Park or Garden or to restrictions of a like character imposed upon the occasion of any enfranchisement effected before the commencement of this Act in any manor vested in His Majesty in right of the Crown or the Duchy of Lancaster.
- (11) Where a term of more than seventy years is created in land (whether before or after the commencement of this Act) this section shall, after the expiration of fifty years of the term, apply to restrictions affecting such leasehold land in like manner as it would have applied had the land been freehold :

Provided that this subsection shall not apply to mining leases or leases for mining purposes.

91 Creation of rentcharges.

- (1) A rentcharge or other annual sum (not being rent incident to a reversion) payable half yearly or otherwise may be granted, reserved, charged or created out of or on another rentcharge or annual sum (not being rent incident to a reversion) charged on or payable out of land or on or out of the income of land, in like manner as the same could have been made to issue out of land.
- (2) If at any time the annual sum so created or any part thereof is unpaid for twenty-one days next after the time appointed for any payment in respect thereof, the person entitled to receive the annual sum shall (without prejudice to any prior interest or charge) have power to appoint a receiver of the annual sum charged or any part thereof, and the provisions of section twenty-four of the Conveyancing Act, 1881, shall apply in like manner as if such person were a mortgagee entitled to exercise the power of sale conferred by that Act, and the annual sum charged were the mortgaged property and the person entitled thereto were the mortgagor.
- (3) The power to appoint a receiver conferred by this section shall (where the annual sum is charged on a rent-charge) take effect in substitution for the remedies conferred, in the case of annual sums charged on land, by section forty-four of the Conveyancing Act, 1881, and section six of the Conveyancing Act, 1911, shall apply as if that power had been conferred by section forty-four aforesaid.
- (4) This section applies to annual sums expressed to be created before as well as after the commencement of this Act and shall, but without prejudice to any order of the court made before the commencement of this Act, operate to confirm any annual sum which would have been validly created if this section had been in force.

92 Amendment of section 45 of the Conveyancing Act, 1881.

- (1) If the Minister is satisfied
 - (a) that any person who has been in receipt of a rent, or claims to be entitled thereto, is unable or unwilling to prove his title either to dispose thereof absolutely, or to give an absolute discharge for the capital value thereof, or neglects to apply to any competent body or person for any requisite order or consent; or
 - (b) that a person entitled to the rent or any part thereof cannot be found or ascertained; or
 - (c) that by reason of complications in the title to the rent, or the want of two or more trustees, or for any other reason a tender of the redemption money cannot be effected, or cannot be effected without incurring or involving unreasonable cost or delay,the Minister may authorise the owner or other person interested in the land affected by the rent, to pay the amount of the redemption money certified by the Minister into court, to an account entitled in the matter of the rent and of the land affected.
- (2) On proof to the Minister of such payment into court he shall certify that the rent has been redeemed and the provisions of subsection (3) of section forty-five of the Conveyancing Act, 1881, shall apply to such certificate.

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- (3) Any person claiming to be interested in the fund in court, or who would have been interested in the rent had it not been redeemed, may apply to the court for an order giving directions for the payment, to the persons entitled to give a receipt for the same, of the fund in court or any part, thereof, or of the income thereof, and it shall not be necessary to serve the owner of the land or the Minister with notice of the proceedings.
- (4) Where any person interested in the whole or any part of the land affected by the rent desires to effect a discharge of a part of the land, and the remainder of the land is not exonerated or indemnified from the rent by means of the aforesaid part, the Minister may, on his application/, by a certificate, apportion the rent between the aforesaid part of the land and the remainder of the land affected (regard being had to the security which will be left for the payment of any part of the rent, and to any apportionment which is not binding on the owner of the rent), and any apportioned part of the rent shall be redeemable under section forty-five aforesaid, as hereby amended, and, on such redemption, the part of the land to which the redemption applies shall be discharged from the entire rent.
- (5) Rules may be made by the Minister for regulating proceedings to be taken under section forty-five aforesaid and this section, and as to the manner in which costs are to be borne by the respective parties. And all decisions of the Minister made under section forty-five aforesaid and this section shall (subject only to such appeal to the court as may be prescribed by rules of court) be final.
- (6) Section forty-five aforesaid (as amended by this section) does not apply to tithe rentcharge or other payment redeemable under the Tithe Acts, 1836 to 1918, or to a rent reserved on a lease or tenancy, and subsections (5) and (6) of that section are hereby repealed.
- (7) " Rent " in that section (as so amended) includes a rent reserved on a sale, or made payable under a grant or licence (not operating as an agreement for a lease or tenancy) for building purposes, also a compensation rent-charge created' under Part VI. of this Act, and that section (as so amended) applies whether the rent was created before or after the commencement of this Act.
- (8) Where the rent (being perpetual) was reserved on a sale, or was made payable under a grant or licence for building purposes, the redemption money shall be such sum as would according to the average price, at the date of redemption, of such Government securities as may for the time being be prescribed by the Treasury, yield annual dividends equal to the amount of the yearly rent redeemed.
- (9) Section forty-five aforesaid, as amended by this section, applies whether or not the rent is settled or is held on trust for sale, or on trust for charitable, ecclesiastical, public or other purposes, or is subject to incumbrances.

93 Apportionment of charges payable for redemption of tithe rent charge.

- (1) An order of apportionment of a charge on land may be made by the Minister under sections ten to fourteen (inclusive) of the Inclosure Act, 1854, on the application of any person interested, according to the provisions of the Inclosure Acts, 1845 to 1882, in the land charged or any part thereof without the concurrence of any other person: Provided that the Minister may, in any such case, on the application of the person interested as aforesaid in the annuity, require as a condition of making the order that any apportioned part of the annuity which does not exceed the yearly sum of two pounds shall be redeemed forthwith.

- (2) In section eleven of the Inclosure Act, 1854, the proviso to that section, and in section thirteen the words "so far as the same has been apportioned upon " the lands of persons interested and making application " as aforesaid " are hereby repealed.

94 Thirty years substituted for forty years as the root of title.

- (1) In the completion of any contract of sale of land made after the commencement of this Act, and subject to any stipulation to the contrary in the contract, thirty years shall be substituted as the period of commencement of title which a purchaser may require in place of forty years, the present period of such commencement; nevertheless earlier title than thirty years may be required in cases similar to those in which earlier title than forty years may now be required.
- (2) Section one of the Vendor and Purchaser Act, 1874, is hereby repealed.

95 Provisions as to constructive notice.

- (1) For removing doubts, it is hereby declared that a purchaser shall not be deemed to be or ever to have been affected with notice of any matter or thing of which, if he had investigated the title or made enquiries in regard to matters prior to the period of commencement of title fixed by this Act, or by any other statute, he might have had notice, unless he actually makes such investigation or enquiries.
- (2) Where, by reason of section two of the Vendor and Purchaser Act, 1874, or of sections three or thirteen of the Conveyancing Act, 1881, - an intended lessee or assign is not (apart from express contract) entitled to call for the title to the freehold or to a leasehold reversion (as the case may be), he shall not, where the contract is made after the commencement of this Act, be deemed to be affected with notice of any matter or thing of which, if he had contracted that such title should be furnished, he might have had notice.

96 Covenants binding land.

- (1) A covenant and a bond and an obligation or contract under seal made after the thirty-first December, eighteen hundred and eighty-one, shall bind the real estate as well as the personal estate of the person making the same if and so far as a contrary intention is not expressed in the covenant, bond, obligation, or contract. This subsection extends to a covenant implied by virtue of the Conveyancing Act, 1881.
- (2) Every covenant running with the land entered into before the commencement of this Act shall take effect subject to the provisions of this Act, and accordingly the benefit or burden of every such covenant shall, subject as aforesaid, vest in or bind the persons who by virtue of this Act succeed to the title of the covenantee or the covenantor, as the case may be.
- (3) The benefit of a covenant relating to land entered into after the commencement of this Act may be made to run with the land without the use of the word " heirs " if the covenant is of such a nature that the benefit could have been made to run with the land before the commencement of this Act. and if an intention that the benefit shall pass to the successors in title of the covenantee appears from the deed containing the covenant.

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- (4) For the purposes of this section, a covenant runs with the land when the benefit or burden of it, whether at law or in equity, passes to the successors in title of the covenantee or the covenantor, as the case may be.

97 Contracts entered into by a person with himself and another or others.

- (1) Any covenant (whether express or implied) or agreement entered into by a person with himself and another or others shall be construed and be capable of being enforced in like manner as if the covenant or agreement had been entered into with the other or others.
- (2) This section applies to covenants implied under section seven of the Conveyancing Act, 1881, in the case of a person who conveys or is expressed to convey to himself and another person or other persons.
- (3) This section applies to covenants or agreements entered into, or implied, before or after the commencement of this Act, but without prejudice to any order of the court made before such commencement.

98 As to the rule as to perpetuities.

- (1) For removing doubts it is hereby declared that the rule of law relating to perpetuities does not apply and shall not be deemed ever to have applied—
- (a) To any power to distrain on or to take possession of land or the income thereof given by way of indemnity against a rent, whether charged upon or payable in respect of any part of that land or not; or
 - (b) To any rentcharge created only as an indemnity against another rentcharge, although the indemnity rentcharge may only arise or become payable on breach of a condition or stipulation: or
 - (c) To any power, whether exercisable on breach of a condition or stipulation or not, to retain or withhold payment of any instalment of a rent-charge as an indemnity against another rent-charge ; or
 - (d) To any grant, exception, or reservation of any right of entry on, or user of, the surface of land or of any easements, rights, or privileges over or under land for the purpose of winning, working, inspecting, measuring, converting, manufacturing, carrying away, and disposing of mines and minerals; inspecting, grubbing up, felling and carrying away timber and other trees, and the tops and lops thereof, executing repairs, alterations, or additions to any adjoining land, or the buildings and erections thereon; or constructing, laying down, altering, repairing, renewing, cleansing, and maintaining sewers, watercourses, cesspools, gutters, drains, water-pipes, gas-pipes, electric wires or cables or other like works.
- (2) This section applies to instruments coming into operation before or after the commencement of this Act.

99 Validation of certain gifts void for remoteness.

- (1) Where in a will, settlement, or other instrument the absolute vesting either of capital or income of property, or the ascertainment of a beneficiary or class of beneficiaries, is made to depend on the attainment by the beneficiary or members of the class of an age exceeding twenty-one years, and thereby the gift to that beneficiary or class or

any member thereof, or any gift over, remainder, executory limitation, or trust arising on the total or partial failure of the original gift, is, or but for this section would be, rendered void for remoteness, the will, settlement, or other instrument shall take effect for the purposes of such gift, gift over, remainder, executory limitation, or trust as if the absolute vesting or ascertainment aforesaid had been made to depend on the beneficiary or member of the class attaining the age of twenty-one years, and that age shall be substituted for the age stated in the will, settlement, or other instrument.

- (2) This section applies to any instrument executed after the commencement of this Act and to any testamentary appointment (whether made in exercise of a general or special power) devise, or bequest contained in the will of a person dying after such commencement, whether the will is made before or after such commencement.
- (3) This section applies without prejudice to any provision whereby the absolute vesting or ascertainment is also made to depend on the marriage of any person, or any other event which may occur before the age stated in the will, settlement, or other instrument is attained.

100 Protection of purchasers claiming under certain void appointments.

- (1) An instrument purporting to exercise a power of appointment over property, which, in default of and subject to any appointment, is held in trust for a class of persons of whom the appointee is one, shall not (save as hereinafter provided) be void on the ground of fraud on the power as against a purchaser in good faith:

Provided that, if the interest appointed exceeds in amount or value, the interest in such property to which immediately before the execution of the instrument the appointee was presumptively entitled under the trust in default of appointment, having regard to any advances in his favour and to any hotchpot provision, the protection afforded by this section to a purchaser shall not extend to such excess.

- (2) In this section " a purchaser in good faith " means a , person dealing with an appointee of the age of not less than twenty-five years for valuable consideration in money or money's worth, and without notice of the fraud, or of any circumstances from which, if reasonable inquiries had been made, the fraud might have been discovered.
- (3) Persons deriving title under any purchaser entitled to the benefit of this section shall be entitled to the like benefit.
- (4) This section applies to instruments coming into operation before or after the commencement of this Act, but only to dealings effected after the commencement of this Act.

101 Amendment of section 65 of the Conveyancing Act, 1881.

- (1) A rent not exceeding the yearly sum of one pound which has not been collected or paid for a continuous period of twenty years or upwards shall, for the purposes of section sixty-five of the Conveyancing Act, 1881, be deemed to have ceased to be payable :

Provided that, of the said period, at least five years must have elapsed after the commencement of this Act.

- (2) Where a rent, incident to a reversion expectant on a term to which section sixty-five aforesaid (as amended by any subsequent enactment) applies, is deemed to have ceased

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to be payable for the purposes aforesaid, then no claim for such rent or for any arrears thereof shall be capable of being enforced.

102 Rights of the public over waste land and commons.

- (1) From and after the commencement of this Act members of the public shall, subject as hereinafter provided, have rights of access for air and exercise to any land which is a metropolitan common within the meaning of the Metropolitan Commons Acts, 1866 to 1898, or manorial waste or a common which is wholly or partly situated within a borough or urban district, and to any land which at the commencement of this Act is subject to rights of common and to which this section may from time to time be applied in manner hereinafter provided :

Provided that—

- (a) such rights of access shall be subject to any Act, scheme, or provisional order for the regulation of the land, and to any byelaw or regulation made thereunder ; and
 - (b) the Minister shall, on the application of any person entitled as lord of the manor or otherwise to the soil of the land, or entitled to any commonable rights affecting the land, impose such limitations on and conditions as to the exercise of the rights of access or as to the extent of the land to be affected as, in the opinion of the Minister, are necessary or desirable for preventing any estate, right or interest of a profitable or beneficial nature in, over, or affecting the land being injuriously affected, or for protecting any object of historical interest and, where any such limitations or conditions are so imposed, the rights of access shall be subject thereto , and
 - (c) such rights of access shall not include any. right to draw or drive upon the land a carriage, cart, caravan, truck, or other vehicle, or to camp or light any fire thereon; and
 - (d) the rights of access shall cease to apply to any land over which the commonable rights are extinguished under any statutory provision, and to any land over which the commonable rights are otherwise extinguished if the council of the county or county borough in which the land is situated by resolution assent to its exclusion from the operation of this section, and the resolution is approved by the Minister.
- (2) The lord of the manor or other person entitled to the soil of any land subject to rights of common may by deed, revocable or irrevocable, declare that this section shall apply to the land, and upon such deed being deposited with the Minister the land shall, so long as the deed remains operative, be land to which this section applies.
- (3) Where limitations or conditions are imposed by the Minister under this section, they shall be published by such person and in such manner as the Minister shall direct.
- (4) Any person who, without lawful authority, shall draw or drive upon any land to which this section applies any carriage, cart, caravan, truck, or other vehicle, or shall camp or light any fire thereon, or who shall fail to observe any limitation or condition imposed by the Minister under this section in respect of any such land, shall be liable on summary conviction to a fine not exceeding forty shillings for each offence.
- (5) Nothing in this section shall prejudice or affect the right of any person to get and remove mines or minerals or to let down the surface of the manorial waste or common.

103 Restriction of inclosure of commons.

- (1) From and after the commencement of this Act, the erection of any building or fence, or the construction of any other work, whereby access to land to which this section applies is prevented or impeded, shall not be lawful unless the consent of the Minister thereto is obtained, and in giving or withholding his consent the Minister shall have regard to the same considerations and shall, if necessary, hold the same inquiries as are directed by the Commons Act, 1876, to be taken into consideration and held by the Minister before forming an opinion whether an application under the Inclosure Acts, 1845 to 1882, shall be acceded to or not.
- (2) Where any building or fence is erected, or any other work constructed without such consent as is required by this section, the county court within whose jurisdiction the land is situated, shall, on an application being made by the council of any county or borough or district concerned, or by the lord of the manor or any other person interested in the common, have power to make an order for the removal of the work, and the restoration of the land to the condition in which it was before the work was erected or constructed, but any such order shall be subject to the like appeal as an order made under section thirty of the Commons Act, 1876.
- (3) This section shall apply to any land which at the commencement of this Act is subject to rights of common. Provided that this section shall cease to apply to any land over which the rights of common are extinguished under any statutory provision, and to any land over which the rights of common are otherwise extinguished, if the council of the county or county borough in which the land is situated by resolution assent to its exclusion from the operation of this section and the resolution is approved by the Minister.
- (4) This section shall not apply to any building or fence erected or work constructed if specially authorised by Act of Parliament, or in pursuance of an Act of Parliament or Order having the force of an Act, or if lawfully erected or constructed in connexion with the taking or working of minerals in or under any land to which the section is otherwise applicable, or to any telegraphic line (as defined by the Telegraph Act, 1878) of the Postmaster-General.

104 Stipulations preventing a purchaser, lessee or underlessee from employing his own solicitor to be void.

- (1) Any stipulation made on the sale of any interest in land after the commencement of this Act to the effect that the conveyance to, or the registration of the title of, the purchaser shall be prepared or carried out at the expense of the purchaser by a solicitor appointed by or acting for the vendor and any stipulation which might restrict a purchaser in the selection of a solicitor to act on his behalf in relation to any interest in land agreed to be purchased, shall be void; and, if a sale is effected by demise or subdemise, then-, for the purposes of this subsection, the instrument required for giving effect to the transaction shall be deemed to be a conveyance ; but nothing in this section shall affect the right of a vendor to furnish a form of conveyance to a purchaser from which the draft can be prepared or to charge a reasonable fee therefor, or, where a perpetual rentcharge is to be reserved as the only consideration in money or money's worth, to stipulate that the draft conveyance is to be prepared by his solicitor at the expense of the purchaser.
- (2) Any covenant or stipulation contained in, or entered into with reference to any lease or underlease made before or after the commencement of this Act, whereby the right of preparing, at the expense of a purchaser, any assignment or other conveyance of

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the estate or interest of the lessee or underlessee in the demised premises or in any part thereof, or of otherwise carrying out, at the expense of the purchaser, any dealing with such estate or interest, is expressed to be reserved to or vested in the lessor or underlessor or his solicitor, or which in any way restricts the right of the purchaser to have such assignment or other conveyance carried out on his behalf by a solicitor appointed by him, shall be void:

Provided that, in lieu of any covenant or stipulation rendered void by this subsection, there shall be implied a covenant or stipulation that the lessee or underlessee shall register all assignments and devolutions including probates or letters of administration affecting the lease or underlease with the lessor or his solicitor within six months from the date of the conveyance or devolution and pay a fee of one guinea in respect of each registration, and the power of entry (if any) on breach of any covenant contained in the lease or underlease shall apply and extend to the breach of any covenant so to be implied.

- (3) Save where a sale is effected by demise or sub-demise, this section does not affect the law relating to the preparation of a lease or underlease or the draft thereof.
- (4) In this section " lease " and " underlease " include any agreement therefor or other tenancy, and " lessee " and " underlessee " and " lessor " and " underlessor " have corresponding meanings.

105 Application of insurance money on completion of a sale.

Any money becoming payable after the date of any contract for sale of property under any policy of assurance in respect of any damage to or destruction of property included in such contract shall, on completion of such contract, but subject to any stipulation to the contrary, be held or receivable by the vendor on behalf of the purchaser and paid by the vendor to the purchaser on completion of the sale or so soon thereafter as the same shall be received by the vendor.

106 Amendment of 34 & 35 Vict. c.31, s.7.

Section seven of the Trade Union Act, 1871 (which provides that buildings for trade unions may be purchased or leased), shall have effect as if the words " not exceeding one acre " were deleted.

107 Construction of deeds and other instruments and presumption of survivorship.

- (1) In all deeds, contracts, wills, orders and other instruments executed, made or coming into operation after the commencement of this Act, unless a contrary intention appears—
 - (a) " Month " means calendar month.
 - (b) " Person " includes a corporation.
 - (c) The singular includes the plural and vice versa;
 - (d) The masculine includes the feminine and vice versa.
- (2) The Lord Chancellor may from time to time prescribe and publish forms of contracts and conditions of sale of land, and the forms so prescribed and for the time being in force shall, subject to any stipulation, modification, or intention expressed to the contrary, apply to contracts by correspondence, and may, but only by express reference thereto, be made to apply to any other cases for which the forms are made available ;

and may also prescribe and publish forms to which a testator may refer in his will, but, unless so referred to, such forms shall not be deemed to be incorporated in a will.

- (3) In all cases where, after the commencement of this Act, two or more persons have died in circumstances rendering it uncertain which of them survived the other or others, such deaths shall (subject to any order of the court), for all purposes affecting the title to property, be presumed to have occurred in order of seniority, and accordingly the younger shall be deemed to have survived the elder.
- (4) Any deed, whether or not being an indenture, may be described (at the commencement thereof or otherwise) as a deed simply, or as a conveyance, deed of exchange, vesting deed, trust deed, settlement, mortgage, charge, transfer of mortgage, appointment, lease or otherwise according to the nature of the transaction intended to be effected.

108 Construction.

- (1) This Part of this Act and the Conveyancing Acts, 1881 to 1911, shall be construed together and may be cited together as the Conveyancing Acts, 1881 to 1922.
- (2) Expressions not otherwise defined in this Act have the same meanings in this Part of this Act as in the Conveyancing Act, 1881, but without prejudice to the general definitions in Part XI. of this Act which shall, where applicable, apply to the Conveyancing Acts, 1881 to 1922.