

## SCHEDULES.

### TENTH SCHEDULE

Section 35.

#### CONSEQUENTIAL AMENDMENTS OF THE SETTLED LAND ACTS, 1882 TO 1890.

##### *Amendments consequential of Part I. of this Act.*

- 1 The following provisions shall take effect as respects the Settled Land Acts, 1882 to 1890, in this Schedule referred to as the Acts :—
- (1) In subsection (6) of section two of the Act of 1882 the words "as tenants in common or" and the words "or for other concurrent estates or interests" are hereby repealed, and all references in the Acts to undivided shares in land and to partitions of the settled land are likewise repealed:
  - (2) An express power to sell settled land which is not vested in the tenant for life of full age, or statutory owner, shall not be exercisable in relation to the land, but the operation of such power to constitute persons to be trustees of the settlement shall remain unaffected ; and all powers (including powers conferred by other statutes in extension of the powers conferred by the Acts) to raise money by mortgage of the settled land shall be exercisable by charge by way of legal mortgage or by demise or subdemise thereof:
  - (3) In clause (i) of subsection (10) of section two of the Act of 1882, in place of the words " also an undivided share" the words "but not an undivided share " are hereby substituted :
  - (4) Section nineteen and subsections (1) (2) and (3) of section twenty-four of the Act of 1882 are hereby repealed, and in subsection (4) of section twenty-four aforesaid the words "by purchase or in exchange" are hereby substituted for the words " as aforesaid, " and references to "undivided shares" and to "partition " in that section are hereby repealed, and the words " in respect of money actually raised and remaining unpaid " are also repealed :
  - (5) The following enactment is hereby substituted for subsection (1) of section thirty-seven of the Act of 1882, namely :—

“Where personal chattels are settled so as to devolve with settled land, a tenant for life of the land may sell the chattels or any of them.”
  - (6) The words " trustee is a trust corporation " are hereby substituted for the words " settlement authorises the receipt of capital trust money of the settlement by one trustee " in subsection (1) of section thirty-nine of the Act of 1882 ; and the words " the trustee is a trust corporation " are hereby substituted for the words " a contrary intention is expressed in the settlement " in subsection (2) of section forty-five of the Act of 1882 :
  - (7) Where an application is made to the court for the appointment of trustees of a trust deed or settlement, and a vesting instrument is subsisting, the court shall also have

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power to appoint trustees for the purposes of the Acts of the principal or only vesting instrument and of the supplemental vesting instruments, if any, referred to in the application ; and may require a memorandum of the appointment to be endorsed thereon. References in the Acts to settlements and to trustees of settlements shall, in connexion with the appointment of trustees, extend to vesting instruments and to the trustees thereof:

- (8) Section forty-four of the Act of 1882 shall apply to all questions or differences in relation to settled land which may arise under Part I. of this Act:
- (9) The provisions of section fifty-one of the Act of 1882 shall apply to any matter which might induce a tenant for life of full age, or statutory owner, not to exercise his right to require the settled land to be vested in him:
- (10) All powers which under section fifty-six of the Act of 1882 (as amended) could only be exercised in relation to the settled land with the consent of the tenants for life or one of them shall, after the commencement of this Act, be exercisable by the tenant for life of full age, or statutory owner, as if the same were additional powers within section fifty-seven of that Act :
- (11) Clause (ix) of subsection (1) of section fifty-eight of the Act of 1882 does not apply where the land is subject to an immediate binding trust for sale :
- (12) Sections fifty-nine and sixty of the Act of 1882 (as amended or extended by this Act) shall have effect subject to the provisions of this Act requiring the settled land during a minority to be vested in the statutory owner unless retained by a personal representative :
- (13) Section sixty-three of the Act of 1882 and sections six and seven of the Act of 1884 are hereby repealed;
- (14) The last paragraph of section nine of the Act of 1890, commencing with the words "and the rent-charge," is hereby repealed.

*Amendments for the purposes of Parts V. and VI.*

2 The following provisions shall, for the purposes of Parts V. and VI. of this Act, have effect as amendments of the Acts, namely:—

- (1) References in the Acts to " enfranchisements " and to " sales" shall, after the commencement of this Act, extend to the extinguishment of manorial incidents :
- (2) Where rights to manorial incidents are comprised in a settlement the tenant for life of full age, or statutory owner, may, as respects any fines payable in respect of an alienation in lieu of a fine payable for a licence authorising the alienation, agree the amount of the fine if the same is not fixed by the custom of the manor:
- (3) Section fourteen and subsection (3) of section twenty of the Act of 1882 are hereby repealed :
- (4) Any gross sum or an instalment thereof received in respect of the extinguishment of manorial incidents shall be capital money arising under the Acts :
- (5) Capital money may be applied—
  - (a) In discharge of any fines payable in respect of the alienation of any settled land affected by manorial incidents;

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- (b) In payment of the gross sum or an instalment thereof payable as compensation for the extinguishment of manorial incidents affecting the settled land, and for the acquisition of any mines, minerals, and other rights of the lord or the owner of the land affected by the manorial incidents, and for the compensation of the steward;
  - (c) In redemption of any compensation rentcharge created in respect of the extinguishment of manorial incidents, and affecting the settled land ;
  - (d) In payment of costs and expenses incidental to any of the above matters:
- (6) The tenant for life of full age, or statutory owner, shall, in reference to a compensation agreement and to other incidental matters, have the powers conferred on him by the Law of Property Act, 1922, either as tenant for life of full age, or statutory owner, of the settled land affected by manorial incidents, or of the manor, or otherwise in right of the manorial incidents as the case may require :
- (7) A tenant for life of full age, or statutory, owner may raise money in like manner as he is authorised to raise money by section eleven of the Act of 1890 (as amended) for any of the following purposes, namely:—
- (a) For extinguishing any manorial incidents under the Law of Property Act, 1922 ; or
  - (b) For compensating the steward on the extinguishment of manorial incidents and for discharging the expenses incurred in connexion with the extinguishment ; or
  - (c) For redeeming a compensation rentcharge created under the Law of Property Act, 1922, and affecting the settled land; and
  - (d) For discharging the money properly required for payment of the costs of any such transaction.

*Amendments for the purposes of Part VII.*

3 The following provisions shall, for the purposes of Part VII. of this Act, have effect as amendments of the Acts, namely :—

- (1) Capital money may be applied—
  - (a) In commuting any additional rent made payable under Part VII. of the Law of Property Act, 1922, on the conversion of a perpetually renewable leasehold interest into a long term, and in satisfying any claim for compensation under that Act by any officer, solicitor, or other agent of the lessor in respect of fees or costs which would have been payable by the lessee or underlessee on any renewal;
  - (b) In payment of costs and expenses incidental to the above matters:
- (2) In reference to the conversion of a perpetually renewable lease or underlease into a long term, a tenant for life of full age, or statutory owner, may enter into such agreements and do such acts and things as the lessor or lessee or underlessee (as the case may require) is, by Part VII. of the Law of Property Act, 1922, authorised to enter into or do:
- (3) A tenant for life of full age, or statutory owner, may raise money in like manner as he is authorised to raise money by section eleven of the Act of 1890 (as amended) for any of the following purposes, namely:—

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- (a) For commuting any additional rent made payable under Part VII. of the Law of Property Act, 1922, on the conversion of a perpetually renewable leasehold interest into a long term;
- (b) For satisfying any claims for compensation under that Act by any officer, solicitor, or other agent of the lessor in respect of fees or costs which would have been payable by the lessee or under-lessee on any renewal;
- (c) For discharging the money properly required for payment of the costs of the transaction,