



# Settled Land Act 1925

1925 CHAPTER 18 15 and 16 Geo 5

## PART I

### GENERAL PRELIMINARY PROVISIONS

#### *Settlements and Settled Land*

#### **1 What constitutes a settlement.**

- (1) Any deed, will, agreement for a settlement or other agreement, Act of Parliament, or other instrument, or any number of instruments, whether made or passed before or after, or partly before and partly after, the commencement of this Act, under or by virtue of which instrument or instruments any land, after the commencement of this Act, stands for the time being—
- (i) limited in trust for any persons by way of succession; or
  - (ii) limited in trust for any person in possession—
    - (a) for an entailed interest whether or not capable of being barred or defeated;
    - (b) for an estate in fee simple or for a term of years absolute subject to an executory limitation, gift, or disposition over on failure of his issue or in any other event;
    - (c) for a base or determinable fee [<sup>F1</sup>(other than a fee which is a fee simple absolute by virtue of section 7 of the Law of Property Act 1925)] or any corresponding interest in leasehold land;
    - (d) being an infant, for an estate in fee simple or for a term of years absolute; or
  - (iii) limited in trust for any person for an estate in fee simple or for a term of years absolute contingently on the happening of any event; or
  - (iv) .....<sup>F2</sup>
  - (v) charged, whether voluntarily or in consideration of marriage or by way of family arrangement, and whether immediately or after an interval, with the payment of any rentcharge for the life of any person, or any less period,

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*Changes to legislation: There are currently no known outstanding effects for the Settled Land Act 1925, Section 1. (See end of Document for details)*

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or of any capital, annual, or periodical sums for the portions, advancement, maintenance, or otherwise for the benefit of any persons, with or without any terms of years for securing or raising the same;

creates or is for the purposes of this Act a settlement and is in this Act referred to as a settlement, or as the settlement, as the case requires:

Provided that, where land is the subject of a compound settlement, references in this Act to the settlement shall be construed as meaning such compound settlement, unless the context otherwise requires.

- (2) Where an infant is beneficially entitled to land for an estate in fee simple or for a term of years absolute and by reason of an intestacy or otherwise there is no instrument under which the interest of the infant arises or is acquired, a settlement shall be deemed to have been made by the intestate, or by the person whose interest the infant has acquired.
- (3) An infant shall be deemed to be entitled in possession notwithstanding any subsisting right of dower (not assigned by metes and bounds) affecting the land, and such a right of dower shall be deemed to be an interest comprised in the subject of the settlement and coming to the dowress under or by virtue of the settlement.

Where dower has been assigned by metes and bounds, the letters of administration or probate granted in respect of the estate of the husband of the dowress shall be deemed a settlement made by the husband.

- (4) An estate or interest not disposed of by a settlement and remaining in or reverting to the settlor, or any person deriving title under him, is for the purposes of this Act an estate or interest comprised in the subject of the settlement and coming to the settlor or such person under or by virtue of the settlement.
- (5) Where—
- (a) a settlement creates an entailed interest which is incapable of being barred or defeated, or a base or determinable fee, whether or not the reversion or right of reverter is in the Crown, or any corresponding interest in leasehold land; or
  - (b) the subject of a settlement is an entailed interest, or a base or determinable fee, whether or not the reversion or right of reverter is in the Crown, or any corresponding interest in leasehold land;

the reversion or right of reverter upon the cesser of the interest so created or settled shall be deemed to be an interest comprised in the subject of the settlement, and limited by the settlement.

- (6) Subsections (4) and (5) of this section bind the Crown.

[<sup>F3</sup>(7) This section does not apply to land held upon trust for sale.]

#### **Textual Amendments**

- F1** Words added (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 2(2)**(with ss. 24(2), 25(4)(5)); S.I. 1996/2974, **art. 2**
- F2** Ss. 1(1)(iv), 20(1)(x), 25(2) repealed by **Married Women (Restraint upon Anticipation) Act 1949 (c. 78)**, s. 1, **Sch. 2**
- F3** S.1(7) added by **Law of Property (Amendment) Act 1926 (c. 11)**, **Sch.**

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**Modifications etc. (not altering text)**

- C1** S. 1 excluded (1.1.1997) by 1996 c. 47, s. 5(2)(with ss. 24(2), 25(4)(5)); S. I. 1996/2974, art.2
- C2** S. 1(1)(v) modified by Rentcharges Act 1977 (c. 30, SIF 98:1), s. 2(3)

**Changes to legislation:**

There are currently no known outstanding effects for the Settled Land Act 1925, Section 1.