



# Law of Property Act 1925

## CHAPTER 20

### LAW OF PROPERTY ACT 1925

#### PART I

##### GENERAL PRINCIPLES AS TO LEGAL ESTATES, EQUITABLE INTERESTS AND POWERS

- 1 Legal estates and equitable interests.
- 2 Conveyances overreaching certain equitable interests and powers.
- 3 Manner of giving effect to equitable interests and powers.
- 4 Creation and disposition of equitable interests.
- 5 Satisfied terms, whether created out of freehold or leasehold land to cease.
- 6 Saving of lessors' and lessees' covenants.
- 7 Saving of certain legal estates and statutory powers.
- 8 Saving of certain legal powers to lease.
- 9 Vesting orders and dispositions of legal estates operating as conveyances by an estate owner.
- 10 Title to be shown to legal estates.
- 11 Registration in Middlesex and Yorkshire as respects legal estates.
- 12 Limitation and Prescription Acts.
- 13 Effect of possession of documents.
- 14 Interests of persons in possession.
- 15 Presumption that parties are of full age.

##### *Death Duties*

16–18 .....

##### *Infants and Lunatics*

- 19 Effect of conveyances of legal estates to infants.

*Status: Point in time view as at 01/04/2001.*

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- 20 Infants not to be appointed trustees.
- 21 Receipts by married infants.
- 22 Conveyances on behalf of persons suffering from mental disorder and as to land held by them in trust.

#### *Dispositions on Trust for Sale*

- 23 Duration of trusts for sale.

#### *Trusts of land*

- 24 Appointment of trustees of land.
- 25 Power to postpone sale.
- 26 Consents to the execution of a trust for sale.
- 27 Purchaser not to be concerned with the trusts of the proceeds of sale which are to be paid to two or more trustees or to a trust corporation.
- 28 Powers of management, &c. conferred on trustees for sale.
- 29 Delegation of powers of management by trustees for sale.
- 30 Powers of court where trustees for sale refuse to exercise powers.
- 31 **Trust** of mortgaged property where right of redemption is barred.
- 32 Implied trust for sale in personalty settlements.
- 33 Application of Pt. I. to personal representatives.

#### *Undivided Shares and Joint Ownership*

- 34 Effect of future dispositions to tenants in common.
- 35 Meaning of the statutory trusts.
- 36 Joint tenancies.
- 37 Rights of husband and wife.
- 38 Party structures.

#### *Transitional Provisions*

- 39 Transitional provisions in First Schedule.

### **PART II**

#### CONTRACTS, CONVEYANCES AND OTHER INSTRUMENTS

#### *Contracts*

- 40 .....
- 41 Stipulations not of the essence of a contract.
- 42 Provisions as to contracts.
- 43 Rights protected by registration.
- 44 Statutory commencements of title.
- 45 Other statutory conditions of sale.
- 46 Forms of contracts and conditions of sale.
- 47 Application of insurance money on completion of a sale or exchange.
- 48 Stipulations preventing a purchaser, lessee, or underlessee from employing his own solicitor to be void.
- 49 Applications to the court by vendor and purchaser.
- 50 Discharge of incumbrances by the court on sales or exchanges.

#### *Conveyances and other Instruments*

- 51 Lands lie in grant only.

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- 52 Conveyances to be by deed.
- 53 Instruments required to be in writing.
- 54 Creation of interests in land by parol.
- 55 Savings in regard to last two sections.
- 56 Persons taking who are not parties and as to indentures.
- 57 Description of deeds.
- 58 Provisions as to supplemental instruments.
- 59 Conditions and certain covenants not implied.
- 60 Abolition of technicalities in regard to conveyances and deeds.
- 61 Construction of expressions used in deeds and other instruments.
- 62 General words implied in conveyances.
- 63 All estate clause implied.
- 64 Production and safe custody of documents.
- 65 Reservation of legal estates.
- 66 Confirmation of past transactions.
- 67 Receipt in deed sufficient.
- 68 Receipt in deed or indorsed evidence.
- 69 Receipt in deed or indorsed authority for payment to solicitor.
- 70 Partial release of security from rentcharge.
- 71 Release of part of land affected from a judgment.
- 72 Conveyances by a person to himself, &c.
- 73 .....
- 74 Execution of instruments by or on behalf of corporations.
- 74A Execution of instrument as a deed
- 75 Rights of purchaser as to execution.

#### *Covenants*

- 76 Covenants for title.
- 77 Implied covenants in conveyances subject to rents.
- 78 Benefit of covenants relating to land.
- 79 Burden of covenants relating to land.
- 80 Covenants binding land.
- 81 Effect of covenant with two or more jointly.
- 82 Covenants and agreements entered into by a person with himself and another or others.
- 83 Construction of implied covenants.
- 84 Power to discharge or modify restrictive covenants affecting land.

### **PART III**

#### **MORTGAGES, RENTCHARGES, AND POWERS OF ATTORNEY**

#### *Mortgages*

- 85 Mode of mortgaging freeholds.
- 86 Mode of mortgaging leaseholds.
- 87 Charges by way of legal mortgage.
- 88 Realisation of freehold mortgages.
- 89 Realisation of leasehold mortgages.
- 90 Realisation of equitable charges by the court.
- 91 Sale of mortgaged property in action for redemption or foreclosure.
- 92 Power to authorise land and minerals to be dealt with separately.
- 93 Restriction on consolidation of mortgages.
- 94 Tacking and further advances.

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- 95 Obligation to transfer instead of re-conveying, and as to right to take possession.
- 96 Regulations respecting inspection, production and delivery of documents, and priorities.
- 97 Priorities as between puisne mortgages.
- 98 Actions for possession by mortgagors.
- 99 Leasing powers of mortgagor and mortgagee in possession.
- 100 Powers of mortgagor and mortgagee in possession to accept surrenders of leases.
- 101 Powers incident to estate or interest of mortgagee.
- 102 Provision as to mortgages of undivided shares in land.
- 103 Regulation of exercise of power of sale.
- 104 Conveyance on sale.
- 105 Application of proceeds of sale.
- 106 Provisions as to exercise of power of sale.
- 107 Mortgagee's receipts, discharges, &c.
- 108 Amount and application of insurance money.
- 109 Appointment, powers, remuneration and duties of receiver.
- 110 Effect of bankruptcy of the mortgagor on the power to sell or appoint a receiver.
- 111 Effect of advance on joint account.
- 112 Notice of trusts on transfer of mortgage.
- 113 Notice of trusts affecting mortgage debts.
- 114 Transfers of mortgages.
- 115 Reconveyances of mortgages by endorsed receipts.
- 116 Cesser of mortgage terms.
- 117 Forms of statutory legal charges.
- 118 Forms of statutory transfers of legal charges.
- 119 Implied covenants, joint and several.
- 120 Form of discharge of statutory mortgage or charge.

#### *Rentcharges*

- 121 Remedies for the recovery of annual sums charged on land.
- 122 Creation of rentcharges charged on another rentcharge and remedies for recovery thereof.

#### *Powers of Attorney*

- 123 .....
- 124 .....
- 125 †Powers of attorney relating to land to be filed.
- 126–129 .....

### PART IV

#### EQUITABLE INTERESTS AND THINGS IN ACTION

- 130 Creation of entailed interests in real and personal property.
- 131 Abolition of the rule in Shelley's case.
- 132 As to heirs taking by purchase.
- 133 .....
- 134 Restriction on executory limitations.
- 135 Equitable waste.
- 136 Legal assignments of things in action.

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- 137 Dealings with life interests, reversions and other equitable interests.
- 138 Power to nominate a trust corporation to receive notices.

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LEASES AND TENANCIES

- 139 Effect of extinguishment of reversion.
- 140 Apportionment of conditions on severance.
- 141 Rent and benefit of lessee's covenants to run with the reversion.
- 142 Obligation of lessor's covenants to run with reversion.
- 143 Effect of licences granted to lessees.
- 144 No fine to be exacted for licence to assign.
- 145 Lessee to give notice of ejection to lessor.
- 146 Restrictions on and relief against forfeiture of leases and underleases.
- 147 Relief against notice to effect decorative repairs.
- 148 Waiver of a covenant in a lease.
- 149 Abolition of *interesse termini*, and as to reversionary leases and leases for lives.
- 150 Surrender of a lease, without prejudice to underleases with a view to the grant of a new lease.
- 151 Provision as to attornments by tenants.
- 152 Leases invalidated by reason of non-compliance with terms of powers under which they are granted.
- 153 Enlargement of residue of long terms into fee simple estates.
- 154 Application of Part V. to existing leases.

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- 155 Release of powers simply collateral.
- 156 Disclaimer of power.
- 157 Protection of purchasers claiming under certain void appointments.
- 158 Validation of appointments where objects are excluded or take illusory shares.
- 159 Execution of powers not testamentary.
- 160 Application of Part VI. to existing powers.

**PART VII**

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*Perpetuities*

- 161 Abolition of the double possibility rule.
- 162 Restrictions on the perpetuity rule.
- 163 .....

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- 164 General restrictions on accumulation of income.
- 165 Qualification of restrictions on accumulation.
- 166 Restriction on accumulation for the purchase of land.

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### PART IX

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174 Acquisitions of reversions at an under value.

### PART X

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- 175 Contingent and future testamentary gifts to carry the intermediate income.  
176 Power for tenant in tail in possession to dispose of property by specific devise or bequest.  
177 .....  
178 .....  
179 Prescribed forms for reference in wills.

### PART XI

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##### *Miscellaneous*

- 180 Provisions as to corporations.  
181 Dissolution of a corporation.  
182 Protection of solicitor and trustees adopting Act.  
183 Fraudulent concealment of documents and falsification of pedigrees.  
184 Presumption of survivorship in regard to claims to property.  
185 Merger.  
186 Rights of pre-emption capable of release.  
187 Legal easements.  
188 Power to direct division of chattels.  
189 Indemnities against rents.

##### *Redemption and Apportionment of Rents, &c.*

- 190 Equitable apportionment of rents and remedies for non-payment or breach of covenant.  
191 .....  
192 Apportionment of charges payable for redemption of tithe rentcharge.

##### *Commons and Waste Lands*

- 193 Rights of the public over commons and waste lands.  
194 Restrictions on inclosure of commons.

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### *Judgments, &c. affecting Land*

195 Equitable charges in right of judgment debt, &c.

#### *Notices*

196 Regulations respecting notices.  
197 Notice of memorials registered in Middlesex and Yorkshire.  
198 Registration under the Land Charges Act, 1925, to be notice.  
199 Restrictions on constructive notice.  
200 Notice of restrictive covenants and easements.

## **PART XII**

### CONSTRUCTION, JURISDICTION, AND GENERAL PROVISIONS

201 Provisions of Act to apply to incorporeal hereditaments.  
202 Provisions as to enfranchisement of copyholds, &c.  
203 Payment into court, jurisdiction and procedure.  
204 Orders of court conclusive.  
205 General definitions.  
206 Forms of instruments and examples of abstracts.  
207 Repeals as respects England and Wales.  
208 Application to the Crown.  
209 Short title, commencement, and extent.

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## Law of Property Act 1925

### FIRST SCHEDULE — Transitional Provisions

#### Part I — CONVERSION OF CERTAIN EXISTING LEGAL ESTATES INTO EQUITABLE INTERESTS

#### Part II — VESTING OF LEGAL ESTATES

1 Where the purposes of a term of years, created or...  
2 Where immediately after the commencement of this Act any owner...  
3 Where immediately after the commencement of this Act any person...  
4 Any person who, immediately after the commencement of this Act,...  
5 For the purposes of this Part of this Schedule, a...  
6 Under the provisions of this Part of this Schedule, the...  
7 Nothing in this Part of this Schedule shall operate—  
8 Any legal estate acquired by virtue of this Part of...  
9 No stamp duty shall become payable by reason only of...

#### Part III — PROVISIONS AS TO LEGAL ESTATE VESTED IN INFANT

1 Where immediately before the commencement of this Act a legal...  
2 Where immediately before the commencement of this Act a legal...  
3 Where, immediately before the commencement of this Act, a legal...  
3A The county court has jurisdiction under proviso (iii) to paragraph...  
4 Where, immediately before the commencement of this Act, a legal...  
5 This Part of this Schedule does not affect the estate...

#### Part IV — PROVISIONS SUBJECTING LAND HELD IN UNDIVIDED SHARES TO A TRUST FOR SALE

1 Where, immediately before the commencement of this Act, land is...  
2 Where undivided shares in land, created before the commencement of...  
3 This Part of this Schedule shall not save as hereinafter...  
4 Where, immediately before the commencement of this Act, there are...

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Part V — PROVISIONS AS TO PARTY STRUCTURES AND OPEN SPACES

- 1 Where, immediately before the commencement of this Act, a party...
- 2 Where, immediately before the commencement of this Act, an open...
- 3 Any person interested may apply to the court for an...

Part VI — CONVERSION OF TENANCIES BY ENTIRETIES INTO JOINT TENANCIES

Part VII — CONVERSION OF EXISTING FREEHOLD MORTGAGES INTO MORTGAGES BY DEMISE

- 1 All land, which immediately before the commencement of this Act,...
- 2 All land, which immediately before the commencement of this Act,...
- 3 The estate in fee simple which, immediately before the commencement...
- 4 If a sub-mortgage by conveyance of the fee simple is...
- 5 This Part of this Schedule applies to land enfranchised by...
- 6 A mortgage affecting a legal estate made before the commencement...
- 7 Nothing in this Part of this Schedule shall affect priorities...
- 8 This Part of this Schedule does not apply unless a...

Part VIII — CONVERSION OF EXISTING LEASEHOLD MORTGAGES INTO MORTGAGES BY SUBDEMISE

- 1 All leasehold land, which immediately before the commencement of this...
- 2 All leasehold land, which immediately before the commencement of this...
- 3 The term of years absolute which was assigned by any...
- 4 If a sub-mortgage by assignment of a term is subsisting...
- 5 A mortgage affecting a legal estate made before the commencement...
- 6 This Part of this Schedule applies to perpetually renewable leaseholds,...
- 7 This Part of this Schedule applies (save where expressly excepted)...
- 8 Nothing in this Part of this Schedule shall affect priorities...

SECOND — Implied Covenants  
SCHEDULE

- Part I
- Part II
- Part III
- Part IV
- Part V
- Part VI

Part VII — COVENANT IMPLIED IN A CONVEYANCE FOR VALUABLE CONSIDERATION, OTHER THAN A MORTGAGE, OF THE ENTIRETY OF LAND AFFECTED BY A RENTCHARGE

Part VIII — COVENANTS IMPLIED IN A CONVEYANCE FOR VALUABLE CONSIDERATION, OTHER THAN A MORTGAGE, OR PART OF LAND AFFECTED BY A RENTCHARGE, SUBJECT TO A PART (NOT LEGALLY APPORTIONED) OF THAT RENTCHARGE

Part IX — COVENANT IN A CONVEYANCE FOR VALUABLE CONSIDERATION, OTHER THAN A MORTGAGE, OF THE ENTIRETY OF THE LAND COMPRISED IN A LEASE FOR THE RESIDUE OF THE TERM OR INTEREST CREATED BY THE LEASE

Part X — COVENANTS IMPLIED IN A CONVEYANCE FOR VALUABLE CONSIDERATION, OTHER THAN A MORTGAGE, OR PART OF THE LAND COMPRISED IN A LEASE, FOR THE RESIDUE OF THE TERM



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OR INTEREST CREATED BY THE LEASE, SUBJECT TO A PART (NOT  
LEGALLY APPORTIONED) OF THAT RENT

THIRD SCHEDULE — Forms of Transfer and Discharge of Mortgages

FOURTH SCHEDULE — Forms relating to Statutory Charges or Mortgages of Freehold or  
Leasehold Land

FIFTH SCHEDULE — Forms of Instruments

SIXTH SCHEDULE — Epitomes of Abstracts of Title

SEVENTH —  
SCHEDULE

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