



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 lessor's and lessee's 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 Liability for death duties.
- 17 Protection of purchasers from liability for death duties.
- 18 Application of capital money in discharge of death duties.

Status: This is the original version (as it was originally enacted).

Infants and Lunatics.

- 19 Effect of conveyances of legal estates to infants.
- 20 Infants not to be appointed trustees.
- 21 Receipts by married infants.
- 22 Conveyances on behalf of lunatics and defectives and as to land held by them on trust for sale.

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- 23 Duration of trusts for sale.
- 24 Appointment of trustees of dispositions on trust for sale.
- 25 Power to postpone sale.
- 26 Consents to the execution of a trust for sale.
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- 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 for sale of mortgaged property where right of redemption is barred.
- 32 Implied trust for sale in personalty settlements.
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- 34 Effect of future dispositions to tenants in common.
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PART II

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- 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.

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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 Execution of deeds by an individual.
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- 75 Rights of purchaser as to execution.

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- 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.
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- 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.

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- 93 Restriction on consolidation of mortgages.
- 94 Tacking and further advances.
- 95 Obligation to transfer instead of reconveying 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 a mortgagee.
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- 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.

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

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- 123 Execution under power of attorney.
- 124 Payment by attorney under power without notice of death, &c.
- 125 Powers of attorney relating to land to be filed.
- 126 Effect of irrevocable power of attorney for value.
- 127 Effect of power of attorney irrevocable for a fixed time.
- 128 Devolution of power of attorney given to a purchaser.
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- 132 As to heirs taking by purchase.
- 133 Abolition of enrolment of disentailing assurances, &c.
- 134 Restriction on executory limitations.
- 135 Equitable waste.
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- 140 Apportionment of conditions on severance.
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- 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.
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- 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.
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- 153 Enlargement of residue of long terms into fee simple estates.
- 154 Application of Part V. to existing leases.

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- 156 Disclaimer of powers.
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- 158 Validation of appointments where objects are excluded or take illusory shares.
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- 168 Disclaimer by married woman.
- 169 Power for court to bind interest of married woman.
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- 173 Voluntary disposition of land, how far voidable as against purchasers.
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- 190 Equitable apportionment of rents and remedies for nonpayment or breach of covenant.

- 191 Redemption and apportionment of rents.
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- 199 Restrictions on constructive notice.
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- 206 Forms of instruments and examples of abstracts.
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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...
- 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...
- 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 — COVENANT IMPLIED IN A CONVEYANCE FOR VALUABLE CONSIDERATION, OTHER THAN A MORTGAGE, BY A PERSON WHO CONVEYS AND IS EXPRESSED TO CONVEY AS BENEFICIAL OWNER.

PART II — FURTHER COVENANT IMPLIED IN A CONVEYANCE OF LEASEHOLD PROPERTY FOR VALUABLE CONSIDERATION, OTHER THAN A MORTGAGE, BY A PERSON WHO CONVEYS AND IS EXPRESSED TO CONVEY AS BENEFICIAL OWNER.

PART III — COVENANT IMPLIED IN A CONVEYANCE BY WAY OF MORTGAGE BY A PERSON WHO CONVEYS AND IS EXPRESSED TO CONVEY AS BENEFICIAL OWNER.

PART IV — COVENANT IMPLIED IN A CONVEYANCE BY WAY OF MORTGAGE OF FREEHOLD PROPERTY SUBJECT TO A RENT OR OF LEASEHOLD PROPERTY BY A PERSON WHO CONVEYS AND IS EXPRESSED TO CONVEY AS BENEFICIAL OWNER.

PART V — COVENANT IMPLIED IN A CONVEYANCE BY WAY OF SETTLEMENT, BY A PERSON WHO CONVEYS AND IS EXPRESSED TO CONVEY AS SETTLOR.

PART VI — COVENANT IMPLIED IN ANY CONVEYANCE, BY EVERY PERSON WHO CONVEYS AND IS EXPRESSED TO CONVEY AS TRUSTEE OR MORTGAGEE, OR AS PERSONAL REPRESENTATIVE OF A DECEASED PERSON, OR AS COMMITTEE OF A LUNATIC OR AS A RECEIVER OF A DEFECTIVE OR UNDER AN ORDER OF THE COURT.

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, OF PART OF LAND AFFECTED BY A RENTCHARGE, SUBJECT TO A PART (NOT LEGALLY APPORTIONED) OF THAT RENTCHARGE.

i That the grantees, or the persons deriving title under,...

ii That the conveying parties, or the persons deriving title under...

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, OF PART OF THE LAND COMPRISED IN A LEASE, FOR THE RESIDUE OF THE TERM OR INTEREST CREATED BY THE LEASE, SUBJECT TO A PART (NOT LEGALLY APPORTIONED) OF THAT RENT.

i That the assignees, or the persons deriving title under,...

ii That the conveying parties, or the persons deriving title under...

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.

SPECIMEN No. 1 — OF THE TITLE OF JOHN WILLIAMS TO BLACKACRE. WHERE THE TITLE COMMENCES BEFORE THE COMMENCEMENT OF THIS ACT.

10th June 1897.

4th June 1898.

1st August 1898.

20th August 1899.

2nd September 1915.

1st January 1926.

20th January 1926.

2nd February 1926.

3rd February 1926.

4th February 1926.

6th March 1926.

2nd April 1926.

Status: This is the original version (as it was originally enacted).

3rd May 1926.
6th June 1926.
1st December 1926.
2nd January 1927.
Same date.
3rd January 1927.
6th February 1927.
20th March 1927.
1st June 1927.
8th August 1927.
12th November 1927.
20th December 1927.
10th June 1928.
12th January 1929.
10th August 1929.
15th June 1930.
16th June 1930.

SPECIMEN No. 2 — OF THE TITLE OF THE TRUSTEES OF FRANK SMITHERS
TO GREENACRE. RELATING TO UNDIVIDED SHARES.

2nd January 1910.
4th February 1910.
1st March 1910.
3rd April 1910.
4th December 1910.
5th January 1911.
15th April 1911.
20th May 1911.
8th June 1913.
20th June 1913.
4th August 1913.
2nd May 1918.
30th July 1918.
1st January 1926.
4th June 1926.
7th May 1927.
4th June 1927.
1st December 1927.
20th April 1928.
3rd May 1928.
14th July 1928.
16th March 1930.
12th June 1930.
25th July 1930.
7th January 1931.
8th January 1931.
9th January 1932.
23rd June 1933.

SPECIMEN No. 3 — OF THE TITLE OF R. HORNE TO WHITEACRE. WHERE
THE TITLE COMMENCES AFTER THE COMIENCEMENT
OF THIS ACT.

4th July 1926.
Same date.
4th September 1926.

Same date.
7th January 1927.
3rd September 1927.
4th April 1928.
1st October 1928.
2nd December 1928.
2nd June 1929.
2nd June 1929.
4th November 1929.
10th July 1930.
1st October 1930.
3rd November 1930.
4th November 1930.
10th November 1930.
20th November 1930.
Same date.
Same date.
Same date. 20th November 1930.
10th June 1931.

SPECIMEN No. 4 — OF THE TITLE OF THE ADMINISTRATORS OF M. CURTIS
TO RICH AND MIDDLE FARMS. RELATING TO INFANTS.

2nd January 1922.
4th February 1922.
12th May 1922.
15th December 1922.
1st January 1926.
4th January 1926.
3rd June 1926.
29th September 1926.
12th October 1927.
10th November 1927.
1st February 1928.
3rd April 1928.
5th September 1928.

SPECIMEN No. 5 — OF THE TITLE OF GEORGE SMITH TO HOUSES IN JOHN
STREET. RELATING TO LEASEHOLD PROPERTY.

25th March 1921.
26th March 1921.
Same date.
Same date.
24th December 1924.
1st January 1926.
1st July 1926.
20th July 1926.

SEVENTH — Enactments repealed.
SCHEDULE