



# Law of Property Act 1925

1925 CHAPTER 20 15 and 16 Geo 5

## PART XI

### MISCELLANEOUS

#### *Notices*

#### **196 Regulations respecting notices.**

- (1) Any notice required or authorised to be served or given by this Act shall be in writing.
- (2) Any notice required or authorised by this Act to be served on a lessee or mortgagor shall be sufficient, although only addressed to the lessee or mortgagor by that designation, without his name, or generally to the persons interested, without any name, and notwithstanding that any person to be affected by the notice is absent, under disability, unborn, or unascertained.
- (3) Any notice required or authorised by this Act to be served shall be sufficiently served if it is left at the last-known place of abode or business in the United Kingdom of the lessee, lessor, mortgagee, mortgagor, or other person to be served, or, in case of a notice required or authorised to be served on a lessee or mortgagor, is affixed or left for him on the land or any house or building comprised in the lease or mortgage, or, in case of a mining lease, is left for the lessee at the office or counting-house of the mine.
- (4) Any notice required or authorised by this Act to be served shall also be sufficiently served, if it is sent by post in a registered letter addressed to the lessee, lessor, mortgagee, mortgagor, or other person to be served, by name, at the aforesaid place of abode or business, office, or counting-house, and if that letter is not returned [<sup>F1</sup>by the postal operator (within the meaning of [<sup>F2</sup>Part 3 of the Postal Services Act 2011]) concerned] undelivered; and that service shall be deemed to be made at the time at which the registered letter would in the ordinary course be delivered.
- (5) The provisions of this section shall extend to notices required to be served by any instrument affecting property executed or coming into operation after the commencement of this Act unless a contrary intention appears.

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(6) This section does not apply to notices served in proceedings in the court.

#### Textual Amendments

- F1** Words in s. 196(4) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch 1 para. 7**  
**F2** Words in s. 196(4) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), **Sch. 12 para. 75**; S.I. 2011/2329, art. 3

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

- C1** S. 196 extended by Leasehold Property (Repairs) Act 1938 (c. 34), s. 7(2); applied by Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65), s. 29(6)  
**C2** S. 196(3)(4) modified by Landlord and Tenant Act 1987 (c. 31, SIF 75:1), s. 49  
**C3** S. 196(4) amended by Recorded Delivery Service Act 1962 (c. 27), s. 1, **Sch.**

### 197 Notice of memorials registered in Middlesex and Yorkshire.

- (1) The registration in a local deeds registry of a memorial of any instrument transferring or creating a legal estate or charge by way of legal mortgage, shall be deemed to constitute actual notice of the transfer or creation of the legal estate or charge by way of legal mortgage, to all persons and for all purposes whatsoever, as from the date of registration or other prescribed date, and so long as the registration continues in force.
- (2) The registration of a memorial of an instrument not required to be registered does not operate to give notice of such instrument or of the contents thereof.
- (3) This section operates without prejudice to the provisions of this Act respecting the making of further advances by a mortgagee, and only applies to land within the jurisdiction of the registry.

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

- C4** S. 197 restricted by Middlesex Deeds Act 1940 (c. 34), s. 1(1)(b)  
**C5** S. 197 repealed (prosp.) by Law of Property Act 1969 (c. 59), s. 16(2), **Sch. 2 Pt. I** which repeal is no longer prospective as regards the Yorkshire deeds registries, their registers and areas

### 198 Registration under the Land Charges Act, 1925, to be notice.

- (1) The registration of any instrument or matter [<sup>F3</sup>in any register kept under the Land Charges Act 1972 or [<sup>F4</sup>the local land charges register]], shall be deemed to constitute actual notice of such instrument or matter, and of the fact of such registration, to all persons and for all purposes connected with the land affected, as from the date of registration or other prescribed date and so long as the registration continues in force.
- (2) This section operates without prejudice to the provisions of this Act respecting the making of further advances by a mortgagee, and applies only to instruments and matters required or authorised to be registered [<sup>F3</sup>in any such register].

#### Textual Amendments

- F3** Words substituted (with savings) by Local Charges Act 1975 (c. 76, SIF 98:2) ss. 17(2), 19(2)-(4), Sch. 1

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- F4** Words in s. 198(1) substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), s. 57(5)(e), [Sch. 5 para. 21](#) (with [Sch. 5 Pt. 4](#))

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

- C6** S. 198 excluded by [Law of Property Act 1969 \(c. 59\)](#), [ss. 24\(1\)](#), 25(2)  
S. 198 excluded by [Local Land Charges Act 1975 \(c. 76, SIF 98:2\)](#), [s. 10\(7\)](#)  
S. 198 excluded (1.7.1995) by [1994 c. 36](#), [s. 6\(3\)](#) (with s. 20); [S.I. 1995/1317](#), [art. 2](#)  
S. 198 excluded (31.12.2004 for W. and 1.6.2005 for E.) by [Anti-Social Behaviour Act 2003 \(c. 38\)](#), [s. 75\(6\)](#) (with [s. 84](#)); [S.I. 2004/3238](#), [art. 2](#); [S.I. 2005/710](#), [art. 2](#)

**199 Restrictions on constructive notice.**

- (1) A purchaser shall not be prejudicially affected by notice of—
- (i) any instrument or matter capable of registration under the provisions of the Land Charges Act, 1925, or any enactment which it replaces, which is void or not enforceable as against him under that Act or enactment, by reason of the non-registration thereof;
  - (ii) any other instrument or matter or any fact or thing unless—
    - (a) it is within his own knowledge, or would have come to his knowledge if such inquiries and inspections had been made as ought reasonably to have been made by him; or
    - (b) in the same transaction with respect to which a question of notice to the purchaser arises, it has come to the knowledge of his counsel, as such, or of his solicitor or other agent, as such, or would have come to the knowledge of his solicitor or other agent, as such, if such inquiries and inspections had been made as ought reasonably to have been made by the solicitor or other agent.
- (2) Paragraph (ii) of the last subsection shall not exempt a purchaser from any liability under, or any obligation to perform or observe, any covenant, condition, provision, or restriction contained in any instrument under which his title is derived, mediately or immediately; and such liability or obligation may be enforced in the same manner and to the same extent as if that paragraph had not been enacted.
- (3) A purchaser shall not by reason of anything in this section be affected by notice in any case where he would not have been so affected if this section had not been enacted.
- (4) This section applies to purchases made either before or after the commencement of this Act.

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

- C7** [S. 199](#) extended by [Middlesex Deeds Act 1940 \(c. 34\)](#), [s. 5\(2\)](#)

**200 Notice of restrictive covenants and easements.**

- (1) Where land having a common title with other land is disposed of to a purchaser (other than a lessee or a mortgagee) who does not hold or obtain possession of the documents forming the common title, such purchaser, notwithstanding any stipulation to the contrary, may require that a memorandum giving notice of any provision contained in the disposition to him restrictive of user of, or giving rights over, any other land

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comprised in the common title, shall, where practicable, be written or indorsed on, or, where impracticable, be permanently annexed to some one document selected by the purchaser but retained in the possession or power of the person who makes the disposition, and being or forming part of the common title.

- (2) The title of any person omitting to require an indorsement to be made or a memorandum to be annexed shall not, by reason only of this enactment, be prejudiced or affected by the omission.
- (3) This section does not apply to dispositions of registered land.
- (4) Nothing in this section affects the obligation to register a land charge in respect of—
  - (a) any restrictive covenant or agreement affecting freehold land; or
  - (b) any estate contract; or
  - (c) any equitable easement, liberty or privilege.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied by [2023 asc 3 s. 146\(5\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 52(2)(dc)(dd) inserted by [2016 c. 22 Sch. 7 para. 1\(2\)](#)