



Law of Property Act 1925

1925 CHAPTER 20 15 and 16 Geo 5

PART III

MORTGAGES, RENTCHARGES, AND POWERS OF ATTORNEY

Mortgages

90 Realisation of equitable charges by the court.

- (1) Where an order for sale is made by the court in reference to an equitable mortgage on land (not secured by a legal term of years absolute or by a charge by way of legal mortgage) the court may, in favour of a purchaser, make a vesting order conveying the land or may appoint a person to convey the land or create and vest in the mortgagee a legal term of years absolute to enable him to carry out the sale, as the case may require, in like manner as if the mortgage had been created by deed by way of legal mortgage pursuant to this Act, but without prejudice to any incumbrance having priority to the equitable mortgage unless the incumbrancer consents to the sale.
- (2) This section applies to equitable mortgages made or arising before or after the commencement of this Act, but not to a mortgage which has been over-reached under the powers conferred by this Act or otherwise.
- [^{F1}(3) The county court has jurisdiction under this section where the amount owing in respect of the mortgage or charge at the commencement of the proceedings does not exceed [^{F2}£30,000]]

Textual Amendments

- F1** S. 90(3) added by [County Courts Act 1984](#) (c. 28, SIF 34), s. 148(1), **Sch. 2 Pt. II para. 3(1)(3)**
- F2** Words in s. 90(3) substituted (1.7.1991) by [S.I. 1991/724](#), art. 2(8), **Sch. Pt.1** (with art. 12)

Modifications etc. (not altering text)

- C1** S. 90 extended (1.7.1991) by [S.I. 1991/724](#), **art. 2(4)** (with art. 12)

Changes to legislation: Law of Property Act 1925, Section 90 is up to date with all changes known to be in force on or before 07 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

C2 S. 90(3) modified by County Courts Act 1984 (c. 28, SIF 34), s. 24(2)(c)

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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\(2\)](#)