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STATUTORY INSTRUMENTS

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**1978 No. 459**

**Property (Northern Ireland) Order 1978**

**PART III**

**LAW OF PROPERTY**

**Interpretation of Part III**

**9.** In this Part—

“conveyance” includes any instrument, other than a will, consisting of or including a grant, transfer, mortgage, charge, lease, assignment, assent, appointment, vesting declaration, disclaimer, release or other assurance of property or of an interest therein; and “convey” has a corresponding meaning;

“disposition” includes a conveyance and also a devise, bequest or appointment of property by will;

“implied”, in relation to a covenant, includes implied by a statutory provision;

“property” includes—

- (a) land;
- (b) a chattel or any interest in a chattel;
- (c) a thing in action;
- (d) any other right which is treated commercially as property;

“statutory provision” has the meaning given by section 1(*f*) of the Interpretation Act (Northern Ireland) 1954 .

**Conveyance by a person to himself and others**

**10.**—(1) A person may convey property to himself jointly with another person, and has been capable of doing so—

- (a) as respects personal property, including leaseholds, since 12th August 1859; and
- (b) as respects freehold land and things in action, since 31st December 1881,

in like manner as he could convey it to a third person.

(2) After the commencement of this paragraph a person may convey land to himself; but in this paragraph “convey” does not include leasing or making a fee farm grant.

(3) Two or more persons (whether or not they are trustees or personal representatives) may convey, and have always been capable of conveying, any property vested in them to any one or more of themselves in like manner as they could convey it to a third person; but if the persons in whose favour the conveyance is made are, by reason of any fiduciary relationship or otherwise, precluded from validly carrying out the transaction, the conveyance is liable to be set aside.

(4) Without prejudice to Article 11, this Article does not affect any rule of law under which a covenant or agreement entered into by a person with himself is unenforceable.

### **Covenants or agreements entered into by a person with himself and another or others**

**11.**—(1) A covenant (whether express or implied) or agreement entered into by a person with himself and another or others shall be construed and be capable of being enforced in like manner as if the covenant or agreement had been entered into with the other person or persons alone.

(2) This Article applies to covenants and agreements entered into before or after the commencement of this Article.

### **Covenants with two or more persons**

**12.**—(1) Subject to any other statutory provision, where under a covenant (whether express or implied) more persons than one are—

- (a) covenantors, the covenant binds the covenantors and any two or more of them jointly and each of them severally;
- (b) covenantees, the covenant shall be construed as being also made with each of them.

(2) This Article applies only if and as far as a contrary intention is not expressed in the covenant and applies only to covenants entered into after the commencement of this Article.

### **Disposition of property to husband and wife**

**13.** A husband and wife shall, for all purposes of acquisition of any interest in property under a disposition made or coming into operation after the commencement of this Article, be treated as two persons.

**Changes to legislation:**

There are currently no known outstanding effects for the Property (Northern Ireland) Order 1978, PART III.