



# Law of Property (Joint Tenants) Act 1964

## 1964 CHAPTER 63

An Act to amend the law with respect to land vested in joint tenants. [31st July 1964]

### Modifications etc. (not altering text)

C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

### 1 Assumptions on sale of land by survivor of joint tenants.

- (1) For the purposes of section 36(2) of the <sup>M1</sup>Law of Property Act 1925, as amended by section 7 of and the Schedule to the <sup>M2</sup>Law of Property (Amendment) Act 1926, the survivor of two or more joint tenants shall, in favour of a purchaser of the legal estate, be deemed to be solely and beneficially interested if <sup>F1</sup>. . . the conveyance includes a statement that he is so interested.

Provided that the foregoing provisions of this subsection shall not apply if, at any time before the date of the conveyance by the survivor—

- (a) a memorandum of severance (that is to say a note or memorandum signed by the joint tenants or one of them and recording that the joint tenancy was severed in equity on a date therein specified) had been endorsed on or annexed to the conveyance by virtue of which the legal estate was vested in the joint tenants; or
- (b) [<sup>F2</sup> a bankruptcy order] made against any of the joint tenants, or [<sup>F3</sup> an application or] a petition for such an order, had been registered under the <sup>M3</sup>Land Charges Act 1925, being an order [<sup>F4</sup>, application] or petition of which the purchaser has notice, by virtue of the registration, on the date of the conveyance by the survivor.
- (2) The foregoing provisions of this section shall apply with the necessary modifications in relation to a conveyance by the personal representatives of the survivor of joint tenants as they apply in relation to a conveyance by such a survivor.

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*Changes to legislation: There are currently no known outstanding effects for the Law of Property (Joint Tenants) Act 1964. (See end of Document for details)*

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#### Textual Amendments

- F1** Words in s. 1(1) repealed (1.7.1995) by 1994 c. 36, ss. 20, 21(1)(2), Sch. 1, **Sch.2**; S.I. 1995/1317, **art.2**.
- F2** Words substituted by [Insolvency Act 1985](#) (c. 65, SIF 66), s. 235(1), **Sch. 8 para. 13** (with saving in [Insolvency Act 1986](#) (c. 45, SIF 66), s. 437, **Sch. 11 para. 10**)
- F3** Words in s. 1(1)(b) inserted (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013](#) (Consequential Amendments) (Bankruptcy) and the [Small Business, Enterprise and Employment Act 2015](#) (Consequential Amendments) Regulations 2016 (S.I. 2016/481), reg. 1, **Sch. 1 para. 3(a)**
- F4** Word in s. 1(1)(b) inserted (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013](#) (Consequential Amendments) (Bankruptcy) and the [Small Business, Enterprise and Employment Act 2015](#) (Consequential Amendments) Regulations 2016 (S.I. 2016/481), reg. 1, **Sch. 1 para. 3(b)**

#### Marginal Citations

- M1** 1925 c. 20.
- M2** 1926 c. 11.
- M3** 1925 c. 22.

## 2 Retrospective and transitional provisions.

Section 1 of this Act shall be deemed to have come into force on 1st January 1926, and for the purposes of that section in its application to a conveyance executed before the passing of this Act a statement signed by the vendor or by his personal representatives that he was solely and beneficially interested shall be treated as if it had been included in the conveyance.

## 3 Exclusion of registered land.

This Act shall not apply to [<sup>F5</sup>registered land] .

#### Textual Amendments

- F5** Words in s. 3 substituted (13.10.2003) by [Land Registration Act 2002](#) (c. 9), s. 136(2), **Sch. 11 para. 5** (with s. 129); S.I. 2003/1725, **art. 2(1)**

## 4 Short title, construction, citation and extent.

- (1) This Act may be cited as the Law of Property (Joint Tenants) Act 1964, and shall be construed as one with the <sup>M4</sup>Law of Property Act 1925.
- (2) The Law of Property Acts 1925 to 1932, and this Act, may be cited together as the Law of Property Acts 1925 to 1964.
- (3) This Act extends to England and Wales only.

#### Marginal Citations

- M4** 1925 c. 20.

**Changes to legislation:**

There are currently no known outstanding effects for the Law of Property (Joint Tenants) Act 1964.