



Law of Property (Joint Tenants) Act 1964

1964 CHAPTER 63

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

- (1) For the purposes of section 36(2) of the ^{M1}Law of Property Act 1925, as amended by section 7 of and the Schedule to the ^{M2}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 ^{F1} . . . 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) [^{F2} a bankruptcy order] made against any of the joint tenants, or [^{F3}an application or] a petition for such an order, had been registered under the ^{M3}Land Charges Act 1925, being an order [^{F4}, 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.

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- F1** Words in s. 1(1) repealed (1.7.1995) by 1994 c. 36, ss. 20, 21(1)(2), Sch. 1, Sch.2; S.I. 1995/1317, art.2.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)

Changes to legislation: There are currently no known outstanding effects for the Law of Property (Joint Tenants) Act 1964, Section 1. (See end of Document for details)

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.

Changes to legislation:

There are currently no known outstanding effects for the Law of Property (Joint Tenants) Act 1964, Section 1.