

SCHEDULES

SCHEDULE 1

PROVISIONS WITH RESPECT TO ACTIONS TO RECOVER LAND

PART I

ACCUAL OF RIGHTS OF ACTION TO RECOVER LAND

Accrual of right of action in case of future interests

- 4 The right of action to recover any land shall, in a case where—
- (a) the estate or interest claimed was an estate or interest in reversion or remainder or any other future estate or interest; and
 - (b) no person has taken possession of the land by virtue of the estate or interest claimed ;
- be treated as having accrued on the date on which the estate or interest fell into possession by the determination of the preceding estate or interest.
- 5 (1) Subject to sub-paragraph (2) below, a tenancy from year to year or other period, without a lease in writing, shall for the purposes of this Act be treated as being determined at the expiration of the first year or other period ; and accordingly the right of action of the person entitled to the land subject to the tenancy shall be treated as having accrued at the date on which in accordance with this sub-paragraph the tenancy is determined.
- (2) Where any rent has subsequently been received in respect of the tenancy, the right of action shall be treated as having accrued on the date of the last receipt of rent.
- 6 (1) Where—
- (a) any person is in possession of land by virtue of a lease in writing by which a rent of not less than ten pounds a year is reserved; and
 - (b) the rent is received by some person wrongfully claiming to be entitled to the land in reversion immediately expectant on the determination of the lease ; and
 - (c) no rent is subsequently received by the person rightfully so entitled ;
- the right of action to recover the land of the person rightfully so entitled shall be treated as having accrued on the date when the rent was first received by the person wrongfully claiming to be so entitled and not on the date of the determination of the lease.
- (2) Sub-paragraph (1) above shall not apply to any lease granted by the Crown.