



Law of Property Act 1922

1922 CHAPTER 16

PART I

ASSIMILATION AND AMENDMENT OF THE LAW OF REAL AND PERSONAL ESTATE.

Legal Estates, Equitable Interests and Powers.

1 " Legal estates " and " equitable interests " and repeal of the Statute of Uses.

- (1) The only estates, interests or charges in or over land which, after the commencement of this Act, shall be capable of subsisting or of being conveyed or created at law shall consist of—
- (a) An estate in fee simple absolute in possession:
 - (b) A term of years absolute :
 - (c) An easement, right, or privilege in or over land for an interest equivalent to a like estate or term:
 - (d) A like estate or term in mines and minerals, apart from the surface, or in the surface apart from the mines and minerals:
 - (e) A rentcharge in possession issuing out of or charged on land being either perpetual or for a term of years absolute:
 - (f) Land tax, tithe rentcharge, and any other similar charge on land which is not created by an instrument:
 - (g) Rights of entry exercisable over or in respect of a legal terra of years absolute, or annexed, for any purpose, to a legal rentcharge.

And all other estates, interests, and charges in or over land (including fees determinable whether by limitation or condition) which at or after the commencement of this Act were, or but for this section would have been, legal estates, interests or charges, or capable of taking effect as such are hereby converted into or shall take effect as equitable interests.

- (2) The estates, interests, and charges which under this section are authorised to subsist or to be conveyed or created at law are (when subsisting or conveyed or created at law)

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in this Act referred to as " legal estates," and the owner of a legal estate is referred to as " an estate owner " and his legal estate is referred to as his estate.

- (3) A legal estate may subsist concurrently with or subject to any other legal estate in the same land in like manner as it could have done if this Act had not been passed.
- (4) A legal estate shall not be capable of subsisting or of being created in an undivided share in land, and in this Part of this Act " land" does not include an undivided share therein unless the context so requires.
- (5) Every power of appointment over, or power to convey or charge land or any interest therein, whether created by a statute or other instrument or implied by law, and whether created before or after the commencement of this Act (not being a power vested in a legal mortgagee or chargee by way of legal mortgage or an estate owner in right of his estate and exercisable by him or by another person in his name and on his behalf), shall after such commencement operate only in equity.
- (6) Estates, interests, and charges in or over land which are not legal estates are in this Act referred to as " equitable interests," and powers which by this Act are to operate in equity only are in this Act referred to as " equitable powers."
- (7) The Statute of Uses and section sixty-two of the Conveyancing Act, 1881, are hereby repealed and the provisions in any statute or other instrument requiring land to be conveyed to uses shall take effect as directions that the land shall (subject to creating or reserving thereout any legal estate authorised by this Act which may be required) be conveyed to the proper person of full age upon the requisite trusts.
- (8) This section takes effect subject to the express savings and exceptions contained in this Part of this Act.