



# Settled Land Act 1925

## CHAPTER 18

### SETTLED LAND ACT 1925

#### PART I

##### GENERAL PRELIMINARY PROVISIONS

###### *Settlements and Settled Land*

- 1 What constitutes a settlement.
- 2 What is settled land.
- 3 Duration of settlements.
- 4 Authorised method of settling land inter vivos.
- 5 Contents of vesting deeds.
- 6 Procedure in the case of settlements by will.
- 7 Procedure on change of ownership.
- 8 Mode and costs of conveyance, and saving of rights of personal representatives and equitable chargees.
- 9 Procedure in the case of settlements and of instruments deemed to be trust instruments.
- 10 Procedure on acquisition of land to be made subject to a settlement.
- 11 As to contracts for the settlement of land.
- 12 Power to make vesting orders as to settled land.
- 13 Dispositions not to take effect until vesting instrument is made.
- 14 Forfeiture and stamps.
- 15 Examples of instruments.

###### *Enforcement of Equitable Interests and Powers against Estate Owner and discharge on termination of Settlement*

- 16 Enforcement of equitable interests and powers against estate owner.
- 17 Deed of discharge on termination of settlement.

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*Restrictions on dispositions of Settled Land where Trustees have not been Discharged*

- 18 Restrictions on dispositions of settled land where trustees have not been discharged.

*Tenants for Life and Persons with Powers of Tenant for Life*

- 19 Who is tenant for life.  
20 Other limited owners having powers of tenant for life.  
21 Absolute owners subject to certain interests to have the powers of tenant for life.  
22 Provisions applicable where interest in settled land is restored.  
23 Powers of trustees, &c. when there is no tenant for life.  
24 As to a tenant for life who has parted with his interest.  
25 Married woman, how to be affected.  
26 Infants, how to be affected.  
27 General Preliminary Provisions  
28 General Preliminary Provisions  
29 General Preliminary Provisions

*Trustees of Settlement*

- 30 Who are trustees for purposes of Act.  
31 As to trustees of compound settlements.  
32 As to trustees of referential settlements.  
33 Continuance of trustees in office, and as to certain compound settlements.  
34 Appointment of trustees by court.  
35 Procedure on appointment of new trustees.

*Provisions as to Undivided Shares*

- 36 Undivided shares to take effect behind a **trust of land**.

*Transitional Provisions*

- 37 Transitional provisions with respect to existing settlements, &c.

**PART II**

**POWERS OF A TENANT FOR LIFE**

*Sale and Exchange*

- 38 Powers of sale and exchange.  
39 Regulations respecting sales.  
40 Regulations respecting exchanges.

*Leasing Powers*

- 41 Power to lease for ordinary or building or mining or forestry purposes.  
42 Regulations respecting leases generally.  
43 Leasing powers for special objects.

*Provisions as to building, mining and forestry leases*

- 44 Regulations respecting building leases.  
45 Regulations respecting mining leases.

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- 46 Variation of building or mining lease according to circumstances of district.
- 47 Capitalisation of part of mining rent.
- 48 Regulations respecting forestry leases.

#### *Miscellaneous Powers*

- 49 Power on dispositions to impose restrictions and make reservations and stipulations.
- 50 Separate dealing with surface and minerals, with or without wayleaves, &c.
- 51 Power to grant options.
- 52 Surrenders and regrants.
- 53 Acceptance of leases.
- 54 Power to grant water rights to statutory bodies.
- 55 Power to grant land for public and charitable purposes.
- 56 Dedication for streets, open spaces, &c.
- 57 Provision of land for small dwellings, small holdings and dwellings for working classes.
- 58 Power to compromise claims and release restrictions, &c.
- 59 Power to vary leases and grants and to give licences and consents.
- 60 Power to apportion rents.
- 61 Provisions as to consideration.
- 62 †Special provisions as to manorial incidents, &c.
- 63 Power to complete predecessor's contracts.
- 64 General power for the tenant for life to effect any transaction under an order of the court.

#### *Provisions as to special classes of property*

- 65 Power to dispose of mansion.
- 66 Cutting and sale of timber, and capitalisation of part of proceeds.
- 67 Sale and purchase of heirlooms under order of court.

#### *Dealings as between tenants for life and the estate*

- 68 Provision enabling dealings with tenant for life.

#### *Incumbrances*

- 69 Shifting of incumbrances.
- 70 Power to vary provisions of an incumbrance and to charge by way of additional security.

#### *Raising of Money*

- 71 Power to raise money by mortgage.

#### *Conveyance*

- 72 Completion of transactions by conveyance.

### **PART III**

#### **INVESTMENT OR OTHER APPLICATION OF CAPITAL MONEY**

- 73 Modes of investment or application.

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- 74 Power to acquire land subject to certain incumbrances.
- 75 Regulations respecting investment, devolution, and income of securities, &c.
- 75A Power to accept charge as security for part payment for land sold.
- 76 Application of money in court under Lands Clauses and other Acts.
- 77 Application of money in hands of trustees under powers of settlement.
- 78 Provision as to personal estate settled by reference to capital money, or on trusts corresponding with the limitations of land.
- 79 Application of money paid for lease or reversion.
- 80 As to money received by way of damages for breach of covenant.
- 81 As to capital arising otherwise than under the Act.
- 82 Land acquired may be made a substituted security for released charges.

## PART IV

### IMPROVEMENTS

#### *Improvements with Capital Money*

- 83 Description of improvements authorised by Act.
- 84 Mode of application of capital money.
- 85 Creation of rentcharges to discharge instalments.

#### *Sundry Provisions as to Improvements*

- 86 Concurrence in improvements.
- 87 Court may order payment for improvements executed.
- 88 Obligation on tenant for life and successors to maintain, insure, &c.
- 89 Protection as regards waste in execution and repair of improvements.

## PART V

### MISCELLANEOUS PROVISIONS

- 90 Power for tenant for life to enter into contracts.
- 91 Provisions as to different estates settled upon the same limitations.
- 92 Proceedings for protection or recovery of land settled or claimed as settled.
- 93 Reference of questions to court.

## PART VI

### GENERAL PROVISIONS AS TO TRUSTEES

- 94 Number of trustees to act.
- 95 Trustees' receipts.
- 96 General Provisions as to Trustees
- 97 Protection of trustees generally.
- 98 Protection of trustees in particular cases.
- 99 Indemnities to personal representatives and others.
- 100 General Provisions as to Trustees
- 101 Notice to trustees.
- 102 Management of land during minority or pending contingency.

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## PART VII

### RESTRICTIONS, SAVINGS, AND PROTECTION OF PURCHASERS

- 103 Legal estate in settled land not to vest in trustee in bankruptcy of estate owner.
- 104 Powers not assignable, and contract not to exercise powers void.
- 105 Effect of surrender of life estate to the next remainderman.
- 106 Prohibition or limitation against exercise of powers void, and provision against forfeiture.
- 107 Tenant for life trustee for all parties interested.
- 108 Saving for and exercise of other powers.
- 109 Saving for additional or larger powers under settlement.
- 110 Protection of purchasers, &c.
- 111 Purchaser of beneficial interest of tenant for life to have remedies of a legal owner.
- 112 Exercise of powers; limitation of provisions, &c.

## PART VIII

### COURT, MINISTRY OF AGRICULTURE AND FISHERIES, PROCEDURE

- 113 Jurisdiction and procedure.
- 114 Payment of costs out of settled property.
- 115 Powers of the Minister of Agriculture.
- 116 Filing of certificates, &c. at the Ministry of Agriculture.

## PART IX

### SUPPLEMENTARY PROVISIONS

- 117 Definitions.
- 118 Retrospective amendment of certain provisions of Settled Land Acts.
- 119 Repeals, savings, and construction.
- 120 †Short title, commencement and extent.

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## FIRST SCHEDULE — Forms of Instruments

### Form No. 1 — VESTING DEED FOR GIVING EFFECT TO A SETTLEMENT SUBSISTING AT THE COMMENCEMENT OF THIS ACT

This Vesting Deed is made [&c.] between X. of [&c.]...  
[Recite the Settlement under which T.L. is a tenant for...  
Now for giving effect to the requirements of the Settled...

- 1 Forms of Instruments
- 2 Forms of Instruments
- 3 Forms of Instruments
- 4 Forms of Instruments
- 5 Forms of Instruments
- 6 Forms of Instruments

### Form No. 2 — VESTING DEED ON THE SETTLEMENT OF LAND

This Vesting Deed made [&c.] between John H. of [&c.]...  
Witneseth and it is hereby declared as follows:—

- 1 Forms of Instruments
- 2 Forms of Instruments

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- 3 Forms of Instruments
  - 4 Forms of Instruments
    - Form No. 3 — TRUST INSTRUMENT OF THE SETTLEMENT OF LAND
    - This Trust Instrument is made [&c.] between John H. of...
    - Whereas by a deed (herinafter called the Vesting Deed) bearing...
    - Now in consideration of the intended marriage between the Settlor...
  - 1 Forms of Instruments
  - 2 Forms of Instruments
    - Form No. 4 — SUBSIDIARY VESTING DEED ON SALE WHEN THE LAND IS PURCHASED WITH CAPITAL MONEY
    - This Subsidiary Vesting Deed is made [&c.] between Henry V. of...
    - Whereas the Vendor is entitled for an estate in fee...
    - And whereas by a principal vesting deed (hereinafter called the...
    - Now this Deed witnesseth as follows:—
  - 1 Forms of Instruments
  - 2 and 3 Forms of Instruments
    - Form No. 5 — VESTING ASSENT BY PERSONAL REPRESENTATIVE
  - 1 Forms of Instruments
  - 2 Forms of Instruments
  - 3 Forms of Instruments
  - 4 and 5 Forms of Instruments
- SECOND — Transitional Provisions affecting Existing Settlements
- SCHEDULE
- Paragraph 1 — PROVISIONS FOR VESTING LEGAL ESTATE IN TENANT FOR LIFE OR STATUTORY OWNER
    - 1 (1) A settlement subsisting at the commencement of this Act...
  - Paragraph 2 — PROVISIONS WHERE SETTLED LAND IS AT COMMENCEMENT OF ACT VESTED IN PERSONAL REPRESENTATIVES
    - 2 (1) Where settled land remains at the commencement of this...
  - Paragraph 3 — PROVISIONS AS TO INFANTS
    - 3 (1) Where, at the commencement of this Act, an infant...
- THIRD SCHEDULE —
- Part I — IMPROVEMENTS, THE COSTS OF WHICH ARE NOT LIABLE TO BE REPLACED BY INSTALMENTS
- (i) Drainage, including the straightening, widening, or deepening of drains, streams,...
  - (ii) Bridges:
  - (iii) Irrigation; warping:
  - (iv) Drains, pipes, and machinery for supply and distribution of sewage...
  - (v) Embanking or weiring from a river or lake, or from...
  - (vi) Groynes; sea walls; defences against water:
  - (vii) Inclosing; straightening of fences; re-division of fields:
  - (viii) Reclamation; dry warping:
  - (ix) Farm roads; private roads; roads or streets in villages or...
  - (x) Clearing; trenching; planting:
  - (xi) Cottages for labourers, farm-servants, and artisans, employed on the settled...
  - (xii) Farmhouses, offices, and outbuildings, and other buildings for farm purposes:...
  - (xiii) Saw-mills, scutch-mills, and other mills, water-wheels, engine-houses, and kilns, which...

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- (xiv) Reservoirs, tanks, conduits, watercourses, pipes, wells, ponds, shafts, dams, weirs,...
- (xv) Tramways; railways; canals; docks:
- (xvi) Jetties, piers, and landing places on rivers, lakes, the sea,...
- (xvii) Markets and market-places:
- (xviii) Streets, roads, paths, squares, gardens, or other open spaces for...
- (xix) Sewers, drains, watercourses, pipe-making, fencing, paving, brick-making, tile-making, and other...
- (xx) Trial pits for mines, and other preliminary works necessary or...
- (xxi) Reconstruction, enlargement, or improvement of any of those works:
- (xxii) The provision of small dwellings, either by means of building...
- (xxiii) Additions to or alterations in buildings reasonably necessary or proper...
- (xxiv) Erection of buildings in substitution for buildings within an urban...
- (xxv) The rebuilding of the principal mansion house on the settled...

Part II — IMPROVEMENTS, THE COSTS OF WHICH THE TRUSTEES OF THE  
SETTLEMENT OR THE COURT MAY REQUIRE TO BE REPLACED BY  
INSTALMENTS

- (i) Residential houses for land or mineral agents, managers, clerks, bailiffs,...
- (ii) Any offices, workshops and other buildings of a permanent nature...
- (iii) The erection and building of dwelling houses, shops, buildings for...
- (iv) Restoration or reconstruction of buildings damaged or destroyed by dry...
- (v) Structural additions to or alterations in buildings reasonably required, whether...
- (vi) Boring for water and other preliminary works in connexion therewith...

Part III — IMPROVEMENTS, THE COSTS OF WHICH THE TRUSTEES OF THE  
SETTLEMENT AND THE COURT MUST REQUIRE TO BE REPLACED  
BY INSTALMENTS

- (i) Heating, hydraulic or electric power apparatus for buildings, and engines,...
- (ii) Engine houses, engines, gasometers, dynamos, accumulators, cables, pipes, wiring, switchboards,...
- (iii) Steam rollers, traction engines, motor lorries and moveable machinery for...

FOURTH SCHEDULE — Retrospective Amendments of the Settled Land Acts, 1882 to 1890

- 1 Shifting of incumbrances.
- 2 Rate of interest on incumbrances.
- 3 Dedication for streets, open spaces, &c.
- 4 Separate dealings with surface and minerals.
- 5 Powers on sale, &c.
- 6 Sale of timber and fixtures at a valuation.
- 7 Raising of money.
- 8 Provision where interest in settled land is restored.
- 9 Referential settlements.
- 10 Application of capital money.
- 11 As to capital arising otherwise than under the Settled Land Acts.
- 12 power for Public Trustee to give receipts and accept notices.
- 13 Assignments of tenant for life's interest.
- 14 As to base fees.
- 15 Amendment of s. 58(1)(ix) of the Act of 1882.

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16 ...

Fifth Schedule — . . .

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**Changes and effects yet to be applied to :**

- Sch. 3 Pt. 2 para. (vii) inserted by [2023 asc 3 Sch. 13 para. 1](#)