



Settled Land Act 1925

1925 CHAPTER 18

PART IX

SUPPLEMENTARY PROVISIONS.

117 Definitions.

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—
- (i) " Building purposes " include the erecting and the improving of, and the adding to, and the repairing of buildings; and a " building lease " is a lease for any building purposes or purposes " connected therewith;
 - (ii) " Capital money arising under this Act " means capital money arising under the powers and provisions of this Act or the Acts replaced by this Act, and receivable for the trusts and purposes of the settlement and includes securities representing capital money;
 - (iii) " Death duty " means estate duty, succession duty, legacy duty, and every other duty leviable or payable on death;
 - (iv) " Determinable fee " means a fee determinable whether by limitation or condition;
 - (v) " Disposition " and " conveyance " include a mortgage, charge by way of legal mortgage, lease, assent, vesting declaration, vesting instrument, disclaimer, release and every other assurance of property or of an interest therein by any instrument, except a will, and " dispose of " and " convey " have corresponding meanings;
 - (vi) " Dower " includes " freebench " ;
 - (vii) " Hereditaments " mean real property which on an intestacy might before the commencement of this Act have devolved on an heir;
 - (viii) " Instrument " does not include a statute unless the statute creates a settlement;
 - (ix) " Land " includes land of any tenure, and mines and minerals whether or not held apart from the surface, buildings or parts of buildings (whether the division is horizontal, vertical or made in any other way) and other corporeal hereditaments; also a manor, an advowson, and a rent and other incorporeal

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hereditaments, and an easement, right, privilege, or benefit in, over, or derived from land, and any estate or interest in land not being an undivided share in land;

- (x) " Lease " includes an agreement for a lease, and " forestry lease " means a lease to the Forestry Commissioners for any purpose for which they are authorised to acquire land by the Forestry Act, 1919;
- (xi) " Legal mortgage " means a mortgage by demise or sub-demise or a charge by way of legal mortgage, and " legal mortgagee " has a corresponding meaning; " legal estate " means an estate interest or charge in or over land (subsisting or created at law) which is by statute authorised to subsist or to be created at law; and " equitable interests " mean all other interests and charges in or over land or in the proceeds of sale thereof; an equitable interest " capable of subsisting at law " means such an equitable interest as could validly subsist at law, if clothed with the legal estate; and " estate owner " means the owner of a legal estate;
- (xii) " Limitation " includes a trust, and " trust " includes an implied or constructive trust;
- (xiii) " Lunatic " includes a lunatic whether so found or not and in relation to a lunatic not so found, " committee " includes a person on whom the powers of a committee are conferred under section one of the Lunacy Act, 1908; and " defective " means every person affected by the provisions of section one hundred and sixteen of the Lunacy Act, 1890, as extended by section sixty-four of the Mental Deficiency Act, 1913, and for whose benefit a receiver has been appointed;
- (xiv) " Manor " includes lordship, and reputed manor or lordship; and " manorial incident " has the same meaning as in the Law of Property Act, 1922;
- (xv) " Mines and minerals " mean mines and minerals whether already opened or in work or not, and include all minerals and substances in, on, or under the land, obtainable by underground or by surface working; and " mining purposes " include the sinking and searching for, winning, working, getting, making merchantable, smelting or otherwise converting or working for the purposes of any manufacture, carrying away, and disposing of mines and minerals, in or under the settled land, or any other land, and the erection of buildings, and the execution of engineering and other works suitable for those purposes; and a " mining lease " is a lease for any mining purposes or purposes connected therewith, and includes a grant or licence for any mining purposes;
- (xvi) " Minister " means the Minister of Agriculture and Fisheries;
- (xvii) " Notice " includes constructive notice;
- (xviii) " Personal representative " means the executor, original or by representation, or administrator, for the time being of a deceased person, and where there are special personal representatives for the purposes of settled land means those personal representatives;
- (xix) " Possession " includes receipt of rents and profits, or the right to receive the same, if any; and " income " includes rents and profits;
- (xx) " Property " includes any thing in action, and any interest in real or personal property;
- (xxi) " Purchaser " means a purchaser in good faith for value, and includes a lessee, mortgagee or other person who in good faith acquires an interest in settled land for value; and in reference to a legal estate includes a chargee by way of legal mortgage;

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- (xxii) " Rent " includes yearly or other rent, and toll, duty, royalty, or other reservation, by the acre, or the ton, or otherwise; and, in relation to rent, "payment" includes delivery; and " fine " includes premium or fore-gift, and any payment, consideration, or benefit in the nature of a fine, premium, or fore-gift;
- (xxiii) " Securities " include stocks, funds, and shares;
- (xxiv) " Settled land " includes land which is deemed to be settled land; " settlement " includes an instrument or instruments which under this Act or the Acts which it replaces is or are deemed to be or which together constitute a settlement, and a settlement which is deemed to have been made by any person or to be subsisting for the purposes of this Act; " a settlement subsisting " at the commencement of this Act" includes a settlement created by virtue of this Act immediately on the commencement thereof; and "trustees of the settlement" mean the trustees thereof for the purposes of this Act howsoever appointed or constituted;
- (xxv) " Small dwellings" mean dwelling-houses of a rateable value not exceeding one hundred pounds per annum;
- (xxvi) " Statutory owner " means the trustees of the settlement or other persons who, during a minority, or at any other time when there is no tenant for life, have the powers of a tenant for life under this Act, but does not include the trustees of the settlement, where by virtue of an order of the court or otherwise the trustees have power to convey the settled land in the name of the tenant for life;
- (xxvii) " Steward " includes deputy steward, or other proper officer, of a manor;
- (xxviii) " Tenant for life" includes a person (not being a statutory owner) who has the powers of a tenant for life under this Act, and also (where the context requires) one of two or more persons who together constitute the tenant for life, or have the powers of a tenant for life; and " tenant in tail " includes a person entitled to an entailed interest in any property; and " entailed interest" has the same meaning as in the Law of Property Act, 1925 ;
- (xxix) A " term of years absolute " means a term of years, taking effect either in possession or in reversion, with or without impeachment for waste, whether at a rent or not and whether subject or not to another legal estate, and whether certain or liable to determination by notice, re-entry, operation of law, or by a provision for cesser on redemption, or in any other event (other than the dropping of a life, or the determination of a determinable life interest), but does not include any term of years determinable with life or lives or with the cesser of a determinable life interest, nor, if created after the commencement of this Act, a term of years which is not expressed to take effect in possession within twenty-one years after the creation thereof where required by statute to take effect within that period; and in this definition the expression " term of years " includes a term for less than a year, or for a year or years and a fraction of a year or from year to year;
- (xxx) " Trust corporation " means the Public Trustee or a corporation either appointed by the court in any particular case to be a trustee or entitled by rules made under subsection (3) of section four of the Public Trustee Act, 1906, to act as custodian trustee, and " trust for sale " " trustees for sale " and " power to postpone a sale " have the same meanings as in the Law of Property Act, 1925;
- (xxxi) In relation to settled land " vesting deed " or " vesting order " means the instrument whereby settled land is conveyed to or vested or declared to be vested in a tenant for life or statutory owner; "vesting assent" means the instrument whereby a personal representative, after the death of a tenant for

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life or statutory owner, or the survivor of two or more tenants for life or statutory owners, vests settled land in a person entitled as tenant for life or statutory owner; " vesting instrument " means a vesting deed, a vesting assent or, where the land affected remains settled land, a vesting order; " principal vesting instrument" includes any vesting instrument other than a subsidiary vesting deed; and " trust instrument" means the instrument whereby the trusts of the settled land are declared, and includes any two or more such instruments and a settlement or instrument which is deemed to be a trust instrument;

(xxxii) " United Kingdom " means Great Britain and Northern Ireland;

(xxxiii) " Will " includes codicil.

- (2) Where an equitable interest in or power over property arises by statute or operation of law, references to the " creation " of an interest or power include any interest or power so arising.
- (3) References to registration under the Land Charges Act, 1925, apply to any registration made under any statute which is by the Land Charges Act, 1925, to have effect as if the registration had been made under that Act.

118 Retrospective amendment of certain provisions of Settled Land Acts.

For the purpose of removing certain doubts as to the construction and operation of the Settled Land Acts, 1882 to 1890, and validating past transactions, the provisions contained in the Fourth Schedule to this Act shall have effect.

Subject as aforesaid, this Act does not affect the validity of anything done or any order made or directions given by the court before the commencement of this Act.

119 Repeals, savings, and construction.

- (1) The Acts mentioned in the Fifth Schedule to this Act are hereby repealed, to the extent specified in the third column of that Schedule :

Provided that, without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889 :—

- (a) Nothing in this repeal shall affect the validity or legality of any dealing in land or other transaction completed before the commencement of this Act, or any title or right acquired or appointment made before the commencement of this Act, but, subject as aforesaid, this Act shall, except where otherwise expressly provided, apply to and in respect of settlements and other instruments whether made or coming into operation before or after the commencement of this Act;
 - (b) Nothing in this repeal shall affect any rules, orders, or other instruments made under any enactment so repealed, but all such rules, orders and instruments shall continue in force as if made under the corresponding enactment in this Act;
 - (c) References in any document to any enactment repealed by this Act shall be construed as references to this Act or the corresponding enactment in this Act.
- (2) References in any statute to the Settled Estates Act, 1877, and to any enactment which it replaced shall be construed as references to this Act.
 - (3) This Act, as respects registered land, takes effect subject to the provisions of the Land Registration Act, 1925.

120 Short title, commencement and extent.

- (1) This Act may be cited as the Settled Land Act, 1925.
- (2) This Act shall come into operation on the first day of January, nineteen hundred and twenty-six.
- (3) This Act extends to England and Wales only.