



# Settled Land Act 1925

## 1925 CHAPTER 18

### PART VIII

COURT, MINISTRY OF AGRICULTURE AND FISHERIES, PROCEDURE.

#### **113 Jurisdiction and procedure.**

- (1) All matters within the jurisdiction of the court under this Act shall, subject to the enactments for the time being in force with respect to the procedure of the Supreme Court of Judicature, be assigned to the Chancery Division of the High Court.
- (2) The powers of the court may, as regards land in the County Palatine of Lancaster or the County Palatine of Durham, be exercised also by the respective Courts of Chancery of those Counties Palatine.
- (3) The powers of the court may, as regards land not exceeding in capital value five hundred pounds, or in annual rateable value thirty pounds, and, as regards capital money arising under this Act, and securities in which the same is invested, not exceeding in amount or value five hundred pounds, and as regards personal chattels settled or to be settled, as in this Act mentioned, not exceeding in value five hundred pounds, be exercised by any county court within the district whereof is situate any part of the land which is to be dealt with in the court, or from which the capital money to be dealt with in the court arises under this Act, or in connexion with which the personal chattels to be dealt with in the court are settled.
- (4) Payment of money into court effectually exonerates therefrom the person making the payment.
- (5) Every application to the court under this Act shall, subject to any rules of court to the contrary, be by summons at Chambers.
- (6) On an application by the trustees of a settlement notice shall be served in the first instance on the tenant for life.
- (7) On any application notice shall be served on such persons, if any, as the court thinks fit.

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*Status: This is the original version (as it was originally enacted).*

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- (8) The court shall have full power and discretion to make such order as it thinks fit respecting the costs, charges, or expenses of all or any of the parties to any application, and may, if it thinks fit, order that all or any of those costs, charges, or expenses be paid out of property subject to the settlement.
- (9) The provisions of the Trustee Act, 1925, relating to vesting orders and orders appointing a person to convey shall apply to all vesting orders authorised to be made by this Act.

#### **114 Payment of costs out of settled property.**

Where the court directs that any costs, charges, or expenses be paid out of property subject to a settlement, the same shall, subject and according to the directions of the court, be raised and paid—

- (a) out of capital money arising under this Act, or other money liable to be laid out in the purchase of land to be made subject to the settlement ; or
- (b) out of securities representing such money, or out of income of any such money or securities; Or
- (c) out of any accumulations of income of land, money, or securities; or
- (d) by means of a sale of part of the settled land in respect whereof the costs, charges, or expenses are incurred, or of other settled land comprised in the same settlement and subject to the same limitations; or
- (e) by means of a legal mortgage of the settled land or any part thereof to be made by such person as the court directs;

or partly in one of those modes and partly in another or others, or in any such other mode as the court thinks fit.

#### **115 Powers of the Minister of Agriculture.**

- (1) The Minister shall, by virtue of this Act, have for the purposes of any Act, public general or local or private, making provision for the execution of improvements on settled land, all such powers and authorities as he has for the purposes of the Improvement of Land Act, 1864.
- (2) The provisions of the last-mentioned Act relating to proceedings and inquiries, and to authentication of instruments, and to declarations, statements, notices, applications, forms, security for expenses, inspections and examinations, shall extend and apply, as far as the nature and circumstances of the case admit, to acts and proceedings done or taken by or in relation to the Minister under any Act making provision as last aforesaid.
- (3) The provisions of any Act relating to fees or to security for costs to be taken in respect of the business transacted under the Acts administered by the Minister as successor of the Land Commissioners for England shall extend and apply to the business transacted by or under the direction of the Minister under any Act, public general or local or private, by which any power or duty is conferred or imposed on him as such successor.

#### **116 Filing of certificates, &c. at the Ministry Agriculture.**

- (1) Every certificate and report approved and made by the Minister under this Act shall be filed in the office of the Minister of Agriculture and Fisheries.

- (2) An office copy of any certificate or report so filed shall be delivered out of such office to any person requiring the same, on payment of the proper fee, and shall be sufficient evidence of the certificate or report whereof it purports to be a copy.