



Law of Property Act 1925

1925 CHAPTER 20 15 and 16 Geo 5

PART I

GENERAL PRINCIPLES AS TO LEGAL ESTATES, EQUITABLE INTERESTS AND POWERS

1 Legal estates and equitable interests.

- (1) The only estates in land which are capable of subsisting or of being conveyed or created at law are—
 - (a) An estate in fee simple absolute in possession;
 - (b) A term of years absolute.
- (2) The only interests or charges in or over land which are capable of subsisting or of being conveyed or created at law are—
 - (a) An easement, right, or privilege in or over land for an interest equivalent to an estate in fee simple absolute in possession or a term of years absolute;
 - (b) A rentcharge in possession issuing out of or charged on land being either perpetual or for a term of years absolute;
 - (c) A charge by way of legal mortgage;
 - (d)^{F1} and any other similar charge on land which is not created by an instrument;
 - (e) Rights of entry exercisable over or in respect of a legal term of years absolute, or annexed, for any purpose, to a legal rentcharge.
- (3) All other estates, interests, and charges in or over land take effect as equitable interests.
- (4) 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) in this Act referred to as “legal estates,” and have the same incidents as legal estates subsisting at the commencement of this Act; and the owner of a legal estate is referred to as “an estate owner” and his legal estate is referred to as his estate.
- (5) 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 before the commencement of this Act.

Status: Point in time view as at 01/02/1991.

Changes to legislation: Law of Property Act 1925, Section 1 is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (6) A legal estate is not capable of subsisting or of being created in an undivided share in land or of being held by an infant.
- (7) 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 an estate owner in right of his estate and exercisable by him or by another person in his name and on his behalf), operates only in equity.
- (8) 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.”
- (9) 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 a person of full age upon the requisite trusts.
- (10) The repeal of the Statute of Uses (as amended) does not affect the operation thereof in regard to dealings taking effect before the commencement of this Act.

Textual Amendments

F1 Words repealed by [Tithe Act 1936 \(c. 43\)](#), [Sch. 9](#) and [Finance Act 1963 \(c. 25\)](#), [Sch. 14 Pt. VI](#)

Modifications etc. (not altering text)

C1 [S. 1\(2\)\(b\)](#) explained by [Law of Property \(Entailed Interests\) Act 1932 \(c. 27\)](#), [s. 2](#)

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