



Law of Property Act 1925

1925 CHAPTER 20 15 and 16 Geo 5

PART V

LEASES AND TENANCIES

153 **Enlargement of residue of long terms into fee simple estates.**

- (1) Where a residue unexpired of not less than two hundred years of a term, which, as originally created, was for not less than three hundred years, is subsisting in land, whether being the whole land originally comprised in the term, or part only thereof,—
- (a) without any trust or right of redemption affecting the term in favour of the freeholder, or other person entitled in reversion expectant on the term; and
 - (b) without any rent, or with merely a peppercorn rent or other rent having no money value, incident to the reversion, or having had a rent, not being merely a peppercorn rent or other rent having no money value, originally so incident, which subsequently has been released or has become barred by lapse of time, or has in any other way ceased to be payable;

the term may be enlarged into a fee simple in the manner, and subject to the restrictions in this section provided.

- (2) This section applies to and includes every such term as aforesaid whenever created, whether or not having the freehold as the immediate reversion thereon; but does not apply to—
- (i) Any term liable to be determined by re-entry for condition broken; or
 - (ii) Any term created by subdemise out of a superior term, itself incapable of being enlarged into fee simple.
- (3) This section extends to mortgage terms, where the right of redemption is barred.
- (4) A rent not exceeding the yearly sum of one pound which has not been collected or paid for a continuous period of twenty years or upwards shall, for the purposes of this section, be deemed to have ceased to be payable:

F1

Changes to legislation: Law of Property Act 1925, Section 153 is up to date with all changes known to be in force on or before 07 March 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) View outstanding changes

- (5) Where a rent incident to a reversion expectant on a term to which this section applies is deemed to have ceased to be payable for the purposes aforesaid, no claim for such rent or for any arrears thereof shall be capable of being enforced.
- (6) Each of the following persons, namely—
- (i) Any person beneficially entitled in right of the term, whether subject to any incumbrance or not, to possession of any land comprised in the term, and, in the case of a married woman without the concurrence of her husband, whether or not she is entitled for her separate use or as her separate property,^{F2} . . . ;
 - (ii) Any person being in receipt of income as trustee, in right of the term, or having the term vested in him [^{F3}as a trustee of land], whether subject to any incumbrance or not;
 - (iii) Any person in whom, as personal representative of any deceased person, the term is vested, whether subject to any incumbrance or not;
- shall, so far as regards the land to which he is entitled, or in which he is interested in right of the term, in any such character as aforesaid, have power by deed to declare to the effect that, from and after the execution of the deed, the term shall be enlarged into a fee simple.
- (7) Thereupon, by virtue of the deed and of this Act, the term shall become and be enlarged accordingly, and the person in whom the term was previously vested shall acquire and have in the land a fee simple instead of the term.
- (8) The estate in fee simple so acquired by enlargement shall be subject to all the same trusts, powers, executory limitations over, rights, and equities, and to all the same covenants and provisions relating to user and enjoyment, and to all the same obligations of every kind, as the term would have been subject to if it had not been so enlarged.
- (9) But where—
- (a) any land so held for the residue of a term has been settled in trust by reference to other land, being freehold land, so as to go along with that other land, or, in the case of settlements coming into operation before the commencement of this Act, so as to go along with that other land as far as the law permits; and
 - (b) at the time of enlargement, the ultimate beneficial interest in the term, whether subject to any subsisting particular estate or not, has not become absolutely and indefeasibly vested in any person, free from charges or powers of charging created by a settlement;
- the estate in fee simple acquired as aforesaid shall, without prejudice to any conveyance for value previously made by a person having a contingent or defeasible interest in the term, be liable to be, and shall be, conveyed by means of a subsidiary vesting instrument and settled in like manner as the other land, being freehold land, aforesaid, and until so conveyed and settled shall devolve beneficially as if it had been so conveyed and settled.
- (10) The estate in fee simple so acquired shall, whether the term was originally created without impeachment of waste or not, include the fee simple in all mines and minerals which at the time of enlargement have not been severed in right or in fact, or have not been severed or reserved by an inclosure Act or award.

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Textual Amendments

- F1** S. 153(4) proviso repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 12**
- F2** Words repealed by Married Women (Restraint upon Anticipation) Act 1949 (c. 78), **Sch. 2**
- F3** Words in s. 153(6)(ii) substituted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 4(16)** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art.2**
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Modifications etc. (not altering text)

- C1** S. 153 excluded (26.7.2002) by Education Act 1996 (c. 56), Sch. 35A para. 10(1) (as inserted (26.7.2002) by Education Act 2002 (c. 32), s. 65, **Sch. 7 para. 1** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**)
- C2** S. 153 excluded (29.7.2010) by Academies Act 2010 (c. 32), s. 19(2), **Sch. 1 para. 10(1)**; S.I. 2010/1937, **art. 2**, **Sch. 1**
- C3** S. 153 excluded by 2010 c. 32, Sch. 1 para. 20(1) (as substituted (1.2.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 14 para. 1**; S.I. 2012/84, **art. 3** (with **art. 5**))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [2023 asc 3 s. 146\(5\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 52(2)(dc)(dd) inserted by [2016 c. 22 Sch. 7 para. 1\(2\)](#)