



Law of Property Act 1925

1925 CHAPTER 20 15 and 16 Geo 5

PART XII

CONSTRUCTION, JURISDICTION, AND GENERAL PROVISIONS

205 General 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) “Bankruptcy” includes liquidation by arrangement; also in relation to a corporation means the winding up thereof;
- (ii) “Conveyance” includes a mortgage, charge, 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; “convey” has a corresponding meaning; and “disposition” includes a conveyance and also a devise, bequest, or an appointment of property contained in a will; and “dispose of” has a corresponding meaning;
- (iii) “Building purposes” include the erecting and improving of, and the adding to, and the repairing of buildings; and a “building lease” is a lease for building purposes or purposes connected therewith;
- ^{F1}(iiiA)
- (iv) “Death duty” means estate duty . . . ^{F2} and every other duty leviable or payable on a death;
- (v) “Estate owner” means the owner of a legal estate, but an infant is not capable of being an estate owner;
- (vi) “Gazette” means the London Gazette;
- (vii) “Incumbrance” includes a legal or equitable mortgage and a trust for securing money, and a lien, and a charge of a portion, annuity, or other capital or annual sum; and “incumbrancer” has a meaning corresponding with that of incumbrance, and includes every person entitled to the benefit of an incumbrance, or to require payment or discharge thereof;
- (viii) “Instrument” does not include a statute, unless the statute creates a settlement;

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- (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 hereditaments, and an easement, right, privilege, or benefit in, over, or derived from land; ^{F3} . . . and “mines and minerals” include any strata or seam of minerals or substances in or under any land, and powers of working and getting the same ^{F3} . . . ; and “manor” includes a lordship, and reputed manor or lordship; and “hereditament” means any real property which on an intestacy occurring before the commencement of this Act might have devolved upon an heir;
- (x) “Legal estates” mean the estates, interests and charges, in or over land (subsisting or created at law) which are by this Act authorised to subsist or to be created as legal estates; “equitable interests” mean all the other interests and charges in or over land ^{F3} . . . ; an equitable interest “capable of subsisting as a legal estate” means such as could validly subsist or be created as a legal estate under this Act;
- (xi) “Legal powers” include the powers vested in a chargee by way of legal mortgage or in an estate owner under which a legal estate can be transferred or created; and “equitable powers” mean all the powers in or over land under which equitable interests or powers only can be transferred or created;
- (xii) “Limitation Acts” mean the Real Property Limitation Acts, 1833, 1837 and 1874, and “limitation” includes a trust;
- ^{F4}(xiii) “Mental disorder” has the meaning assigned to it by [^{F5}section 1 of the Mental Health Act 1983], and “receiver”, in relation to a person suffering from mental disorder, means a receiver appointed for that person under [^{F5}Part VIII of the Mental Health Act 1959 or Part VII of the said Act of 1983]of that Act;]
- (xiv) A “mining lease” means a lease for mining purposes, that is, the searching for, winning, working, getting, making merchantable, carrying away, or disposing of mines and minerals, or purposes connected therewith, and includes a grant or licence for mining purposes;
- (xv) “Minister” means the “Minister of Agriculture and Fisheries”;
- (xvi) “Mortgage” includes any charge or lien on any property for securing money or money’s worth; “legal mortgage” means a mortgage by demise or subdemise or a charge by way of legal mortgage and “legal mortgagee” has a corresponding meaning; “mortgage money” means money or money’s worth secured by a mortgage; “mortgagor” includes any person from time to time deriving title under the original mortgagor or entitled to redeem a mortgage according to his estate interest or right in the mortgaged property; “mortgagee” includes a chargee by way of legal mortgage and any person from time to time deriving title under the original mortgagee; and “mortgagee in possession” is, for the purposes of this Act, a mortgagee who, in right of the mortgage, has entered into and is in possession of the mortgaged property; and “right of redemption” includes an option to repurchase only if the option in effect creates a right of redemption;
- (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 as regards any liability for the payment of death duties includes any person who takes possession of or intermeddles with the property of a deceased person without the authority of the personal representatives or the court;

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- (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 valuable consideration and includes a lessee, mortgagee or other person who for valuable consideration acquires an interest in property except that in Part I of this Act and elsewhere where so expressly provided “purchaser” only means a person who acquires an interest in or charge on property for money or money’s worth; and in reference to a legal estate includes a chargee by way of legal mortgage; and where the context so requires “purchaser” includes an intending purchaser; “purchase” has a meaning corresponding with that of “purchaser”; and “valuable consideration” includes marriage ^{F6}, and formation of a civil partnership,[]] but does not include a nominal consideration in money;
- (xxii) “Registered land” has the same meaning as in the ^{F7}Land Registration Act 2002;[]]^{F8} . . .
- (xxiii) “Rent” includes a rent service or a rentcharge, or other rent, toll, duty, royalty, or annual or periodical payment in money or money’s worth, reserved or issuing out of or charged upon land, but does not include mortgage interest; “rentcharge” includes a fee farm rent; “fine” includes a premium or foregift and any payment, consideration, or benefit in the nature of a fine, premium or foregift; “lessor” includes an underlessor and a person deriving title under a lessor or underlessor; and “lessee” includes an underlessee and a person deriving title under a lessee or underlessee, and “lease” includes an underlease or other tenancy;
- (xxiv) “Sale” includes an extinguishment of manorial incidents, but in other respects means a sale properly so called;
- (xxv) “Securities” include stocks, funds and shares;
- (xxvi) “Tenant for life,” “statutory owner,” “settled land,” “settlement,” “vesting deed,” “subsidiary vesting deed,” “vesting order,” “vesting instrument,” “trust instrument,” “capital money,” and “trustees of the settlement” have the same meanings as in the ^{M1}Settled Land Act, 1925;
- (xxvii) “Term of years absolute” means a term of years (taking effect either in possession or in reversion whether or not at a rent) with or without impeachment for waste, subject or not to another legal estate, and either 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 this Act 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;
- (xxviii) “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 ^{M2}Public Trustee Act, 1906, to act as custodian trustee;
- (xxix) “Trust for sale,” in relation to land, means an immediate ^{F3} . . . trust for sale, whether or not exercisable at the request or with the consent of any person

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^{F3} . . . ; “trustees for sale” mean the persons (including a personal representative) holding land on trust for sale; ^{F3} . . .

(xxx) “United Kingdom” means Great Britain and Northern Ireland;

(xxxi) “Will” includes codicil.

[^{F9}(1A) Any reference in this Act to money being paid into court shall be construed as referring to the money being paid into the [^{F10}Senior Courts] or any other court that has jurisdiction, and any reference in this Act to the court, in a context referring to the investment or application of money paid into court, shall be construed, in the case of money paid into the [^{F10}Senior Courts] , as referring to the High Court, and in the case of money paid into another court, as referring to that other court.]

(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 references to any interest or power so arising.

(3) References to registration under the ^{M3}Land Charges Act, 1925, apply to any registration made under any other statute which is by the ^{M4}Land Charges Act, 1925, to have effect as if the registration had been made under that Act.

Textual Amendments

- F1** S. 205(1)(iiiA) omitted (1.7.1991) by virtue of S.I. 1991/724, **Sch. Pt. I**
- F2** Words repealed with saving by **Finance Act 1949 (c. 47), Sch. 11 Pt. IV**
- F3** Words in s. 205(1)(ix)(x)(xxix) repealed (1.1.1997) by 1996 c. 47, s. 25(2), **Sch.4** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art. 2**
- F4** S. 205(1)(xiii) substituted by **Mental Health Act 1959 (c. 72), Sch. 7 Pt. I**
- F5** Words substituted by **Mental Health Act 1983 (c. 20, SIF 85), s.148, Sch. 4 para. 5(b)**
- F6** Words in s. 205(1)(xxi) inserted (5.12.2005) by **Civil Partnership Act 2004 (c. 33), s. 261(1), Sch. 27 para. 7; S.I. 2005/3175, art. 2(1), Sch. 1**
- F7** Words in s. 205(1)(xxii) substituted (13.10.2003) by **Land Registration Act 2002 (c. 9), ss. 133, 136(2), Sch. 11 para. 2(13)(a)** (with s. 129); S.I. 2003/1725, **art. 2**
- F8** Words in s. 205(1)(xxii) repealed (13.10.2003) by **Land Registration Act 2002 (c. 9), ss. 133, 135, 136(2), Sch. 11 para. 2(13)(b), Sch. 13** (with ss. 129, 134, Sch. 12 para. 1); S.I. 2003/1725, **art. 2**
- F9** S. 205(1A) added by **Administration of Justice Act 1965 (c. 2), Sch. 1**
- F10** Words in s. 205(1A) substituted (1.10.2009) by **Constitutional Reform Act 2005 (c. 4), s. 59(5), 148, Sch. 11 para. 4; S.I. 2009/1604, art. 2**

Modifications etc. (not altering text)

- C1** The definition of "conveyance" in s. 205(1)(ii) applied (1.12.1991) by **Water Resources Act 1991 (c. 57, SIF 130), ss. 182, 225(2), Sch. 23, para. 7(1)**
The definition of "trust for sale" in s. 205(1)(xxix) applied (25.9.1991) by **Land Compensation Act 1961 (c. 33, SIF 28:1), Sch. 3, para. 7(4)** (as added (25.9.1991) by **Planning and Compensation Act 1991 (c. 34, SIF 28:1), s. 66, Sch. 14 para. 2; S.I. 1991/2067, art. 3**)
- C2** Reference in s. 205(1)(xii) to Real Property Limitation Acts 1833, 1837 and 1874 to be construed as reference to **Limitation Act 1980 (c. 58, SIF 79): Interpretation Act 1978 (c. 30, SIF 115:1), s. 17(2)(a)**
- C3** Style and title of Minister of Agriculture and Fisheries now changed to Minister of Agriculture, Fisheries and Food by **S.I. 1955/554 (1955 I, p. 1200)**
- C4** S. 205(1)(xxviii) extended by **Law of Property (Amendment) Act 1926 (c. 11), s. 3, S.I. 1952/862 (1952 II, p.2322)** and **Clergy Pensions Measure 1961 (No. 3), s. 31**
- C5** Definition in s. 205(1)(xxviii) extended by **Charities Act 1960 (c. 58), s. 21A(c)** (as inserted (retrospectively) by **Charities Act 1992 (c. 41), s.14(1)(2); S.I. 1992/1900, art. 2(1), Sch. 1**

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C6 Definition in s. 205(1)(xxviii) extended (1.8.1993) (retrospective in relation to time before 1.1.1982) by 1993 c. 10, **ss. 35(1)(c)(2), 99**

Marginal Citations

M1 1925 c. 18.
M2 1906 c. 55.
M3 1925 c. 22.
M4 1925 c. 22.

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