



# 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

##### *Infants and Lunatics*

#### **[<sup>F1</sup>22 Conveyances on behalf of persons suffering from mental disorder and as to land held by them [<sup>F2</sup>in trust].**

- (1) Where a legal estate in land (whether settled or not) is vested [<sup>F3</sup>, either solely or jointly with any other person or persons, in a person lacking capacity (within the meaning of the Mental Capacity Act 2005) to convey or create a legal estate, a deputy appointed for him by the Court of Protection or (if no deputy is appointed] for him) any person authorised in that behalf shall, under an order of [<sup>F4</sup>the Court of Protection] , or of the court, or under any statutory power, make or concur in making all requisite dispositions for conveying or creating a legal estate in his name and on his behalf.
- (2) If land [<sup>F2</sup>subject to a trust of land] is vested, either solely or jointly with any other person or persons, in a person who [<sup>F5</sup>lacks capacity (within the meaning of that Act) to exercise] his functions as trustee, a new trustee shall be appointed in the place of that person, or he shall be otherwise discharged from the trust, before the legal estate is dealt with [<sup>F2</sup>by the trustees].

[ Subsection (2) of this section does not prevent a legal estate being dealt with without <sup>F6</sup>(3) the appointment of a new trustee, or the discharge of the incapable trustee, at a time when the donee of [<sup>F7</sup>an enduring power of attorney or lasting power of attorney (within the meaning of the 2005 Act) is entitled to act for the trustee who lacks capacity in relation to the dealing.]]

#### **Textual Amendments**

**F1** S. 22 substituted by [Mental Health Act 1959 \(c. 72\), Sch. 7 Pt. I](#)

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*Status: Point in time view as at 01/10/2011.*

*Changes to legislation: Law of Property Act 1925, Section 22 is up to date with all changes known to be in force on or before 13 May 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)*

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- F2** Words in s. 22(2) and sidenote substituted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 4(6)** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art. 2**
- F3** Words in s. 22(1) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(1), 68, **Sch. 6 para. 4(2)(a)(i)** (with ss. 27, 28, 29, 62); S.I. 2007/1897, **art. 2(1)(d)**
- F4** Words in s. 22(1) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(1), 68, **Sch. 6 para. 4(2)(a)(ii)** (with ss. 27, 28, 29, 62); S.I. 2007/1897, **art. 2(1)(d)**
- F5** Words in s. 22(2) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(1), 68, **Sch. 6 para. 4(2)(b)** (with ss. 27, 28, 29, 62); S.I. 2007/1897, **art. 2(1)(d)**
- F6** S. 22(3) inserted (1.3.2000) by 1999 c. 15, s. 9(1)(2); S.I. 2000/216, **art. 2**
- F7** Words in s. 22(3) substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), ss. 67(1), 68, **Sch. 6 para. 4(2)(c)** (with ss. 27, 28, 29, 62); S.I. 2007/1897, **art. 2(1)(d)**

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