



Law of Property Act 1925

1925 CHAPTER 20 15 and 16 Geo 5

PART II

CONTRACTS, CONVEYANCES AND OTHER INSTRUMENTS

Contracts

48 Stipulations preventing a purchaser, lessee, or underlessee from employing his own solicitor to be void.

- (1) Any stipulation made on the sale of any interest in land after the commencement of this Act to the effect that the conveyance to, or the registration of the title of, the purchaser shall be prepared or carried out at the expense of the purchaser by a solicitor appointed by or acting for the vendor, and any stipulation which might restrict a purchaser in the selection of a solicitor to act on his behalf in relation to any interest in land agreed to be purchased, shall be void; and, if a sale is effected by demise or subdemise, then, for the purposes of this subsection, the instrument required for giving effect to the transaction shall be deemed to be a conveyance:

Provided that nothing in this subsection shall affect any right reserved to a vendor to furnish a form of conveyance to a purchaser from which the draft can be prepared, or to charge a reasonable fee therefor, or, where a perpetual rentcharge is to be reserved as the only consideration in money or money's worth, the right of a vendor to stipulate that the draft conveyance is to be prepared by his solicitor at the expense of the purchaser.

- (2) Any covenant or stipulation contained in, or entered into with reference to any lease or underlease made before or after the commencement of this Act—
- (a) whereby the right of preparing, at the expense of a purchaser, any conveyance of the estate or interest of the lessee or underlessee in the demised premises or in any part thereof, or of otherwise carrying out, at the expense of the purchaser, any dealing with such estate or interest, is expressed to be reserved to or vested in the lessor or underlessor or his solicitor; or

Status: Point in time view as at 26/12/2023.

Changes to legislation: Law of Property Act 1925, Section 48 is up to date with all changes known to be in force on or before 11 June 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)

- (b) which in any way restricts the right of the purchaser to have such conveyance carried out on his behalf by a solicitor appointed by him;

shall be void:

Provided that, where any covenant or stipulation is rendered void by this subsection, there shall be implied in lieu thereof a covenant or stipulation that the lessee or underlessee shall register with the lessor or his solicitor within six months from the date thereof, or as soon after the expiration of that period as may be practicable, all conveyances and devolutions (including probates or letters of administration) affecting the lease or underlease and pay a fee of one guinea in respect of each registration, and the power of entry (if any) on breach of any covenant contained in the lease or underlease shall apply and extend to the breach of any covenant so to be implied.

- (3) Save where a sale is effected by demise or sub-demise, this section does not affect the law relating to the preparation of a lease or underlease or the draft thereof.
- (4) In this section “lease” and “underlease” include any agreement therefor or other tenancy, and “lessee” and “underlessee” and “lessor” and “underlessor” have corresponding meanings.

Modifications etc. (not altering text)

- C1** S. 48 extended by Administration of Justice Act 1985 (c. 61, SIF 98:1), s. 34(2)(a)
- C2** S. 48 extended (1.1.1992) by Administration of Justice Act 1985 (c. 61, SIF 76:1), s. 9, **Sch. 2 para. 37(a)**; S.I. 1991/2683, **art.2**
- C3** S. 48 extended (*prosp.*) by Building Societies Act 1986 (c. 53, SIF 16), **ss. 54(3)(a)(5)**, 119(5), 124, 126, Sch. 21 paras. 9(a), 12(2)(3) (the said s. 124 (which induces Sch. 21) being repealed (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**
- C4** S. 48 modified (12.9.2011) by The Legal Services Act 2007 (Designation as a Licensing Authority) Order 2011 (S.I. 2011/2038), art. 1, **Sch. para. 3(3)**
- C5** S. 48(1) applied (with modifications) (23.12.2011) by The Legal Services Act 2007 (Designation as a Licensing Authority) (No. 2) Order 2011 (S.I. 2011/2866), art. 1(2), **Sch. 2**

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