



Law of Property Act 1925

1925 CHAPTER 20 15 and 16 Geo 5

PART II

CONTRACTS, CONVEYANCES AND OTHER INSTRUMENTS

Conveyances and other Instruments

64 Production and safe custody of documents.

- (1) Where a person retains possession of documents, and gives to another an acknowledgment in writing of the right of that other to production of those documents, and to delivery of copies thereof (in this section called an acknowledgment), that acknowledgment shall have effect as in this section provided.
- (2) An acknowledgment shall bind the documents to which it relates in the possession or under the control of the person who retains them, and in the possession or under the control of every other person having possession or control thereof from time to time, but shall bind each individual possessor or person as long only as he has possession or control thereof; and every person so having possession or control from time to time shall be bound specifically to perform the obligations imposed under this section by an acknowledgment, unless prevented from so doing by fire or other inevitable accident.
- (3) The obligations imposed under this section by an acknowledgment are to be performed from time to time at the request in writing of the person to whom an acknowledgment is given, or of any person, not being a lessee at a rent, having or claiming any estate, interest, or right through or under that person, or otherwise becoming through or under that person interested in or affected by the terms of any document to which the acknowledgment relates.
- (4) The obligations imposed under this section by an acknowledgment are—
 - (i) An obligation to produce the documents or any of them at all reasonable times for the purpose of inspection, and of comparison with abstracts or copies thereof, by the person entitled to request production or by any person by him authorised in writing; and

Status: Point in time view as at 01/10/2011. This version of this provision has been superseded.

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- (ii) An obligation to produce the documents or any of them at any trial, hearing, or examination in any court, or in the execution of any commission, or elsewhere in the United Kingdom, on any occasion on which production may properly be required, for proving or supporting the title or claim of the person entitled to request production, or for any other purpose relative to that title or claim; and
 - (iii) An obligation to deliver to the person entitled to request the same true copies or extracts, attested or unattested, of or from the documents or any of them.
- (5) All costs and expenses of or incidental to the specific performance of any obligation imposed under this section by an acknowledgement shall be paid by the person requesting performance.
 - (6) An acknowledgment shall not confer any right to damages for loss or destruction of, or injury to, the documents to which it relates, from whatever cause arising.
 - (7) Any person claiming to be entitled to the benefit of an acknowledgment may apply to the court for an order directing the production of the documents to which it relates, or any of them, or the delivery of copies of or extracts from those documents or any of them to him, or some person on his behalf; and the court may, if it thinks fit, order production, or production and delivery, accordingly, and may give directions respecting the time, place, terms, and mode of production or delivery, and may make such order as it thinks fit respecting the costs of the application, or any other matter connected with the application.
 - (8) An acknowledgment shall by virtue of this Act satisfy any liability to give a covenant for production and delivery of copies of or extracts from documents.
 - (9) Where a person retains possession of documents and gives to another an undertaking in writing for safe custody thereof, that undertaking shall impose on the person giving it, and on every person having possession or control of the documents from time to time, but on each individual possessor or person as long only as he has possession or control thereof, an obligation to keep the documents safe, whole, uncanceled, and undefaced, unless prevented from so doing by fire or other inevitable accident.
 - (10) Any person claiming to be entitled to the benefit of such an undertaking may apply to the court to assess damages for any loss or destruction of, or injury to, the documents or any of them, and the court may, if it thinks fit, direct an inquiry respecting the amount of damages, and order payment thereof by the person liable, and may make such order as it thinks fit respecting the costs of the application, or any other matter connected with the application.
 - (11) An undertaking for safe custody of documents shall by virtue of this Act satisfy any liability to give a covenant for safe custody of documents.
 - (12) The rights conferred by an acknowledgment or an undertaking under this section shall be in addition to all such other rights relative to the production, or inspection, or the obtaining of copies of documents, as are not, by virtue of this Act, satisfied by the giving of the acknowledgment or undertaking, and shall have effect subject to the terms of the acknowledgment or undertaking, and to any provisions therein contained.
 - (13) This section applies only if and as far as a contrary intention is not expressed in the acknowledgment or undertaking.
 - (14) This section applies to an acknowledgment or undertaking given, or a liability respecting documents incurred, after the thirty-first day of December, eighteen hundred and eighty-one.

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Modifications etc. (not altering text)

- C1** S. 64 extended by **Coal Act 1938** (c. 52), s. 14(3), **Transport Act 1968** (c. 73), **Sch. 4 para. 3**
- C2** S. 64 applied by **Leasehold Reform Act 1967** (c. 88), s. 10(6)
S. 64 applied (with modifications) (24.7.1996) by 1996 c. 55, s. 131(4), **Sch. 5 para. 4(3)(b)**
S. 64 applied (12.1.2000) by 1999 c. 29, s. 412(14)(b) (with Sch. 12 para. 9(1)); S.I. 1999/3434, **art. 2**
S. 64 applied (with modifications) (1.2.2001) by 2000 c. 38, s. 63, **Sch. 6 para. 12(2)(b)** (with ss. 105(2)(5), 106(4)); S.I. 2001/57, art. 3, **Sch. 2 Pt. I** (with transitional provisions in Sch. 2 Pt. II)
- C3** S. 64 modified by **Civil Aviation Act 1982** (c. 16, SIF 9), s. 22, **Sch. 3 para. 5**
S. 64 modified by **Diplomatic and Consular Premises Act 1987** (c. 46, SIF 68:1), s. 4, **Sch. 1 Pt. I para. 8**
S. 64 modified by **Electricity Act 1989** (c. 29, SIF 44:1), s. 70, **Sch. 10**, para. 5(2)(b)
S. 64 modified (31.5.1991) by **Environmental Protection Act 1990** (c. 43, SIF 46:4), s. 32(6), **Sch. 2 para. 11**; S.I. 1991/1319, **art. 2**
S. 64 modified (25.7.1991) by **Ports Act 1991** (c. 52, SIF 58), s. 23(1), **Sch. 2 para. 4**
S. 64 modified (6.1.1994) by 1993 c. 43, ss. 97, 150(1)(n), **Sch. 8 para. 4(2)(b)**; S.I. 1993/3237, **art. 2(2)**
S. 64 modified (5.7.1994) by 1994 c. 21, s. 12, **Sch. 2 para. 4(3)(b)** (with ss. 40(7), 66)
S. 64 modified (8.11.1995) by 1995 c. 37, s. 1(5), **Sch. 1 para. 5(3)(b)(6)**
S. 64 modified (5.10.2004) by **Energy Act** (c. 20), s. 38(8), {Sch. 5 para. 6(6)(b)} (with s. 38(2)); S.I. 2004/2575, **art. 2(1)**, Sch.
S. 64 modified (5.10.2004) by **Energy Act** (c. 20), s. 159(2), {Sch. 21 para. 7(6)(b)}; S.I. 2004/2575, **art. 2(1)**, Sch.
S. 64 modified (21.1.2008) (E.) by **The School Organisation (Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts) (England) Regulations 2007** (S.I. 2007/3475), reg. 17(5), **Sch. 3 para. 4(2)**
- C4** S. 64: power to apply conferred (1.12.1991) by **Water Industry Act 1991** (c. 56, SIF 130), ss. 10, 23(4), 223(2), **Sch. 2 para. 3(5)(b)**
S. 64: power to apply conferred (1.4.1994) by 1993 c. 43, ss. 59, 150(1)(c)(m), **Sch. 7 para. 3(4)(b)**; S.I. 1994/571, **art. 5**
S. 64: power to apply conferred (28.7.1995 in part and 12.10.1995 otherwise) by 1995 c. 25, ss. 3(8), 22(9), **Sch. 2 para. 5(2)(b)** (with ss. 7(6), 115, 117); S.I. 1995/1983, **art. 2**; S.I. 1995/2649, **art. 2**
S. 64: power to apply conferred (31.1.2005 for certain purposes, otherwise prosp.) by **Public Audit (Wales) Act 2004** (c. 23), s. 68(3), **Sch. 3 para. 1(6)(b)**; S.I. 2005/71, **art. 2(1)**, Sch.
- C5** S. 64 applied (1.10.2011) by **Postal Services Act 2011** (c. 5), s. 93(2)(3), **Sch. 11 para. 17(2)(b)**; S.I. 2011/2329, art. 3
- C6** S. 64 applied (1.10.2011) by **Postal Services Act 2011** (c. 5), s. 93(2)(3), **Sch. 1 para. 13(2)(b)**; S.I. 2011/2329, art. 3

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