



# Law of Property Act 1925

1925 CHAPTER 20 15 and 16 Geo 5

## PART XII

CONSTRUCTION, JURISDICTION, AND GENERAL PROVISIONS

### 201 Provisions of Act to apply to incorporeal hereditaments.

- (1) The provisions of this Act relating to freehold land apply to manors, reputed manors, lordships, advowsons, . . . <sup>F1</sup> perpetual rentcharges, and other incorporeal hereditaments, subject only to the qualifications necessarily arising by reason of the inherent nature of the hereditament affected.
- (2) This Act does not affect the special restrictions imposed on dealing with advowsons by the <sup>M1</sup>Benefices Act, 1898, or any other statute or measure, nor affect the limitation of, or authorise any disposition to be made of, a title or dignity of honour which in its nature is inalienable.
- (3) This section takes effect subject to the express provisions of this Act relating to undivided shares.

#### Textual Amendments

**F1** Words repealed by [Tithe Act 1936 \(c. 43\)](#), [Sch. 9](#)

#### Marginal Citations

**M1** [1898 c. 48.](#)

### 202 Provisions as to enfranchisement of copyholds, &c.

For giving effect to this Act, the enfranchisement of copyhold land, and the conversion into long terms of perpetually renewable leaseholds, and of leases for lives and of leases for years terminable with life or lives or on marriage, effected by the <sup>M2</sup>Law of Property Act, 1922, as amended by any subsequent enactment, shall be deemed to have been effected immediately before the commencement of this Act.

*Status: Point in time view as at 01/07/1991.*

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#### Marginal Citations

M2 1922 c. 16.

### 203 Payment into court, jurisdiction and procedure.

- (1) Payment of money into court effectually exonerates therefrom the person making the payment.
- (2) Subject to any rules of court to the contrary—
  - (a) Every application to the court under this Act shall, save as otherwise expressly provided, be by summons at chambers;
  - (b) On an application by a purchaser notice shall be served in the first instance on the vendor;
  - (c) On an application by a vendor notice shall be served in the first instance on the purchaser;
  - (d) On any application notice shall be served on such persons, if any, as the court thinks fit.
- (3) In this Act, unless the contrary intention appears, “the court” means the High Court, . . .<sup>F2</sup> or the county court, where those courts respectively have jurisdiction.
- (4) All matters within the jurisdiction of the High Court under this Act, shall, save as otherwise expressly provided, and subject to the enactments for the time being in force with respect to the Supreme Court of Judicature, be assigned to the Chancery Division of the court.
- (5) The court shall have full power and discretion to make such order as it thinks fit respecting the costs, charges and expenses of all or any of the parties to any application.

#### Textual Amendments

F2 Words repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. II](#)

### 204 Orders of court conclusive.

- (1) An order of the court under any statutory or other jurisdiction shall not, as against a purchaser, be invalidated on the ground of want of jurisdiction, or of want of any concurrence, consent, notice, or service, whether the purchaser has notice of any such want or not.
- (2) This section has effect with respect to any lease, sale, or other act under the authority of the court, and purporting to be in pursuance of any statutory power notwithstanding any exception in such statute.
- (3) This section applies to all orders made before or after the commencement of this Act.

#### Modifications etc. (not altering text)

C1 [S. 204](#) extended by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 109(1), [Sch. 5 para. 43\(2\)](#)

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**C2** S. 204 applied (1.10.2007) by Mental Capacity Act 2005 (c. 9), **ss. 47(2), 68** (with **ss. 27-29, 62**); S.I. 2007/1897, **art. 2(1)(b)**

## 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;
- <sup>F3</sup>(iiiA) . . . . .
- (iv) “Death duty” means estate duty . . . <sup>F4</sup> 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;
- (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; but not an undivided share in land; 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 but not an undivided share thereof; 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 or in the proceeds of sale thereof; 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

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- 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;
- [<sup>F5</sup>(xiii) “Mental disorder” has the meaning assigned to it by [<sup>F6</sup> 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 [<sup>F6</sup> 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;
- (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 but does not include a nominal consideration in money;
- (xxii) “Registered land” has the same meaning as in the <sup>M3</sup>Land Registration Act, 1925, and “Land Registrar” means the Chief Land Registrar under that Act;
- (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

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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 <sup>M4</sup>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 <sup>M5</sup>Public Trustee Act, 1906, to act as custodian trustee;
- (xxix) “Trust for sale,” in relation to land, means an immediate binding trust for sale, whether or not exercisable at the request or with the consent of any person, and with or without a power at discretion to postpone the sale; “trustees for sale” mean the persons (including a personal representative) holding land on trust for sale; and “power to postpone a sale” means power to postpone in the exercise of a discretion;
- (xxx) “United Kingdom” means Great Britain and Northern Ireland;
- (xxxi) “Will” includes codicil.

[<sup>F7</sup>(1A) Any reference in this Act to money being paid into court shall be construed as referring to the money being paid into the Supreme Court 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 Supreme Court, 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.

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- (3) References to registration under the <sup>M6</sup>Land Charges Act, 1925, apply to any registration made under any other statute which is by the <sup>M7</sup>Land Charges Act, 1925, to have effect as if the registration had been made under that Act.

#### Textual Amendments

- F3** S. 205(1)(iiiA) omitted (1.7.1991) by virtue of S.I. 1991/724, art. 2(8), **Sch. Pt. I** (with art. 12)  
**F4** Words repealed with saving by **Finance Act 1949 (c. 47), Sch. 11 Pt. IV**  
**F5** S. 205(1)(xiii) substituted by **Mental Health Act 1959 (c. 72), Sch. 7 Pt. I**  
**F6** Words substituted by **Mental Health Act 1983 (c. 20, SIF 85), s.148, Sch. 4 para. 5(b)**  
**F7** S. 205(1A) added by **Administration of Justice Act 1965 (c. 2), Sch. 1**

#### Modifications etc. (not altering text)

- C3** 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)**  
**C4** 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)**  
**C5** 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**  
**C6** Definition in s. 205(1)(xxviii) extended by **Charities Act 1960 (c. 58), s. 21A(c)** (as inserted *(retrosp.)*) by **Charities Act 1992 (c. 41), s.14(1)(2); S.I. 1992/1900, art. 2(1), Sch.1.**  
**C7** S. 205(1)(xxviii): definition of “trust corporation” extended (retrospectively) by **Charities Act 2011 (c. 25), Sch. 7 para. 3(1)-(3)** (with s. 20(2), Sch. 8)

#### Marginal Citations

- M3** 1925 c. 21.  
**M4** 1925 c. 18.  
**M5** 1906 c. 55.  
**M6** 1925 c. 22.  
**M7** 1925 c. 22.

## 206 Forms of instruments and examples of abstracts.

- (1) Instruments in the form of, and using the expressions in the forms given in the Fifth Schedule to this Act, or in the like form or using expressions to the like effect, shall, in regard to form and expression be sufficient.
- (2) Examples of abstracts of title framed in accordance with the enactments which will take effect at the commencement of this Act are contained in the Sixth Schedule to this Act.

## 207 Repeals as respects England and Wales.

.....<sup>F8</sup> without prejudice to the provisions of section thirty-eight of the <sup>M8</sup>Interpretation Act, 1889:—

- (a) Nothing in this repeal shall affect the validity or legality of any dealing in property or other transaction completed before the commencement of this Act, or any title or right acquired or appointment made before such commencement, but, subject as aforesaid, this Act shall, except where otherwise expressly provided, apply to and in respect of instruments whether made or coming into operation before or after such commencement:

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- (b) Nothing in this repeal shall affect any rules, orders, or other instruments made under any enactment so repealed, but all such rules, orders and instruments shall continue in force as if made under the corresponding enactment in this Act:
- (c) References in any document to any enactment repealed by this Act shall be construed as references to this Act or to the corresponding enactment in this Act.

**Textual Amendments**

**F8** Words repealed by [Statute Law Revision Act 1950 \(14 Geo. 6 c. 6\)](#)

**Marginal Citations**

**M8** 1889 c. 63.

**208 Application to the Crown.**

- (1) Nothing in this Act shall be construed as rendering any property of the Crown subject to distress, or liable to be taken or disposed of by means of any distress.
- (2) This Act shall not in any manner (save as otherwise expressly provided and except so far as it relates to undivided shares, joint ownership, leases for lives or leases for years terminable with life or marriage) affect or alter the descent, devolution or tenure or the nature of the estates and interests of or in any land for the time being vested in His Majesty either in right of the Crown or of the Duchy of Lancaster or of or in any land for the time being belonging to the Duchy of Cornwall and held in right or in respect of the said Duchy, but so nevertheless that, after the commencement of this Act, no estates, interests or charges in or over any such lands as aforesaid shall be conveyed or created, except such estates, interests or charges as are capable under this Act of subsisting or of being conveyed or created.
- (3) Subject as aforesaid the provisions of this Act bind the Crown.

**209 Short title, commencement, and extent.**

- (1) This Act may be cited as the Law of Property Act, 1925.
- (2) ..... **F9**
- (3) This Act extends to England and Wales only.

**Textual Amendments**

**F9** [S. 209\(2\), Sch. 7](#) repealed by [Statute Law Revision Act 1950 \(14 Geo. 6 c. 6\)](#)

**Modifications etc. (not altering text)**

**C8** N.B. Unreliable marginal note.

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