



# Law of Property (Miscellaneous Provisions) Act 1994

## 1994 CHAPTER 36

### PART I **E+W**

#### IMPLIED COVENANTS FOR TITLE

##### *Effect of covenants*

#### **6 No liability under covenants in certain cases. **E+W****

- (1) The person making the disposition is not liable under the covenants implied by virtue of—
- (a) section 2(1)(a) (right to dispose),
  - (b) section 3 (charges, incumbrances and third party rights), or
  - (c) section 4 (validity of lease),
- in respect of any particular matter to which the disposition is expressly made subject.
- (2) Furthermore that person is not liable under any of those covenants for anything (not falling within subsection (1))—
- (a) which at the time of the disposition is within the actual knowledge, or
  - (b) which is a necessary consequence of facts that are then within the actual knowledge,
- of the person to whom the disposition is made.
- (3) For this purpose section 198 of the <sup>M1</sup>Law of Property Act 1925 (deemed notice by virtue of registration) shall be disregarded.
- [<sup>F1</sup>(4) Moreover, where the disposition is of an interest the title to which is registered under the Land Registration Act 2002, that person is not liable under any of those covenants for anything (not falling within subsection (1) or (2)) which at the time of the disposition was entered in relation to that interest in the register of title under that Act.]

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*Changes to legislation: There are currently no known outstanding effects for the Law of Property (Miscellaneous Provisions) Act 1994, Cross Heading: Effect of covenants. (See end of Document for details)*

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#### Textual Amendments

**F1** S. 6(4) inserted (13.10.2003) by Land Registration Act 2002 (c. 9), s. 136(2), Sch. 11 para. 31(2) (with s. 129); S.I. 2003/1725, art. 2(1)

#### Marginal Citations

**M1** 1925 c. 20.

### 7 Annexation of benefit of covenants. **E+W**

The benefit of a covenant implied by virtue of this Part shall be annexed and incident to, and shall go with, the estate or interest of the person to whom the disposition is made, and shall be capable of being enforced by every person in whom that estate or interest is (in whole or in part) for the time being vested.

### 8 Supplementary provisions. **E+W**

- (1) The operation of any covenant implied in an instrument by virtue of this Part may be limited or extended by a term of that instrument.
- (2) Sections 81 and 83 of the <sup>M2</sup>Law of Property Act 1925 (effect of covenant with two or more jointly; construction of implied covenants) apply to a covenant implied by virtue of this Part as they apply to a covenant implied by virtue of that Act.
- (3) Where in an instrument effecting or purporting to effect a disposition of property a person is expressed to direct the disposition, this Part applies to him as if he were the person making the disposition.
- (4) This Part has effect—
  - (a) where “gyda gwarant teitl llawn” is used instead of “with full title guarantee”, and
  - (b) where “gyda gwarant teitl cyfyngedig” is used instead of “with limited title guarantee”,
 as it has effect where the English words are used.

#### Marginal Citations

**M2** 1925 c. 20.

### 9 Modifications of statutory forms. **E+W**

- (1) Where a form set out in an enactment, or in an instrument made under an enactment, includes words which (in an appropriate case) would have resulted in the implication of a covenant by virtue of section 76 of the <sup>M3</sup>Law of Property Act 1925, the form shall be taken to authorise instead the use of the words “with full title guarantee” or “with limited title guarantee” or their Welsh equivalent given in section 8(4).
- (2) This applies in particular to the forms set out in <sup>F2</sup>... Schedules 4 <sup>F2</sup>... to the <sup>M4</sup>Law of Property Act 1925.

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**Changes to legislation:** There are currently no known outstanding effects for the Law of Property (Miscellaneous Provisions) Act 1994, Cross Heading: Effect of covenants. (See end of Document for details)

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**Textual Amendments**

**F2** Words in s. 9(2) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 12](#)

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**Marginal Citations**

**M3** 1925 c. 20.

**M4** 1925 c. 20.

**Changes to legislation:**

There are currently no known outstanding effects for the Law of Property (Miscellaneous Provisions) Act 1994, Cross Heading: Effect of covenants.