

Status: Point in time view as at 01/01/1997.

Changes to legislation: There are currently no known outstanding effects for the Trusts of Land and Appointment of Trustees Act 1996. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 2.

PROVISIONS CONSEQUENTIAL ON SECTION 2

Minors

- 1 (1) Where after the commencement of this Act a person purports to convey a legal estate in land to a minor, or two or more minors, alone, the conveyance—
- (a) is not effective to pass the legal estate, but
 - (b) operates as a declaration that the land is held in trust for the minor or minors (or if he purports to convey it to the minor or minors in trust for any persons, for those persons).
- (2) Where after the commencement of this Act a person purports to convey a legal estate in land to—
- (a) a minor or two or more minors, and
 - (b) another person who is, or other persons who are, of full age,
- the conveyance operates to vest the land in the other person or persons in trust for the minor or minors and the other person or persons (or if he purports to convey it to them in trust for any persons, for those persons).
- (3) Where immediately before the commencement of this Act a conveyance is operating (by virtue of section 27 of the ^{M1}Settled Land Act 1925) as an agreement to execute a settlement in favour of a minor or minors—
- (a) the agreement ceases to have effect on the commencement of this Act, and
 - (b) the conveyance subsequently operates instead as a declaration that the land is held in trust for the minor or minors.

Marginal Citations

M1 1925 c. 18.

- 2 Where after the commencement of this Act a legal estate in land would, by reason of intestacy or in any other circumstances not dealt with in paragraph 1, vest in a person who is a minor if he were a person of full age, the land is held in trust for the minor.

Family charges

- 3 Where, by virtue of an instrument coming into operation after the commencement of this Act, land becomes charged voluntarily (or in consideration of marriage) or by way of family arrangement, whether immediately or after an interval, with the payment of—
- (a) a rentcharge for the life of a person or a shorter period, or

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(b) capital, annual or periodical sums for the benefit of a person, the instrument operates as a declaration that the land is held in trust for giving effect to the charge.

Charitable, ecclesiastical and public trusts

- 4 (1) This paragraph applies in the case of land held on charitable, ecclesiastical or public trusts (other than land to which the ^{M2}Universities and College Estates Act 1925 applies).
- (2) Where there is a conveyance of such land—
- (a) if neither section 37(1) nor section 39(1) of the ^{M3}Charities Act 1993 applies to the conveyance, it shall state that the land is held on such trusts, and
- (b) if neither section 37(2) nor section 39(2) of that Act has been complied with in relation to the conveyance and a purchaser has notice that the land is held on such trusts, he must see that any consents or orders necessary to authorise the transaction have been obtained.
- (3) Where any trustees or the majority of any set of trustees have power to transfer or create any legal estate in the land, the estate shall be transferred or created by them in the names and on behalf of the persons in whom it is vested.

Marginal Citations

M2 1925 c. 24.

M3 1993 c. 10.

Entailed interests

- 5 (1) Where a person purports by an instrument coming into operation after the commencement of this Act to grant to another person an entailed interest in real or personal property, the instrument—
- (a) is not effective to grant an entailed interest, but
- (b) operates instead as a declaration that the property is held in trust absolutely for the person to whom an entailed interest in the property was purportedly granted.
- (2) Where a person purports by an instrument coming into operation after the commencement of this Act to declare himself a tenant in tail of real or personal property, the instrument is not effective to create an entailed interest.

Property held on settlement ceasing to exist

- 6 Where a settlement ceases to be a settlement for the purposes of the ^{M4}Settled Land Act 1925 because no relevant property (within the meaning of section 2(4)) is, or is deemed to be, subject to the settlement, any property which is or later becomes subject to the settlement is held in trust for the persons interested under the settlement.

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Marginal Citations

M4 1925 c. 18.

SCHEDULE 2

Section 5.

AMENDMENTS OF STATUTORY PROVISIONS IMPOSING TRUST FOR SALE

Mortgaged property held by trustees after redemption barred

- 1 (1) Section 31 of the ^{M5}Law of Property Act 1925 (implied trust for sale of mortgaged property where right of redemption is barred) is amended as follows.
- (2) In subsection (1), for the words “on trust for sale.” substitute “in trust—
- (a) to apply the income from the property in the same manner as interest paid on the mortgage debt would have been applicable; and
 - (b) if the property is sold, to apply the net proceeds of sale, after payment of costs and expenses, in the same manner as repayment of the mortgage debt would have been applicable.”
- (3) In subsection (2), for the words from the beginning to “this subsection” substitute—
- “(2) Subsection (1) of this section”.
- (4) Omit subsection (3).
- (5) For subsection (4) substitute—
- “(4) Where—
- (a) the mortgage money is capital money for the purposes of the Settled Land Act 1925;
 - (b) land other than any forming the whole or part of the property mentioned in subsection (1) of this section is, or is deemed to be, subject to the settlement; and
 - (c) the tenant for life or statutory owner requires the trustees to execute with respect to land forming the whole or part of that property a vesting deed such as would have been required in relation to the land if it had been acquired on a purchase with capital money,
- the trustees shall execute such a vesting deed.”
- (6) In accordance with the amendments made by sub-paragraphs (2) to (5), in the sidenote of section 31 for the words “Trust for sale” substitute “Trust”.
- (7) The amendments made by this paragraph—
- (a) apply whether the right of redemption is discharged before or after the commencement of this Act, but
 - (b) are without prejudice to any dealings or arrangements made before the commencement of this Act.

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Marginal Citations

M5 1925 c. 20.

Land purchased by trustees of personal property etc.

- 2 (1) Section 32 of the ^{M6}Law of Property Act 1925 (implied trust for sale of land acquired by trustees of personal property or of land held on trust for sale) is omitted.
- (2) The repeal made by this paragraph applies in relation to land purchased after the commencement of this Act whether the trust or will in pursuance of which it is purchased comes into operation before or after the commencement of this Act.

Marginal Citations

M6 1925 c. 20.

Dispositions to tenants in common

- 3 (1) Section 34 of the Law of Property Act 1925 is amended as follows.
- (2) In subsection (2) (conveyance of land in undivided shares to operate as conveyance to grantees on trust for sale), for the words from “upon the statutory trusts” to “those shares” substitute “ in trust for the persons interested in the land ”.
- (3) In subsection (3) (devise etc. of land in undivided shares to operate as devise etc. to trustees of will etc. on trust for sale)—
- (a) omit the words from “the trustees (if any)” to “then to” and the words “in each case”, and
- (b) for the words “upon the statutory trusts hereinafter mentioned” substitute “ in trust for the persons interested in the land ”.
- (4) After that subsection insert—
- “(3A) In subsections (2) and (3) of this section references to the persons interested in the land include persons interested as trustees or personal representatives (as well as persons beneficially interested).”
- (5) Omit subsection (4) (settlement of undivided shares in land to operate only as settlement of share of profits of sale and rents and profits).
- (6) The amendments made by this paragraph apply whether the disposition is made, or comes into operation, before or after the commencement of this Act.

Joint tenancies

- 4 (1) Section 36 of the Law of Property Act 1925 is amended as follows.
- (2) In subsection (1) (implied trust for sale applicable to land held for persons as joint tenants), for the words “on trust for sale” substitute “ in trust ”.
- (3) In subsection (2) (severance of beneficial joint tenancy)—

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- (a) in the proviso, for the words “under the trust for sale affecting the land the net proceeds of sale, and the net rents and profits until sale, shall be held upon the trusts” substitute “ the land shall be held in trust ”, and
 - (b) in the final sentence, for the words “on trust for sale” substitute “ in trust ”.
- (4) The amendments made by this paragraph apply whether the legal estate is limited, or becomes held in trust, before or after the commencement of this Act.

Intestacy

- 5 (1) Section 33 of the ^{M7}Administration of Estates Act 1925 (implied trust for sale on intestacy) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) On the death of a person intestate as to any real or personal estate, that estate shall be held in trust by his personal representatives with the power to sell it.”
- (3) In subsection (2), for the words from the beginning to “pay all” substitute—
- “(2) The personal representatives shall pay out of—
- (a) the ready money of the deceased (so far as not disposed of by his will, if any); and
 - (b) any net money arising from disposing of any other part of his estate (after payment of costs),
- all”.
- (4) In subsection (4), for the words from “including” to “retained” substitute “ and any part of the estate of the deceased which remains ”.
- (5) The amendments made by this paragraph apply whether the death occurs before or after the commencement of this Act.

Marginal Citations

M7 1925 c. 23.

Reverter of sites

- 6 (1) Section 1 of the ^{M8}Reverter of Sites Act 1987 (right of reverter replaced by trust for sale) is amended as follows.
- (2) In subsection (2)—
- (a) after “a trust” insert “ for the persons who (but for this Act) would from time to time be entitled to the ownership of the land by virtue of its reverter with a power, without consulting them, ”, and
 - (b) for the words “upon trust” onwards substitute “ in trust for those persons; but they shall not be entitled by reason of their interest to occupy the land. ”
- (3) In subsection (3), for the words “trustees for sale” substitute “ trustees ”.
- (4) In subsection (4), for the words “on trust for sale” substitute “ in trust ”.

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- (5) In accordance with the amendments made by this paragraph, in the sidenote, for “trust for sale” substitute “trust”.
- (6) The amendments made by this paragraph apply whether the trust arises before or after the commencement of this Act.

Marginal Citations

M8 1987 c. 15.

Trusts deemed to arise in 1926

- 7 Where at the commencement of this Act any land is held on trust for sale, or on the statutory trusts, by virtue of Schedule 1 to the ^{M9}Law of Property Act 1925 (transitional provisions), it shall after that commencement be held in trust for the persons interested in the land; and references in that Schedule to trusts for sale or trustees for sale or to the statutory trusts shall be construed accordingly.

Marginal Citations

M9 1925 c. 20.

SCHEDULE 3

Section 25(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Law of Property Act 1922 (c.16)

- 1 In paragraph 17(3) and (4) of Schedule 15 to the Law of Property Act 1922, for the words “held on trust for sale” substitute “subject to a trust of land”.

The Settled Land Act 1925 (c.18)

- 2 (1) The Settled Land Act 1925 is amended as follows.
- (2) In section 1(1)(ii)(c), after the word “fee” insert “(other than a fee which is a fee simple absolute by virtue of section 7 of the Law of Property Act 1925)”.
- (3) In section 3, for the words “not held upon trust for sale which has been subject to a settlement” substitute “which has been subject to a settlement which is a settlement for the purposes of this Act”.
- (4) In section 7(5), for the words “trustee for sale” substitute “trustee of land”.
- (5) In section 12(1), for the words “trustee for sale” substitute “trustee of land”.
- (6) In section 17—
- (a) in subsection (1)—
- (i) for the words “trust for sale”, in the first three places, substitute “trust of land”, and

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- (ii) for the words “held on trust for sale” substitute “ subject to a trust of land ”,
 - (b) in subsection (2)(c), for the words “a conveyance on trust for sale” substitute “ land ”, and
 - (c) in subsection (3), for the words “any trust for sale” substitute “ a trust of land ”.
- (7) In section 18(2)(b), for the words “trustee for sale” substitute “ trustee of land ”.
- (8) In section 20(1)(viii), for the words “an immediate binding trust for sale” substitute “ a trust of land ”.
- (9) In section 30(1)—
- (a) in paragraph (iii), for the words “power of or upon trust for sale of” substitute “ a power or duty to sell ”, and
 - (b) in paragraph (iv)—
 - (i) for the words “future power of sale, or under a future trust for sale of” substitute “ a future power or duty to sell ”, and
 - (ii) for the words “or trust” substitute “ or duty ”.
- (10) In section 33(1), for the words “any power of sale, or trust for sale” substitute “ a power or duty to sell ”.
- (11) In section 36—
- (a) for the words—
 - (i) “upon the statutory trusts” in subsection (2), and
 - (ii) “on the statutory trusts” in subsection (3),substitute “ in trust for the persons interested in the land ”,
 - (b) in subsection (4), for the words “trust for sale” substitute “ trust of land ”,
 - (c) for subsection (6) substitute—

“(6) In subsections (2) and (3) of this section references to the persons interested in the land include persons interested as trustees or personal representatives (as well as persons beneficially interested).”, and
 - (d) in accordance with the amendments made by paragraphs (a) to (c), in the sidenote, for the words “trust for sale of the land” substitute “ trust of land ”.
- (12) In section 110(5), for the words “trustee for sale” substitute “ trustee of land ”.
- (13) In section 117(1)—
- (a) in paragraph (ix), for the words “not being” substitute “ , but does not (except in the phrase “trust of land”) include ”, and
 - (b) in paragraph (xxx), for the words ““trustees for sale” and “power to postpone a sale” have the same meanings” substitute “ has the same meaning ”.

The Trustee Act 1925 (c.19)

- 3 (1) The Trustee Act 1925 is amended as follows.
- (2) In section 12—

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- (a) in subsection (1), for the words “a trust for sale or a power of sale of property is vested in a trustee” substitute “a trustee has a duty or power to sell property”, and
 - (b) in subsection (2), for the word “trust”, in both places, substitute “duty”.
- (3) In section 14(2), for paragraph (a) substitute—
- “(a) proceeds of sale or other capital money arising under a trust of land;”.
- (4) In section 19—
- (a) in subsection (1), for the words “against loss or damage by fire any building or other insurable property” substitute “any personal property against loss or damage”, and
 - (b) in subsection (2), for the words “building or” substitute “personal”.
- (5) In section 20(3)(c), for the words “property held upon trust for sale” substitute “land subject to a trust of land or personal property held on trust for sale”.
- (6) In section 24—
- (a) for the words “the proceeds of sale of land directed to be sold, or in any other” substitute “any”,
 - (b) for the words “trust for sale” substitute “trust”,
 - (c) for the words “trustees for sale” substitute “trustees”, and
 - (d) for the words “trust or” substitute “duty or”.
- (7) In section 27(1), for the words “or of a disposition on trust for sale” substitute “, trustees of land, trustees for sale of personal property”.
- (8) In section 32, for subsection (2) substitute—
- “(2) This section does not apply to capital money arising under the ^{M10}Settled Land Act 1925.”
- (9) In section 34(2), for the words “on trust for sale of land” substitute “creating trusts of land”.
- (10) In section 35—
- (a) for subsection (1) substitute—
 - “(1) Appointments of new trustees of land and of new trustees of any trust of the proceeds of sale of the land shall, subject to any order of the court, be effected by separate instruments, but in such manner as to secure that the same persons become trustees of land and trustees of the trust of the proceeds of sale.”,
 - (b) for subsection (3) substitute—
 - “(3) Where new trustees of land are appointed, a memorandum of the persons who are for the time being the trustees of the land shall be endorsed on or annexed to the conveyance by which the land was vested in trustees of land; and that conveyance shall be produced to the persons who are for the time being the trustees of the land by the person in possession of it in order for that to be done when the trustees require its production.”, and

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- (c) in accordance with the amendments made by paragraphs (a) and (b), in the sidenote, for the words “dispositions on trust for sale of land” substitute “and trustees of land”.
- (11) In section 36(6), for the words before paragraph (a) substitute—
 - “(6) Where, in the case of any trust, there are not more than three trustees—”.
- (12) In section 37(1)(c), for the word “individuals” substitute “ persons ”.
- (13) In section 39(1), for the word “individuals” substitute “ persons ”.
- (14) In section 40(2), for the words “the statutory power” substitute “ section 39 of this Act or section 19 of the Trusts of Land and Appointment of Trustees Act 1996 ”.

Marginal Citations

M10 1925 c. 18.

The Law of Property Act 1925 (c.20)

- 4 (1) The Law of Property Act 1925 is amended as follows.
- (2) In section 2—
 - (a) in subsection (1), in paragraph (ii)—
 - (i) for the words “trustees for sale” substitute “ trustees of land ”, and
 - (ii) for the words “the statutory requirements respecting the payment of capital money arising under a disposition upon trust for sale” substitute “ the requirements of section 27 of this Act respecting the payment of capital money arising on such a conveyance ”,
 - (b) after that subsection insert—
 - “(1A) An equitable interest in land subject to a trust of land which remains in, or is to revert to, the settlor shall (subject to any contrary intention) be overreached by the conveyance if it would be so overreached were it an interest under the trust.”, and
 - (c) in subsection (2)—
 - (i) for the words “a trust for sale” substitute “ a trust of land ”,
 - (ii) for the words “under the trust for sale or the powers conferred on the trustees for sale” substitute “ by the trustees ”, and
 - (iii) for the words “to the trust for sale” substitute “ to the trust ”.
- (3) In section 3(1)(c), for the words “Where the legal estate affected is neither settled land nor vested in trustees for sale” substitute “ In any other case ”.
- (4) In section 16—
 - (a) in subsection (2), for the words “pursuant to a trust for sale” substitute “ by trustees of land ”, and
 - (b) in subsection (6), for the words “trustee for sale” substitute “ trustee of land ”.
- (5) In section 18—
 - (a) in subsection (1)—

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- (i) after the word “settled” insert “ or held subject to a trust of land ”,
and
- (ii) for the words “trustee for sale” substitute “ trustee of land ”, and
- (b) in subsection (2)(b), for the words “of the land or of the proceeds of sale” substitute “ or trust ”.

(6) In section 22(2)—

- (a) for the words “held on trust for sale” substitute “ subject to a trust of land ”, and
- (b) for the words “under the trust for sale or under the powers vested in the trustees for sale” substitute “ by the trustees ”,

and, in accordance with the amendments made by paragraphs (a) and (b), in the sidenote of section 22, for the words “on trust for sale” substitute “ in trust ”.

(7) For section 24 substitute—

“ Trusts of land

24 Appointment of trustees of land.

- (1) The persons having power to appoint new trustees of land shall be bound to appoint the same persons (if any) who are for the time being trustees of any trust of the proceeds of sale of the land.
- (2) A purchaser shall not be concerned to see that subsection (1) of this section has been complied with.
- (3) This section applies whether the trust of land and the trust of proceeds of sale are created, or arise, before or after the commencement of this Act.”

(8) In section 27—

- (a) for subsection (1) substitute—

“(1) A purchaser of a legal estate from trustees of land shall not be concerned with the trusts affecting the land, the net income of the land or the proceeds of sale of the land whether or not those trusts are declared by the same instrument as that by which the trust of land is created.”, and

- (b) in subsection (2)—
 - (i) for the words “trust for sale” substitute “ trust ”,
 - (ii) for the words “the settlement of the net proceeds” substitute “ any trust affecting the net proceeds of sale of the land if it is sold ”, and
 - (iii) for the words “trustees for sale” substitute “ trustees ”.

(9) In section 33—

- (a) for the words “trustees for sale” substitute “ trustees of land ”, and
- (b) for the words “on trust for sale” substitute “ land in trust ”.

(10) In section 39(4), for the words “trusts for sale” substitute “ trusts ”.

(11) In section 42—

- (a) in subsection (1)(a), for the words “trust for sale” substitute “ trust of land ”, and

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- (b) in subsection (2)—
 - (i) in paragraph (a), for the words “a conveyance on trust for sale” substitute “land”, and
 - (ii) in paragraph (b), for the words “on trust for sale” substitute “in trust”.
- (12) In section 66(2), for the words “trustee for sale” substitute “trustee of land”.
- (13) In section 102(1)—
 - (a) for the words “share in the proceeds of sale of the land and in the rents and profits thereof until sale” substitute “interest under the trust to which the land is subject”, and
 - (b) for the words “trustees for sale” substitute “trustees”.
- (14) In section 131, after the words “but for this section” insert “(and paragraph 5 of Schedule 1 to the Trusts of Land and Appointment of Trustees Act 1996)”.
- (15) In section 137—
 - (a) in subsection (2)(ii), for the words “the proceeds of sale of land” onwards substitute “land subject to a trust of land, or the proceeds of the sale of such land, the persons to be served with notice shall be the trustees.”, and
 - (b) in subsection (5), for the words “held on trust for sale” substitute “subject to a trust of land”.
- (16) In section 153(6)(ii), for the words “in trust for sale” substitute “as a trustee of land”.

The Land Registration Act 1925 (c.21)

- 5 (1) The Land Registration Act 1925 is amended as follows.
- (2) In section 3(xv)(a)—
 - (a) for the words “held on trust for sale” substitute “subject to a trust of land”, and
 - (b) for the words “trustees for sale” substitute “trustees”.
- (3) In section 4, for the words “trustee for sale” substitute “trustee of land”.
- (4) In section 8(1), for the words “trustee for sale” substitute “trustee of land”.
- (5) In section 49—
 - (a) in subsection (1)(d)—
 - (i) for the words “the proceeds of sale of land held on trust for sale” substitute “land subject to a trust of land”, and
 - (ii) for the words “disposition on trust for sale or of the” substitute “trust or”.
 - (b) in subsection (2), for the words “trust for sale” substitute “trust of land”,
 - (c) in the proviso to that subsection, for the words “a disposition on trust for sale or” substitute “land, or trustees of”, and
 - (d) in subsection (3), for the words “on trust for sale” substitute “subject to a trust of land”.
- (6) In section 78(4), at the end insert “registered at the commencement of this Act”.

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- (7) In section 83, in paragraph (b) of the proviso to subsection (11), for the words “held on trust for sale” substitute “subject to a trust of land”.
- (8) In section 94—
- (a) for subsection (1) substitute—
- “(1) Where registered land is subject to a trust of land, the land shall be registered in the names of the trustees.”,
- (b) in subsection (3), for the words “trust for sale, the trustees for sale” substitute “trust of land, the trustees”,
- (c) after that subsection insert—
- “(4) There shall also be entered on the register such restrictions as may be prescribed, or may be expedient, for the protection of the rights of the persons beneficially interested in the land.
- (5) Where a deed has been executed under section 16(4) of the Trusts of Land and Appointment of Trustees Act 1996 by trustees of land the registrar is entitled to assume that, as from the date of the deed, the land to which the deed relates is not subject to the trust unless he has actual notice that the trustees were mistaken in their belief that the land was conveyed to beneficiaries absolutely entitled to the land under the trust and of full age and capacity.”, and
- (d) in accordance with the amendments made by paragraphs (a) to (c), in the sidenote, for the words “on trust for sale” substitute “in trust”.
- (9) In section 95, for the words “on trust for sale” substitute “subject to a trust of land”.
- (10) In paragraph (b) of the proviso to section 103(1)—
- (a) for the words “on trust for sale” substitute “subject to a trust of land”, and
- (b) for the words “the execution of the trust for sale” substitute “a sale of the land by the trustees”.
- (11) In section 111(1), for the words “trustees for sale” substitute “trustees of land”.

The Administration of Estates Act 1925 (c.23)

- 6 (1) The Administration of Estates Act 1925 is amended as follows.
- (2) In section 39(1)—
- (a) in paragraph (i), at the beginning insert “as respects the personal estate,”,
- (b) for paragraph (ii) substitute—
- “(ii) as respects the real estate, all the functions conferred on them by Part I of the Trusts of Land and Appointment of Trustees Act 1996;”, and
- (c) in paragraph (iii), for the words “conferred by statute on trustees for sale, and” substitute “necessary”.
- (3) In section 41(6), for the words “trusts for sale” substitute “trusts”.
- (4) In section 51(3)—
- (a) after the word “married” insert “and without issue”,
- (b) before the word “settlement”, in both places, insert “trust or”, and

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(c) for the words “an entailed interest” substitute “ a life interest ”.

(5) In section 55(1), after paragraph (vi) insert—

“(via) “Land” has the same meaning as in the ^{M11}Law of Property Act 1925;”.

Marginal Citations

M11 1925 c. 20.

The Green Belt (London and Home Counties) Act 1938 (c.xciii)

7 In section 19(1) of the Green Belt (London and Home Counties) Act 1938—

- (a) for the words “trustee for sale within the meaning of the Law of Property Act 1925” substitute “ trustee of land ”, and
- (b) for the words “of a trustee for sale” substitute “ of a trustee of land ”.

The Settled Land and Trustee Acts (Court’s General Powers) Act 1943 (c.25)

8 In section 1 of the Settled Land and Trustee Acts (Court’s General Powers) Act 1943—

- (a) in subsection (1)—
 - (i) for the words “trustees for sale of land” substitute “ trustees of land ”, and
 - (ii) for the words “land held on trust for sale” substitute “ land subject to a trust of land ”, and
- (b) in subsections (2) and (3), for the words “trust for sale” substitute “ trust of land ”.

The Historic Buildings and Ancient Monuments Act 1953 (c.49)

9 In sections 8(3), 8A(3) and 8B(3) of the Historic Buildings and Ancient Monuments Act 1953, for the words from “held on” to “thereof” substitute “ subject to a trust of land, are conferred by law on the trustees of land in relation to the land and to the proceeds of its sale ”.

The Leasehold Reform Act 1967 (c.88)

10 In the Leasehold Reform Act 1967—

- (a) in section 6(1), for the words “the statutory trusts arising by virtue of sections 34 to 36” substitute “ a trust arising under section 34 or section 36 ”,
- (b) in section 24(1)(a), for the words “held on trust for sale” substitute “ subject to a trust of land ”, and
- (c) in paragraph 7 of Schedule 2—
 - (i) in sub-paragraph (1), for the words “a disposition on trust for sale” substitute “ trust of land ”, and
 - (ii) in sub-paragraph (3), for the words “held on trust for sale” substitute “ subject to a trust of land ”.

Status: Point in time view as at 01/01/1997.

Changes to legislation: There are currently no known outstanding effects for the Trusts of Land and Appointment of Trustees Act 1996. (See end of Document for details)

The Agriculture Act 1970 (c.40)

- 11 In section 33(2) of the Agriculture Act 1970—
- (a) for the words “held under a trust for sale” substitute “ subject to a trust of land ”, and
 - (b) for the words “the trustees for sale” substitute “ the trustees of land ”.

The Land Charges Act 1972 (c.61)

- 12 (1) The Land Charges Act 1972 is amended as follows.
- (2) In section 2(4)(iii)(b), for the words “trust for sale” substitute “ trust of land ”.
- (3) In section 6, after subsection (1) insert—
- “(1A) No writ or order affecting an interest under a trust of land may be registered under subsection (1) above.”

The Land Compensation Act 1973 (c.26)

- 13 In subsection (2) of section 10 of the Land Compensation Act 1973, for the words “held on trust for sale” substitute “ subject to a trust of land ” and, in accordance with that amendment, in the sidenote of that section, for the words “trusts for sale” substitute “ trusts of land ”.

The Local Land Charges Act 1975 (c. 76)

- 14 In section 11(2) of the Local Land Charges Act 1975, for the words “held on trust for sale” substitute “ subject to a trust of land ”.

The Rentcharges Act 1977 (c.30)

- 15 (1) The Rentcharges Act 1977 is amended as follows.
- (2) In section 2(3), for paragraphs (a) and (b) substitute—
- “(a) in the case of which paragraph 3 of Schedule 1 to the Trusts of Land and Appointment of Trustees Act 1996 (trust in case of family charge) applies to the land on which the rent is charged;
 - (b) in the case of which paragraph (a) above would have effect but for the fact that the land on which the rent is charged is settled land or subject to a trust of land;”.
- (3) In section 10(2)(b), for the words “trust for sale” substitute “ trust of land ”.

The Interpretation Act 1978 (c.30)

- 16 In Schedule 1 to the Interpretation Act 1978, after the definition of “The Treasury” insert—
- ““Trust of land” and “trustees of land”, in relation to England and Wales, have the same meanings as in the Trusts of Land and Appointment of Trustees Act 1996.”

Status: Point in time view as at 01/01/1997.

Changes to legislation: There are currently no known outstanding effects for the Trusts of Land and Appointment of Trustees Act 1996. (See end of Document for details)

The Ancient Monuments and Archaeological Areas Act 1979 (c.46)

- 17 In the Ancient Monuments and Archaeological Areas Act 1979—
- (a) in section 12(3), for the words “trust for sale” substitute “trust of land”, and
 - (b) in section 18(4), for paragraph (b) substitute—
“ (b) as trustees of land;”.

The Limitation Act 1980 (c.58)

- 18 In paragraph 9 of Schedule 1 to the Limitation Act 1980, for the words “held on trust for sale” substitute “subject to a trust of land”.

The Highways Act 1980 (c.66)

- 19 In section 87(4)(b) of the Highways Act 1980, for the words from “and section 28” to “apply” substitute “applies”.

The Wildlife and Countryside Act 1981 (c.69)

- 20 In section 30(4)(c) of the Wildlife and Countryside Act 1981, for the words “trusts for sale” substitute “trusts of land”.

The Health and Social Services and Social Security Adjudications Act 1983 (c.41)

- 21 In section 22 of the Health and Social Services and Social Security Adjudications Act 1983—
- (a) in subsection (5)—
 - (i) for the words “a joint tenant in the proceeds of sale of land held upon trust for sale” substitute “an equitable joint tenant in land”, and
 - (ii) for the words “those proceeds” substitute “the land”,
 - (b) in subsection (6)—
 - (i) for the words “a joint tenant in the proceeds of sale of land held upon trust for sale” substitute “an equitable joint tenant in land”,
 - (ii) for the words “proceeds is” substitute “land is”, and
 - (iii) for the words “interests in the proceeds” substitute “interests in the land”, and
 - (c) in subsection (8), for the words “an interest in the proceeds of sale of land” substitute “the interest of an equitable joint tenant in land”.

The Telecommunications Act 1984 (c.12)

- 22 In paragraph 4(10) of Schedule 2 to the Telecommunications Act 1984, for the words “trusts for sale” substitute “trusts of land”.

The Insolvency Act 1986 (c.45)

- 23 At the beginning of Chapter V of Part IX of the Insolvency Act 1986 insert—

Status: Point in time view as at 01/01/1997.

Changes to legislation: There are currently no known outstanding effects for the Trusts of Land and Appointment of Trustees Act 1996. (See end of Document for details)

“ Rights under trusts of land

Rights under trusts of land.

- 335A) Any application by a trustee of a bankrupt’s estate under section 14 of the Trusts of Land and Appointment of Trustees Act 1996 (powers of court in relation to trusts of land) for an order under that section for the sale of land shall be made to the court having jurisdiction in relation to the bankruptcy.
- (2) On such an application the court shall make such order as it thinks just and reasonable having regard to—
- (a) the interests of the bankrupt’s creditors;
 - (b) where the application is made in respect of land which includes a dwelling house which is or has been the home of the bankrupt or the bankrupt’s spouse or former spouse—
 - (i) the conduct of the spouse or former spouse, so far as contributing to the bankruptcy,
 - (ii) the needs and financial resources of the spouse or former spouse, and
 - (iii) the needs of any children; and
 - (c) all the circumstances of the case other than the needs of the bankrupt.
- (3) Where such an application is made after the end of the period of one year beginning with the first vesting under Chapter IV of this Part of the bankrupt’s estate in a trustee, the court shall assume, unless the circumstances of the case are exceptional, that the interests of the bankrupt’s creditors outweigh all other considerations.
- (4) The powers conferred on the court by this section are exercisable on an application whether it is made before or after the commencement of this section.”

The Patronage (Benefices) Measure 1986 (No.3)

- 24 In section 33 of the Patronage (Benefices) Measure 1986—
- (a) in subsection (1), for the words from “held by any trustee” to “capable of sale” substitute “ subject to a trust of land ”, and
 - (b) in subsection (2), for the words “section 26(1) and (2) of the ^{M12}Law of Property Act 1925 (consents to the execution of a trust for sale)” substitute “ section 10 of the Trusts of Land and Appointment of Trustees Act 1996 (consents) ”.

Marginal Citations

M12 1925 c. 20.

The Family Law Reform Act 1987 (c.42)

- 25 In section 19(2) of the Family Law Reform Act 1987, for the words “which is used to create” substitute “ purporting to create ”.

Status: Point in time view as at 01/01/1997.

Changes to legislation: There are currently no known outstanding effects for the Trusts of Land and Appointment of Trustees Act 1996. (See end of Document for details)

The Charities Act 1993 (c.10)

- 26 In section 23 of the Charities Act 1993—
- (a) in subsection (1)(b), for the words “trust for sale” substitute “ trust ”,
 - (b) in subsection (5), for the words “trustee for sale” substitute “ trustee ”,
 - (c) in subsection (7), for the words “trustees for sale” substitute “ trustees ”, and
 - (d) in subsection (9), for the words “trust for sale” substitute “ trust ”.

The Leasehold Reform, Housing and Urban Development Act 1993 (c.28)

- 27 (1) The Leasehold Reform, Housing and Urban Development Act 1993 is amended as follows.
- (2) In Schedule 2—
- (a) in paragraph 5(1) and (2), for the words “held on trust for sale” substitute “ subject to a trust of land ” (and, accordingly, in the heading immediately preceding paragraph 5 for the words “on trust for sale” substitute “ in trust ”),
 - (b) in paragraph 6, for the words “as mentioned in paragraph 5(2)(b) above” substitute “ by the landlord on the termination of a new lease granted under Chapter II or section 93(4) (whether the payment is made in pursuance of an order under section 61 or in pursuance of an agreement made in conformity with paragraph 5 of Schedule 14 without an application having been made under that section) ”, and
 - (c) in paragraphs 7(2)(b) and 8(3)(b) and (4)(c), for “5(2)(b)” substitute “ 6 ”.
- (3) In Schedule 14—
- (a) in paragraph 7(1), for the words “disposition on trust for sale” substitute “ trust of land ”, and
 - (b) in paragraph 9(a), for the words “held on trust for sale” substitute “ subject to a trust of land ”.

SCHEDULE 4

Section 25(2).

REPEALS

Extent Information

E1 All repeals in Sch. 4 extend to England and Wales only except as mentioned in s. 27(4)

Chapter	Short title	Extent of repeal
3 & 4 Will.4 c. 74.	The Fines and Recoveries Act 1833.	In section 1, the words “, and any undivided share thereof”, in both places.
7 Will.4 & 1 Vict. c. 26.	The Wills Act 1837.	In section 1, the words “and to any undivided share thereof.”. Section 32.

Status: Point in time view as at 01/01/1997.

Changes to legislation: *There are currently no known outstanding effects for the Trusts of Land and Appointment of Trustees Act 1996. (See end of Document for details)*

53 & 54 Vict. c. 39.	The Partnership Act 1890.	Section 22.
12 & 13 Geo.5 c. 16.	The Law of Property Act 1922.	In section 188— in subsection (1), the words “but not an undivided share in land;” and the words “but not an undivided share thereof”, and subsection (30).
15 & 16 Geo.5 c. 18.	The Settled Land Act 1925.	Section 27. Section 29.
15 & 16 Geo.5 c. 19.	The Trustee Act 1925.	In section 10(2)— in the first paragraph, the words “by trustees or” and the words “the trustees, or”, and in the second paragraph, the words from the beginning to “mortgage; and”. In section 19(1), the words “building or”, in the second place. In section 68— in subsection (6), the words “, but not an undivided share in land” and the words “, but not an undivided share thereof”, and in subsection (19), the word “binding”, the words “, and with or without power at discretion to postpone the sale” and the definition of “trustees for sale”.
15 & 16 Geo.5 c. 20.	The Law of Property Act 1925.	In section 3— subsections (1)(b) and (2), and in subsection (5), the words “trustees for sale or other”. In section 7(3), the second paragraph. In section 18— in subsection (1), the words from “, and personal estate” to “payable”, in the second place, and the words “or is capable of being”, and in subsection (2), the words “of the settlement or the

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Changes to legislation: *There are currently no known outstanding effects for the Trusts of Land and Appointment of Trustees Act 1996. (See end of Document for details)*

trustees for sale”, in both places.

Section 19.

Section 23 (and the heading immediately preceding it).

Sections 25 and 26.

Sections 28 to 30.

Section 31(3).

Section 32.

In section 34—
in subsection (3), the words from “the trustees (if any)” to “then to” and the words “in each case”, and
subsection (4).

Section 35.

Section 42(6).

In section 60, paragraphs (b) and (c) of the proviso to subsection (4).

In section 130, subsections (1) to (3) and (6) (and the words “Creation of” in the sidenote).

Section 201(3).

In section 205(1)—
in paragraph (ix), the words “but not an undivided share in land;” and the words “but not an undivided share thereof”,
in paragraph (x), the words “or in the proceeds of sale thereof”, and
in paragraph (xxix), the word “binding”, the words “, and with or without a power at discretion to postpone the sale” and the words “and “power”” onwards.

15 & 16 Geo.5 c. 21.

The Land Registration Act 1925.

In section 3—
in paragraph (viii), the words “but not an undivided share in land;”,

Status: Point in time view as at 01/01/1997.

Changes to legislation: *There are currently no known outstanding effects for the Trusts of Land and Appointment of Trustees Act 1996. (See end of Document for details)*

		in paragraph (xi), the words “or in the proceeds of sale thereof”, in paragraph (xiv), the words “, but not an undivided share thereof”, and paragraphs (xxviii) and (xxix).
15 & 16 Geo.5 c. 23.	The Administration of Estates Act 1925.	In section 3(1)(ii), the words “money to arise under a trust for sale of land, nor”. In section 39(1)(i), the words from “, and such power” to “legal mortgage”. In section 51— in subsection (3), the word “settled”, and subsection (4). In section 55(1)— in paragraph (vii), the words “or in the proceeds of sale thereof”, in paragraph (xxiv), the word “ “land””, and paragraph (xxvii).
15 & 16 Geo.5 c. 24.	The Universities and College Estates Act 1925.	In section 43(iv), the words “, but not an undivided share in land”.
16 & 17 Geo.5 c. 11.	The Law of Property (Amendment) Act 1926.	In the Schedule, the entries relating to section 3 of the Settled Land Act 1925 and sections 26, 28 and 35 of the Law of Property Act 1925.
17 & 18 Geo.5 c. 36.	The Landlord and Tenant Act 1927.	In section 13— in subsection (1), the words from “(either” to “Property Act, 1925)”, in subsection (2), the words “, trustee for sale, or personal representative”, and in subsection (3), the words “, and “settled land”” onwards.
22 & 23 Geo.5 c. 27.	The Law of Property (Entailed Interests) Act 1932.	Section 1.
2 & 3 Geo.6 c. 72.	The Landlord and Tenant (War Damage) Act 1939.	Section 3(c).
9 & 10 Geo.6 c. 73.	The Hill Farming Act 1946.	Section 11(2).

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Changes to legislation: There are currently no known outstanding effects for the Trusts of Land and Appointment of Trustees Act 1996. (See end of Document for details)

12 & 13 Geo.6 c. 74.	The Coast Protection Act 1949.	In section 11(2)(a)— the words “, by that section as applied by section twenty-eight of the Law of Property Act, 1925, in relation to trusts for sale,” and the words “, by that section as applied as aforesaid,”.
2 & 3 Eliz.2 c. 56.	The Landlord and Tenant Act 1954.	In the Second Schedule, in paragraph 6— the words “, by that section as applied by section twenty-eight of the Law of Property Act, 1925, in relation to trusts for sale,” and the words “, by that section as applied as aforesaid,”.
7 & 8 Eliz.2 c. 72.	The Mental Health Act 1959.	In Schedule 7, in Part I, the entries relating to sections 26 and 28 of the Law of Property Act 1925.
1964 No. 2.	The Incumbents and Churchwardens (Trusts) Measure 1964.	In section 1, in the definition of “land”, the words “nor an undivided share in land”.
1967 c. 10.	The Forestry Act 1967.	In Schedule 2, paragraph 1(4).
1967 c. 88.	The Leasehold Reform Act 1967.	In section 6(5)— the words “, or by that section as applied by section 28 of the Law of Property Act 1925 in relation to trusts for sale,”, the words “or by that section as applied as aforesaid”, and the words “or by trustees for sale”.
		In Schedule 2, in paragraph 9(1)— the words “, or by that section as applied by section 28 of the Law of Property Act 1925 in relation to trusts for sale”, and the words “or by that section as applied as aforesaid”.
1969 c. 10.	The Mines and Quarries (Tips) Act 1969.	In section 32(2)(a) and (b), the words “, by that section as applied by section 28 of the Law of Property Act 1925 in relation to trusts for sale”.

Status: Point in time view as at 01/01/1997.

Changes to legislation: *There are currently no known outstanding effects for the Trusts of Land and Appointment of Trustees Act 1996. (See end of Document for details)*

1970 c. 40.	The Agriculture Act 1970.	In section 30— in subsection (1), the words “(including those provisions as extended to trusts for sale by section 28 of the Law of Property Act 1925)”, and in subsection (2), the words “the words from “(including those provisions” to “Law of Property Act 1925)” and”.
1972 c. 61.	The Land Charges Act 1972.	In section 17(1), the definition of “trust for sale”.
1976 c. 31.	The Legitimacy Act 1976.	Section 10(4).
1976 c. 36.	The Adoption Act 1976.	Section 46(5).
1977 c. 42.	The Rent Act 1977.	In Schedule 2, in Part I, in paragraph 2(b), the words “or, if it is held on trust for sale, the proceeds of its sale are”.
1980 c. 58.	The Limitation Act 1980.	In section 18— in subsection (1), the words “, including interests in the proceeds of the sale of land held upon trust for sale,”, and in subsections (3) and (4), the words “(including a trust for sale)” and the words “or in the proceeds of sale”. In section 38(1)— in the definition of “land”, the words “, including an interest in the proceeds of the sale of land held upon trust for sale,”, and the definition of “trust for sale”. In Schedule 1, in Part I, in paragraph 9— the words “or in the proceeds of sale”, the words “or the proceeds”, and the words “or the proceeds of sale”.
1981 c. 54.	The Supreme Court Act 1981.	In section 128, in the definition of “real estate”, in paragraph (b), the words

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Changes to legislation: There are currently no known outstanding effects for the Trusts of Land and Appointment of Trustees Act 1996. (See end of Document for details)

		“money to arise under a trust for sale of land, nor”.
1983 c. 41.	The Health and Social Services and Social Security Adjudications Act 1983.	Section 22(3).
1984 c. 28.	The County Courts Act 1984.	In Schedule 2, in Part II, in paragraph 2— in sub-paragraph (1), the entry relating to section 30 of the Law of Property Act 1925, sub-paragraph (2), and in sub-paragraph (3), “30(2)”.
1984 c. 51.	The Inheritance Tax Act 1984.	In section 237(3), the words “and undivided shares in land held on trust for sale, whether statutory or not”.
1986 c. 5.	The Agricultural Holdings Act 1986.	In section 89(1), the words “or the Law of Property Act 1925”.
1986 c. 45.	The Insolvency Act 1986.	In section 336— subsection (3), and in subsection (4), the words “or (3)” and the words “or section 30 of the Act of 1925”.
1988 c. 50.	The Housing Act 1988.	In Schedule 1, in Part III, in paragraph 18(1)(b), the words “or, if it is held on trust for sale, the proceeds of its sale are”.
1989 c. 34.	The Law of Property (Miscellaneous Provisions) Act 1989.	In sections 1(6) and 2(6), the words “or in or over the proceeds of sale of land”.
1990 c. 8.	The Town and Country Planning Act 1990.	In section 328— in subsection (1)(a), the words “and by that section as applied by section 28 of the Law of Property Act 1925 in relation to trusts for sale”, and in subsection (2)(a), the words “and by that section as so applied”.
1991 c. 31.	The Finance Act 1991.	Section 110(5)(b).
1993 c. 10.	The Charities Act 1993.	Section 37(6).

Status: Point in time view as at 01/01/1997.

Changes to legislation: *There are currently no known outstanding effects for the Trusts of Land and Appointment of Trustees Act 1996. (See end of Document for details)*

1993 c. 28.	The Leasehold Reform, Housing and Urban Development Act 1993.	Section 39(5). In section 93A(4)— the words “, or by that section as applied by section 28 of the Law of Property Act 1925 in relation to trusts for sale”, the words “, or by that section as so applied,”, and the words “or by trustees for sale”.
1994 c. 36.	The Law of Property (Miscellaneous Provisions) Act 1994.	In Schedule 2, paragraph 5(2)(b) and the word “and” immediately preceding it. In section 16— subsection (2), and in subsection (3), the words “; and subsection (2)” onwards.
1995 c. 8.	The Agricultural Tenancies Act 1995.	In section 33— in subsections (1) and (2), the words from “(either” to “Property Act 1925”, and in subsection (4), the definition of “settled land” and the word “and” immediately preceding it.
1996 c. 53.	The Housing Grants, Construction and Regeneration Act 1996.	Section 55(4)(b). Section 73(3)(b). In section 98(2)(a), the words “or to the proceeds of sale of the dwelling”.

Status:

Point in time view as at 01/01/1997.

Changes to legislation:

There are currently no known outstanding effects for the Trusts of Land and Appointment of Trustees Act 1996.