



# Settled Land Act 1925

1925 CHAPTER 18 15 and 16 Geo 5

## PART VIII **E+W**

COURT, MINISTRY OF AGRICULTURE AND FISHERIES, PROCEDURE

### Modifications etc. (not altering text)

- C1** 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)

### 113 Jurisdiction and procedure. **E+W**

- (1) All matters within the jurisdiction of the court under this Act shall, subject to the enactments for the time being in force with respect to the procedure of the [<sup>F1</sup>Senior Courts], be assigned to the Chancery Division of the High Court.
- (2) ..... <sup>F2</sup>
- [<sup>F3</sup>(3) The powers of the court may, as regards land not exceeding in capital value the county court limit, or in net annual value for rating the county court limit, and, as regards capital money arising under this Act, and securities in which the same is invested, not exceeding in amount or value the county court limit, and as regards personal chattels settled or to be settled, as in this Act mentioned, not exceeding the county court limit, be exercised by [<sup>F4</sup>the county] court. Section 147(2) and (3) of the County Courts Act 1984 (construction of references to net annual value for rating) shall apply for the purposes of this subsection as it applies for the purposes of that Act.]
- [<sup>F5</sup>(3A) In the preceding subsection “ the county court limit ” means the county court limit for the time being specified by an Order in Council under [<sup>F6</sup>section 145 of the County Courts Act 1984 ] as the county court limit for the purposes of that subsection. ]
- (4) payment of money into court effectually exonerates therefrom the person making the payment.

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- (5) Every application to the court under this Act shall, subject to any rules of court to the contrary, be by summons at Chambers.
- (6) On an application by the trustees of a settlement notice shall be served in the first instance on the tenant for life.
- (7) On any application notice shall be served on such persons, if any, as the court thinks fit.
- (8) The court shall have full power and discretion to make such order as it thinks fit respecting the costs, charges, or expenses of all or any of the parties to any application, and may, if it thinks fit, order that all or any of those costs, charges, or expenses be paid out of property subject to the settlement.
- (9) The provisions of the <sup>M1</sup>Trustee Act, 1925, relating to vesting orders and orders appointing a person to convey shall apply to all vesting orders authorised to be made by this Act.

#### Textual Amendments

- F1** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 11 para. 4**; [S.I. 2009/1604](#), art. 2(d)
- F2** S. 113(2) repealed by [Courts Act 1971 \(c. 23\)](#), **Sch. 11 Pt. II**
- F3** S. 113(3) substituted by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(1), **Sch. 2 Pt. V para. 20(a)**
- F4** Words in s. 113(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 127**; [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F5** S. 113(3A) inserted by [Administration of Justice Act 1982 \(c. 53, SIF 34\)](#), s. 37, **Sch. 3 para. 4**
- F6** Words substituted by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(1), **Sch. 2 Pt. V para. 20(b)**

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

- C2** S. 113 amended by [S.I. 1990/776](#), **art. 4(1)(c)**
- C3** S. 113(3) modified by [County Courts Act 1984 \(c. 28, SIF 34\)](#), **s. 24(2)(a)**

#### Marginal Citations

- M1** 1925 c. 19.

## 114 Payment of costs out of settled property. **E+W**

Where the court directs that any costs, charges, or expenses to be paid out of property subject to a settlement, the same shall, subject and according to the directions of the court, be raised and paid—

- (a) out of capital money arising under this Act, or other money liable to be laid out in the purchase of land to be made subject to the settlement; or
- (b) out of securities representing such money, or out of income of any such money or securities; or
- (c) out of any accumulations of income of land, money, or securities; or
- (d) by means of a sale of part of the settled land in respect whereof the costs, charges, or expenses are incurred, or of other settled land comprised in the same settlement and subject to the same limitations; or
- (e) by means of a legal mortgage of the settled land or any part thereof to be made by such person as the court directs;

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or partly in one of those modes and partly in another or others, or in any such other mode as the court thinks fit.

## 115 Powers of the Minister of Agriculture. **E+W**

- (1) The [<sup>F7</sup>Secretary of State] shall, by virtue of this Act, have for the purposes of any Act, public general or local or private, making provision for the execution of improvements on settled land, all such powers and authorities as he has for the purposes of the <sup>M2</sup>Improvement of Land Act, 1864.
- (2) The provisions of the last-mentioned Act relating to proceedings and inquiries, and to authentication of instruments, and to declarations, statements, notices, applications, forms, security for expenses, inspections and examinations, shall extend and apply, as far as the nature and circumstances of the case admit, to acts and proceedings done or taken by or in relation to the [<sup>F8</sup>Secretary of State] under any Act making provision as last aforesaid.
- (3) The provisions of any Act relating . . . <sup>F9</sup> to security for costs to be taken in respect of the business transacted under the Acts administered by the [<sup>F10</sup>Secretary of State] as successor of the Land Commissioners for England shall extend and apply to the business transacted by or under the direction of the [<sup>F10</sup>Secretary of State] under any Act, public general or local or private, by which any power or duty is conferred or imposed on him as such successor.

### Textual Amendments

- F7** Words in s. 115(1) substituted (27.3.2002) by S.I. 2002/794, art. 5(1), **Sch. 1 para. 4(2)** (with arts. 5(3), 6)
- F8** Words in s. 115(2) substituted (27.3.2002) by S.I. 2002/794, art. 5(1), **Sch. 1 para. 4(3)** (with arts. 5(3), 6)
- F9** Words repealed by **Agriculture (Miscellaneous Provisions) Act 1963 (c. 11), Sch. Pt. II**
- F10** Words in s. 115(3) substituted (27.3.2002) by S.I. 2002/794, art. 5(1), **Sch. 1 para. 4(4)** (with arts. 5(3), 6)

### Marginal Citations

- M2** 1864 c. 114.

## 116 Filing of certificates, &c. at the Ministry of Agriculture. **E+W**

- (1) Every certificate and report approved and made by the [<sup>F11</sup>Secretary of State] under this Act shall be filed in the office of the [<sup>F12</sup>Secretary of State].
- (2) An office copy of any certificate or report so filed shall be delivered out of such office to any person requiring the same, on payment of the proper fee, and shall be sufficient evidence of the certificate or report whereof it purports to be a copy.

### Textual Amendments

- F11** Words in s. 116(1) substituted (27.3.2002) by S.I. 2002/794, art. 5(1), **Sch. 1 para. 5(2)** (with arts. 5(3), 6)

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**F12** Words in s. 116(1) substituted (27.3.2002) by S.I. 2002/794, art. 5(1), **Sch. 1 para. 5(3)** (with arts. 5(3), 6)

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