



# Settled Land Act 1925

1925 CHAPTER 18 15 and 16 Geo 5

## PART I

### GENERAL PRELIMINARY PROVISIONS

#### *Provisions as to Undivided Shares*

#### **36 Undivided shares to take effect behind a [<sup>F1</sup>trust of land].**

- (1) If and when, after the commencement of this Act, settled land is held in trust for persons entitled in possession under a trust instrument in undivided shares, the trustees of the settlement (if the settled land is not already vested in them) may require the estate owner in whom the settled land is vested (but in the case of a personal representative subject to his rights and powers for purposes of administration), at the cost of the trust estate, to convey the land to them, or assent to the land vesting in them as joint tenants, and in the meantime the land shall be held on the same trusts as would have been applicable thereto if it had been so conveyed to or vested in the trustees.
- (2) If and when the settled land so held in trust in undivided shares is or becomes vested in the trustees of the settlement, the land shall be held by them (subject to any incumbrances affecting the settled land which are secured by a legal mortgage, but freed from any incumbrances affecting the undivided shares or not secured as aforesaid, and from any interests, powers and charges subsisting under the trust instrument which have priority to the trust for the persons entitled to the undivided shares) [<sup>F2</sup>in trust for the persons interested in the land].
- (3) If the estate owner refuses or neglects for one month after demand in writing to convey the settled land so held in trust in undivided shares in manner aforesaid, or if by reason of his being outside the United Kingdom or being unable to be found, or by reason of the dissolution of a corporation, or for any other reason, the court is satisfied that the conveyance cannot otherwise be made, or cannot be made without undue delay or expense, the court may, on the application of the trustees of the settlement, make an order vesting the settled land in them [<sup>F2</sup>in trust for the persons interested in the land].

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*Changes to legislation: There are currently no known outstanding effects  
 for the Settled Land Act 1925, Section 36. (See end of Document for details)*

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- (4) An undivided share in land shall not be capable of being created except under a trust instrument or under the <sup>M1</sup>Law of Property Act, 1925, and shall then only take effect behind a [<sup>F3</sup>trust of land].
- (5) Nothing in this section affects the priority inter se of any incumbrances whether affecting the entirety of the land or an undivided share.
- <sup>F4</sup>[(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).]
- (7) The provisions of this section bind the Crown.

#### Textual Amendments

- F1** Words in s. 36 sidenote substituted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 2(11)(d)**(with ss. 24(2), 25(4)(5)); [S.I. 1996/2974, art.2](#)
- F2** Words in s. 36(2)(3) substituted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 2(11)(a)**(with ss. 24(2), 25(4)(5)); [S.I. 1996/2974, art. 2](#)
- F3** Words in s. 36(4) substituted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 2(11)(b)**(with ss. 24(2), 25(4)(5)); [S.I. 1996/2974, art.2](#)
- F4** S. 36(6) substituted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 2(11)(c)**(with ss. 24(2), 25(4)(5)); [S.I. 1996/2974, art.2](#)

#### Marginal Citations

- M1** 1925 c. 20.

**Changes to legislation:**

There are currently no known outstanding effects for the Settled Land Act 1925, Section 36.