



Law of Property Act 1925

1925 CHAPTER 20 15 and 16 Geo 5

PART III **E+W**

MORTGAGES, RENTCHARGES, AND POWERS OF ATTORNEY

Mortgages

91 Sale of mortgaged property in action for redemption or foreclosure. **E+W**

- (1) Any person entitled to redeem mortgaged property may have a judgment or order for sale instead of for redemption in an action brought by him either for redemption alone, or for sale alone, or for sale or redemption in the alternative.
- (2) In any action, whether for foreclosure, or for redemption, or for sale, or for the raising and payment in any manner of mortgage money, the court, on the request of the mortgagee, or of any person interested either in the mortgage money or in the right of redemption, and, notwithstanding that—
 - (a) any other person dissents; or
 - (b) the mortgagee or any person so interested does not appear in the action;and without allowing any time for redemption or for payment of any mortgage money, may direct a sale of the mortgaged property, on such terms as it thinks fit, including the deposit in court of a reasonable sum fixed by the court to meet the expenses of sale and to secure performance of the terms.
- (3) But, in an action brought by a person interested in the right of redemption and seeking a sale, the court may, on the application of any defendant, direct the plaintiff to give such security for costs as the court thinks fit, and may give the conduct of the sale to any defendant, and may give such directions as it thinks fit respecting the costs of the defendants or any of them.
- (4) In any case within this section the court may, if it thinks fit, direct a sale without previously determining the priorities of incumbrancers.

Changes to legislation: Law of Property Act 1925, Section 91 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) This section applies to actions brought either before or after the commencement of this Act.
- (6) In this section “mortgaged property” includes the estate or interest which a mortgagee would have had power to convey if the statutory power of sale were applicable.
- (7) For the purposes of this section the court may, in favour of a purchaser, make a vesting order conveying the mortgaged property, or appoint a person to do so, subject or not to any incumbrance, as the court may think fit; or, in the case of an equitable mortgage, may create and vest a mortgage term in the mortgagee to enable him to carry out the sale as if the mortgage had been made by deed by way of legal mortgage.
- [^{F1}(8) The county court has jurisdiction under this section where the amount owing in respect of the mortgage or charge at the commencement of the proceedings does not exceed [^{F2}£30,000]]

Textual Amendments

- F1** S. 91(8) added by County Courts Act 1984 (c. 28, SIF 34), s. 148(1), **Sch. 2 Pt. II para. 3(1)(3)**
- F2** Words in s. 91(8) substituted (1.7.1991) by S.I. 1991/724, art. 2(8), **Sch. Pt.I** (with art. 12)
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Modifications etc. (not altering text)

- C1** S. 91 extended (1.7.1991) by S.I. 1991/724, **art. 2(4)** (with art. 12)
- C2** S. 91(8) modified by County Courts Act 1984 (c. 28, SIF 34), **s. 24(2)(c)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [2023 asc 3 s. 146\(5\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 52(2)(dc)(dd) inserted by [2016 c. 22 Sch. 7 para. 1\(2\)](#)