



# Land Registration Act 1925 (repealed)

1925 CHAPTER 21 15 and 16 Geo 5

## PART I E+W

### PRELIMINARY

#### 3 Interpretation. E+W

In this Act unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

- (i) “Charge by way of legal mortgage” means a mortgage created by charge under which, by virtue of the <sup>M1</sup>Law of Property Act 1925, the mortgagee is to be treated as an estate owner in like manner as if a mortgage term by demise or subdemise were vested in him, and “legal mortgage” has the same meaning as in that Act;
- [<sup>F1</sup>(ii) “the court” means the High Court or, where county courts have jurisdiction by virtue of rules made under section 138(1) of this Act, the county court;]
- (iii) .....<sup>F2</sup>
- (iv) “Estate owner” means the owner of a legal estate, but an infant is not capable of being an estate owner;
- (v) “Gazette” means the London Gazette;
- (vi) “Income” includes rents and profits;
- (vii) “Instrument” does not include a statute, unless the statute creates a settlement;
- (viii) “Land” includes land of any tenure (including land, subject or not to manorial incidents, enfranchised under Part V of the <sup>M2</sup>Law of Property Act 1922), and mines and minerals, whether or not held with the surface, buildings or parts of buildings (whether the division is horizontal, vertical or made in any other way) and other corporeal hereditaments; also a manor, . . . <sup>F3</sup>, and a rent and other incorporeal hereditaments, and an easement, right, privilege, or benefit in, over, or derived from land; but not an undivided share in land; and “hereditaments” mean real property which on an intestacy might, before the commencement of this Act, have devolved on an heir;
- [<sup>F4</sup>(ix) “Land charge” means a land charge of any class described in section 2 of the <sup>M3</sup>Land Charges Act 1972 or a local land charge;]

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*Status: Point in time view as at 01/11/1993. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Land Registration Act 1925 (repealed), Section 3. (See end of Document for details)*

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- (x) “Lease” includes an under-lease and any tenancy or agreement for a lease, under-lease or tenancy;
- (xi) “Legal estates” mean the estates interests and charges in or over land subsisting or created at law which are by the <sup>M4</sup>Law of Property Act 1925, authorised to subsist or to be created at law; and “Equitable interests” mean all the other interests and charges in or over land or in the proceeds of sale thereof; an equitable interest “capable of subsisting at law” means such as could validly subsist at law if clothed with the legal estate;
- (xii) “Limitation Acts” mean the <sup>M5</sup>Real Property Limitation Acts 1833, <sup>M6M7</sup>1837 and 1874, and any Acts amending those Acts;
- (xiii) “Manorial incidents” have the same meaning as in Part V of the <sup>M8</sup>Law of Property Act 1922;
- (xiv) “Mines and minerals” include any strata or seam of minerals or substances in or under any land, and powers of working and getting the same, but not an undivided share thereof;
- (xv) “Minor interests” mean the interests not capable of being disposed of or created by registered dispositions and capable of being overridden (whether or not a purchaser has notice thereof) by the proprietors unless protected as provided by this Act, and all rights and interests which are not registered or protected on the register and are not overriding interests, and include—
  - (a) in the case of land held on trust for sale, all interests and powers which are under the <sup>M9</sup>Law of Property Act 1925, capable of being overridden by the trustees for sale, whether or not such interests and powers are so protected; and
  - (b) in the case of settled land, all interests and powers which are under the <sup>M10</sup>Settled Land Act 1925, and the <sup>M11</sup>Law of Property Act 1925, or either of them, capable of being overridden by the tenant for life or statutory owner, whether or not such interests and powers are so protected as aforesaid;
- (xvi) “Overriding interests” mean all the incumbrances, interests, rights, and powers not entered on the register but subject to which registered dispositions are by this Act to take effect, and in regard to land registered at the commencement of this Act include the matters which are by any enactment repealed by this Act declared not to be incumbrances;
- (xvii) “Personal representative” means the executor, original or by representation, or administrator for the time being of a deceased person, and as regards any liability for the payment of death duties includes any person who takes possession of or intermeddles with the property of a deceased person without the authority of the personal representatives or the court; and where there are special personal representatives for the purposes of any settled land, it means, in relation to that land, those representatives;
- (xviii) “Possession” includes receipt of rents and profits or the right to receive the same, if any;
- (xix) “Prescribed” means prescribed by general rules made in pursuance of this Act;
- (xx) “Proprietor” means the registered proprietor for the time being of an estate in land or of a charge;
- (xxi) “Purchaser” means a purchaser in good faith for valuable consideration and includes a lessee, mortgagee, or other person who for valuable consideration acquires any interest in land or in any charge on land;

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- (xxii) “Registered dispositions” mean dispositions which take effect under the powers conferred on the proprietor by way of transfer, charge, lease or otherwise and to which (when required to be registered) special effect or priority is given by this Act on registration;
- (xxiii) “Registered estate,” in reference to land, means the legal estate, or other registered interest, if any, as respects which a person is for the time being registered as proprietor, but does not include a registered charge and a “registered charge” includes a mortgage or incumbrance registered as a charge under this Act;
- (xxiv) “Registered land” means land or any estate or interest in land the title to which is registered under this Act or any enactment replaced by this Act, and includes any easement, right, privilege, or benefit which is appurtenant or appendant thereto, and any mines and minerals within or under the same and held therewith;
- (xxv) “Rent” includes a rent service or a rent-charge, or other rent, toll, duty, royalty, or annual or periodical payment, in money or money’s worth, issuing out of or charged upon land, but does not include mortgage interest;
- (xxvi) “Settled land” “settlement” “tenant for life” “statutory owner” “trustees of the settlement” “capital money” . . . <sup>F5</sup>“trust corporation” “trust instrument” “vesting deed” “vesting order” “vesting assent” and “vesting instrument” have the same meanings as in the <sup>M12</sup>Settled Land Act 1925;
- (xxvii) A “term of years absolute” means a term of years, whether at a rent or not, taking effect either in possession or in reversion, with or without impeachment for waste, subject or not to another legal estate and either certain or liable to determination by notice, re-entry, operation of law, or by a provision for cesser on redemption, or in any other event (other than the dropping of a life, or the determination of a determinable life interest), but does not include any term of years determinable with life or lives or with the cesser of a determinable life interest, nor, if created after the commencement of this Act, a term of years which is not expressed to take effect in possession within twenty-one years after the creation thereof where required by the <sup>M13</sup>Law of Property Act 1925, to take effect within that period; and in this definition the expression “term of years” includes a term for less than a year, or for a year or years and a fraction of a year or from year to year;
- (xxviii) “Trust for sale,” in relation to land, means an immediate binding trust for sale, whether or not exercisable at the request or with the consent of any person, and with or without a power at discretion to postpone the sale;
- (xxix) “Trustees for sale” mean the persons (including a personal representative) holding land on trust for sale;
- (xxx) “United Kingdom” means Great Britain and Northern Ireland;
- (xxxi) “Valuable consideration” includes marriage, but does not include a nominal consideration in money;
- (xxxii) “Will” includes codicil.

#### Textual Amendments

**F1** S. 3(ii) substituted by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), **Sch. 5** para. (a)

**F2** S. 3(iii) repealed with saving by [Finance Act 1975 \(c. 7, SIF 99: 3\)](#), **Sch. 13 Pt. I**

**F3** Words “an advowson” repealed (the repealing Measure extending to the provinces of Canterbury and York) by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), **ss. 1(2), 6(2), 42(3)**

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- F4** S. 3(ix) substituted with savings by Local Land Charges Act 1975 (c. 76, SIF 98: 2), **s. 19(2)–(4)**, Sch. 1
- F5** Words repealed by Mental Health Act 1959 (c. 72, SIF 85), Sch. 8 Pt. I

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

- C1** Reference in s. 3(xii) to Real Property Limitation Acts 1833, 1837 and 1874 to be construed as reference to Limitation Act 1980 (c. 58, SIF 79): Interpretation Act 1978 (c. 30, SIF 115:1), **s. 17(2)(a)**

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**Marginal Citations**

- M1** 1925 c. 20 (98:1).
- M2** 1922 c. 16 (98:1).
- M3** 1972 c. 61 (98:2).
- M4** 1925 c. 20 (98:1).
- M5** 1833 c. 27.
- M6** 1837 c. 28.
- M7** 1874 c. 57.
- M8** 1922 c. 16 (98:1).
- M9** 1925 c. 20 (98:1).
- M10** 1925 c. 18. (98:3).
- M11** 1925 c. 20 (98:1).
- M12** 1925 c. 18 (98:3).
- M13** 1925 c. 20 (98:1).

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**Textual Amendments applied to the whole legislation**

- F1** Act repealed (prosp.) by Land Registration Act 2002 (c. 9), ss. 135, 136(2), **Sch. 13** (with s. 129, Sch. 12)

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