



# Law of Property Act 1925

1925 CHAPTER 20 15 and 16 Geo 5

## PART I

GENERAL PRINCIPLES AS TO LEGAL ESTATES, EQUITABLE INTERESTS AND POWERS

### *Undivided Shares and Joint Ownership*

#### **34 Effect of future dispositions to tenants in common.**

- (1) An undivided share in land shall not be capable of being created except as provided by the <sup>M1</sup>Settled Land Act, 1925, or as hereinafter mentioned.
- (2) Where, after the commencement of this Act, land is expressed to be conveyed to any persons in undivided shares and those persons are of full age, the conveyance shall (notwithstanding anything to the contrary in this Act) operate as if the land had been expressed to be conveyed to the grantees, or, if there are more than four grantees, to the four first named in the conveyance, as joint tenants [<sup>F1</sup>in trust for the persons interested in the land]:

Provided that, where the conveyance is made by way of mortgage the land shall vest in the grantees or such four of them as aforesaid for a term of years absolute (as provided by this Act) as joint tenants subject to cesser on redemption in like manner as if the mortgage money had belonged to them on a joint account, but without prejudice to the beneficial interests in the mortgage money and interest.

- (3) A devise bequest or testamentary appointment, coming into operation after the commencement of this Act, of land to two or more persons in undivided shares shall operate as a devise bequest or appointment of the land to <sup>F2</sup>. . . the personal representatives of the testator, and <sup>F2</sup>. . . (but without prejudice to the rights and powers of the personal representatives for purposes of administration) [<sup>F3</sup>in trust for the persons interested in the land].

[<sup>F4</sup>(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).]

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*Changes to legislation: Law of Property Act 1925, Section 34 is up to date with all changes known to be in force on or before 20 May 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*

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<sup>F5</sup>(4) .....

**Textual Amendments**

- F1** Words in s. 34(2) substituted (1.1.1997) by 1996 c. 47, s. 5(1), **Sch. 2 para. 3(2)(6)** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art. 2**
- F2** Words in s. 34(3) repealed (1.1.1997) by 1996 c. 47, ss. 5(1), 25(2), Sch. 2 para. 3(3)(a)(6), **Sch.4** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art. 2**
- F3** Words in s. 34(3) substituted (1.1.1997) by 1996 c. 47, s. 5(1), **Sch. 2 para. 3(3)(b)(6)** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art.2**
- F4** S. 34(3A) inserted (1.1.1997) by 1996 c. 47, s. 5(1), **Sch. 2 para. 3(4)(6)** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art. 2**
- F5** S. 34(4) repealed (1.1.1997) by 1996 c. 47, ss. 5(1), 25(2), Sch. 2 para. 3(5)(6), **Sch.4** (with ss. 24(2), 25(4)); S.I. 1996/2974, **art.2**

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

- C1** S. 34 applied by Leasehold Reform Act 1967 (c. 88), **s. 6(1)**

**Marginal Citations**

- M1** 1925 c. 18.

**Changes to legislation:**

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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\(2\)](#)