



# Conveyancing Act 1881

1881 CHAPTER 41 44 and 45 Vict

An Act for simplifying and improving the practice of conveyancing: and for vesting in trustees, mortgagees, and others various powers commonly conferred by provisions inserted in settlements, mortgages, wills, and other instruments: and for amending in various particulars the law of property: and for other purposes. [22nd August 1881]

## Modifications etc. (not altering text)

- C1 Act may be cited as the Conveyancing Act 1881 under authority of [Conveyancing Act 1911 \(c. 37\)](#), s. [16\(4\)](#)
- C2 Certain words repealed by [Statute Law Revision Act 1898 \(c. 22\)](#)
- C3 Words of enactment repealed by [Law of Property Act 1925 \(c. 20\)](#), s. 207, [Sch. 7](#)
- C4 This Act is not necessarily in the form in which it has effect in Northern Ireland

## Commencement Information

- II Act wholly in force from and after 31.12.1881

## I.

### —PRELIMINARY

#### [<sup>F1</sup>1 Short title; commencement; extent.

- (1) This Act may be cited as the Conveyancing and Law of Property Act, 1881.
- (2) This Act shall commence and take effect from and immediately after the thirty-first day of December one thousand eight hundred and eighty-one.
- (3) This Act does not extend to Scotland.]

*Changes to legislation: There are currently no known outstanding effects for the Conveyancing Act 1881. (See end of Document for details)*

### Textual Amendments

- F1** Long title and s. 1 repealed by [Law of Property Act 1925 \(c. 20\)](#), s. 207, [Sch. 7](#) but reproduced for the purpose of construing the remaining provisions of the Act

## 2 Interpretation of property, land, &c.

In this Act—

- (i) Property, unless a contrary intention appears, includes real and personal property, and any estate or interest in any property, real or personal, and any debt, and any thing in action, and any other right or interest:
- (ii) Land, unless a contrary intention appears, includes land of any tenure, and tenements and hereditaments, corporeal or incorporeal, and houses and other buildings, also an undivided share in land:
- (iii) In relation to land, income includes rents and profits, and possession includes receipt of income:
- (iv) Manor includes lordship, and reputed manor or lordship:
- (v) Conveyance, unless a contrary intention appears, includes assignment, appointment, lease, settlement, and other assurance, and covenant to surrender, made by deed, on a sale, mortgage, demise, or settlement of any property, or on any other dealing with or for any property; and convey, unless a contrary intention appears, has a meaning corresponding with that of conveyance:
- (vi) Mortgage includes any charge on any property for securing money or money's worth; and mortgage money means money, or money's worth, secured by a mortgage; and mortgagor includes any person from time to time deriving title under the original mortgagor, or entitled to redeem a mortgage, according to his estate, interest, or right, in the mortgaged property; and mortgagee includes any person from time to time deriving title under the original mortgagee: and mortgagee in possession is, for the purposes of this Act, a mortgagee who, in right of the mortgage, has entered into and is in possession of the mortgaged property:
- (vii) Incumbrance includes a mortgage in fee, or for a less estate, and a trust for securing money, and a lien, and a charge of a portion, annuity, or other capital or annual sum; and incumbrancer has a meaning corresponding with that of incumbrance, and includes every person entitled to the benefit of an incumbrance, or to require payment or discharge thereof:
- (viii) Purchaser, unless a contrary intention appears, includes a lessee or mortgagee, and an intending purchaser, lessee, or mortgagee, or other person, who, for valuable consideration, takes or deals for any property; and purchase, unless a contrary intention appears, has a meaning corresponding with that of purchaser; but sale means only a sale properly so called:
- (ix) Rent includes yearly or other rent, toll, duty, royalty, or other reservation, by the acre, the ton, or otherwise; and fine includes premium or fore-gift, and any payment, consideration, or benefit in the nature of a fine, premium, or fore-gift:

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- (x) Building purposes include the erecting and the improving of, and the adding to, and the repairing of buildings; and a building lease is a lease for building purposes or purposes connected therewith:
- (xi) A mining lease is a lease for mining purposes, that is, the searching for, winning, working, getting, making merchantable, carrying away, or disposing of mines and minerals, or purposes connected therewith, and includes a grant or licence for mining purposes:
- (xii) Will includes codicil:
- (xiii) Instrument includes deed, will, inclosure award, and Act of Parliament:
- (xiv) Securities include stocks, funds, and shares:
- (xv) Bankruptcy includes liquidation by arrangement, and any other act or proceeding in law having, under any Act for the time being in force, effects or results similar to those of bankruptcy; and bankrupt has a meaning corresponding with that of bankruptcy:
- (xvi) Writing includes print; and words referring to any instrument, copy, extract, abstract, or other document include any such instrument, copy, extract, abstract, or other document being in writing or in print, or partly in writing and partly in print:
- (xvii) Person includes a corporation:
- (xviii) Her Majesty's High Court of Justice is referred to as the Court.

## II.

### —SALES AND OTHER TRANSACTIONS

3—9 ..... F2

**Textual Amendments**

**F2** Ss. 3–29, 31–41, 44–47, 49–71 and Schs. 1–4 repealed by [Law of Property Act 1925 \(c. 20\)](#), s. 207, [Sch. 7](#)

## III.

### —LEASES

10— ..... F3  
14.

*Changes to legislation: There are currently no known outstanding effects for the Conveyancing Act 1881. (See end of Document for details)*

**Textual Amendments**

**F3** Ss. 3–29, 31–41, 44–47, 49–71 and Schs. 1–4 repealed by [Law of Property Act 1925 \(c. 20\)](#), s. 207, [Sch. 7](#)

**IV.**

—MORTGAGES

**15—** ..... **F4**  
**25.**

**Textual Amendments**

**F4** Ss. 3–29, 31–41, 44–47, 49–71 and Schs. 1–4 repealed by [Law of Property Act 1925 \(c. 20\)](#), s. 207, [Sch. 7](#)

**V.**

—STATUTORY MORTGAGE

**26—** ..... **F5**  
**29.**

**Textual Amendments**

**F5** Ss. 3–29, 31–41, 44–47, 49–71 and Schs. 1–4 repealed by [Law of Property Act 1925 \(c. 20\)](#), s. 207, [Sch. 7](#)

**VI.**

—TRUST AND MORTGAGE ESTATES ON DEATH

**30** ..... **F6**

**Textual Amendments**

**F6** [S. 30](#) repealed with saving by [Law of Property Act 1925 \(c. 20\)](#), s. 207, [Sch. 7](#)

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## VII.

### —TRUSTEES AND EXECUTORS

31— ..... F7  
38.

#### Textual Amendments

F7 Ss. 3–29, 31–41, 44–47, 49–71 and Schs. 1–4 repealed by [Law of Property Act 1925 \(c. 20\)](#), s. 207, [Sch. 7](#)

## VIII.

### —MARRIED WOMEN

39, 40. .... F8

#### Textual Amendments

F8 Ss. 3–29, 31–41, 44–47, 49–71 and Schs. 1–4 repealed by [Law of Property Act 1925 \(c. 20\)](#), s. 207, [Sch. 7](#)

## IX.

### —INFANTS

41 ..... F9

#### Textual Amendments

F9 Ss. 3–29, 31–41, 44–47, 49–71 and Schs. 1–4 repealed by [Law of Property Act 1925 \(c. 20\)](#), s. 207, [Sch. 7](#)

42 ..... F10

#### Textual Amendments

F10 S. 42 repealed except in relation to instruments coming into operation before 1st January 1926 by [Law of Property Act 1925 \(c. 20\)](#), s. 207, [Sch. 7](#)

*Changes to legislation: There are currently no known outstanding effects for the Conveyancing Act 1881. (See end of Document for details)*

43 ..... F11

**Textual Amendments**  
F11 S. 43 repealed except in relation to instruments coming into operation before 1st January 1926 by Law of Property Act 1925 (c. 20), s. 207, Sch. 7

**X.**

—RENTCHARGES AND OTHER ANNUAL SUMS

44, 45. .... F12

**Textual Amendments**  
F12 Ss. 3–29, 31–41, 44–47, 49–71 and Schs. 1–4 repealed by Law of Property Act 1925 (c. 20), s. 207, Sch. 7

**XI.**

—POWERS OF ATTORNEY

46, 47. .... F13

**Textual Amendments**  
F13 Ss. 3–29, 31–41, 44–47, 49–71 and Schs. 1–4 repealed by Law of Property Act 1925 (c. 20), s. 207, Sch. 7

48 ..... F14

**Textual Amendments**  
F14 S. 48 repealed by Supreme Court of Judicature (Consolidation) Act 1925 (c. 49), s. 226, Sch. 6

**XII.**

—CONSTRUCTION AND EFFECT OF DEEDS AND OTHER INSTRUMENTS

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*Changes to legislation: There are currently no known outstanding effects for the Conveyancing Act 1881. (See end of Document for details)*

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**49—** ..... **F15**  
**64.**

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**Textual Amendments**

**F15** Ss. 3–29, 31–41, 44–47, 49–71 and Schs. 1–4 repealed by [Law of Property Act 1925 \(c. 20\)](#), s. 207, [Sch. 7](#)

**XIII.**

—LONG TERMS

**65** ..... **F16**

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**Textual Amendments**

**F16** Ss. 3–29, 31–41, 44–47, 49–71 and Schs. 1–4 repealed by [Law of Property Act 1925 \(c. 20\)](#), s. 207, [Sch. 7](#)

**XIV.**

—ADOPTION OF ACT

**66** ..... **F17**

.....  
**Textual Amendments**

**F17** Ss. 3–29, 31–41, 44–47, 49–71 and Schs. 1–4 repealed by [Law of Property Act 1925 \(c. 20\)](#), s. 207, [Sch. 7](#)

**XV.**

—MISCELLANEOUS

**67, 68.** ..... **F18**

.....  
**Textual Amendments**

**F18** Ss. 3–29, 31–41, 44–47, 49–71 and Schs. 1–4 repealed by [Law of Property Act 1925 \(c. 20\)](#), s. 207, [Sch. 7](#)

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**XVI.**

—COURT; PROCEDURE; ORDERS

**69, 70.** ..... <sup>F19</sup>

**Textual Amendments**  
**F19** Ss. 3–29, 31–41, 44–47, 49–71 and Schs. 1–4 repealed by [Law of Property Act 1925 \(c. 20\)](#), s. 207, [Sch. 7](#)

**XVII.**

—REPEALS

**71** ..... <sup>F20</sup>

**Textual Amendments**  
**F20** Ss. 3–29, 31–41, 44–47, 49–71 and Schs. 1–4 repealed by [Law of Property Act 1925 \(c. 20\)](#), s. 207, [Sch. 7](#)

**XVIII.**

—IRELAND

**72 Modifications respecting Ireland.**

- (1) In the application of this Act to Ireland the foregoing provisions shall be modified as in this section provided.
- (2) The Court shall be Her Majesty’s high Court of Justice in Ireland.
- (3) All matters within the jurisdiction of that Court shall, subject to the Acts regulating that Court, be assigned to the Chancery Division of that Court; but General Rules under this Act may direct that any of those matters be assigned to the Land Judges of that Division.
- (4) The proper office of the Supreme Court of Judicature in Ireland shall be substituted for the central office of the Supreme Court of Judicature.
- (5) General Rules for purposes of this Act for Ireland shall be deemed Rules of Court within the <sup>M1</sup>Supreme Court of Judicature Act (Ireland), 1877, and may be made accordingly, at any time after the passing of this Act, to take effect on or after the commencement of this Act.



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

**C5** The text of ss. 72, 73 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M1** 40 & 41 Vict. c.57. s. 69.

**73 Death of bare trustee intestate, &c.**

(1) Section five of the <sup>M2</sup>Vendor and Purchaser Act, 1874, is hereby repealed from and after the commencement of this Act, as regards cases of death thereafter happening; and section seven of the Vendor and Purchaser Act, 1874, is hereby repealed as from the date at which it came into operation.

(2) This section extends to Ireland only.

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

**C6** The text of ss. 72, 73 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M2** 37 & 38 Vict. c.78.

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*Changes to legislation: There are currently no known outstanding effects for the Conveyancing Act 1881. (See end of Document for details)*

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F21F21  
FIRST TO  
FOURTH SCHEDULES

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**Textual Amendments**

**F21** Ss. 3–29, 31–41, 44–47, 49–71 and Schs. 1–4 repealed by [Law of Property Act 1925 \(c. 20\)](#), s. 207, [Sch. 7](#)

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F21

**Changes to legislation:**

There are currently no known outstanding effects for the Conveyancing Act 1881.