



# Law of Property Act 1925

1925 CHAPTER 20 15 and 16 Geo 5

## PART XI

### MISCELLANEOUS

#### *Miscellaneous*

#### **180 Provisions as to corporations.**

- (1) Where either after or before the commencement of this Act any property or any interest therein is or has been vested in a corporation sole (including the Crown), the same shall, unless and until otherwise disposed of by the corporation, pass and devolve to and vest in and be deemed always to have passed and devolved to or vested in the successors from time to time of such corporation.
- (2) Where either after or before the commencement of this Act there is or has been a vacancy in the office of a corporation sole or in the office of the head of a corporation aggregate (in any case in which the vacancy affects the status or powers of the corporation) at the time when, if there had been no vacancy, any interest in or charge on property would have been acquired by the corporation, such interest shall notwithstanding such vacancy vest and be deemed to have vested in the successor to such office on his appointment as a corporation sole, or in the corporation aggregate (as the case may be), but without prejudice to the right of such successor, or of the corporation aggregate after the appointment of its head officer, to disclaim that interest or charge.
- (3) Any contract or other transaction expressed or purported to be made with a corporation sole, or any appointment of a corporation sole as a custodian or other trustee or as a personal representative, at a time (either after or before the commencement of this Act) when there was a vacancy in the office, shall on the vacancy being filled take effect and be deemed to have taken effect as if the vacancy had been filled before the contract, transaction or appointment was expressed to be made or was capable of taking effect, and on the appointment of a successor shall be capable of being enforced, accepted, disclaimed or renounced by him.

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## 181 Dissolution of a corporation.

[<sup>F1</sup>(1)] Where, by reason of the dissolution of a corporation either before or after the commencement of this Act, a legal estate in any property has determined, the court may by order create a corresponding estate and vest the same in the person who would have been entitled to the estate which determined had it remained a subsisting estate.

[<sup>F2</sup>(2) The county court has jurisdiction under this section where the amount or value of the property or of the interest in the property which is to be dealt with in the court does not exceed [<sup>F3</sup>£30,000]]

### Textual Amendments

- F1** S. 181 renumbered as subsection (1) of that section by County Courts Act 1984 (c. 28, SIF 34), s. 148(1), **Sch. 2 Pt. II para. 7(1)**
- F2** S. 181(2) added by County Courts Act 1984 (c. 28, SIF 34), s. 148(1), **Sch. 2 Pt. II para. 7(2)**
- F3** Words in s. 181(2) substituted (1.7.1991) by S.I. 1991/724, art. 2(8), **Sch. Pt.I** (with art. 12)

### Modifications etc. (not altering text)

- C1** S. 181 modified by County Courts Act 1984 (c. 28, SIF 34), s. 24(2)(c)
- C2** S. 181 extended (1.7.1991) by S.I. 1991/724, art. 2(3)(a) (with art. 12)

## 182 Protection of solicitor and trustees adopting Act.

- (1) The powers given by this Act to any person, and the covenants, provisions, stipulations, and words which under this Act are to be deemed to be included or implied in any instrument, or are by this Act made applicable to any contract for sale or other transaction, are and shall be deemed in law proper powers, covenants, provisions, stipulations, and words, to be given by or to be contained in any such instrument, or to be adopted in connexion with, or applied to, any such contract or transaction, and a solicitor shall not be deemed guilty of neglect or breach of duty, or become in any way liable, by reason of his omitting, in good faith, in any such instrument, or in connexion with any such contract or transaction, to negative the giving, inclusion, implication, or application of any of those powers, covenants, provisions, stipulations, or words, or to insert or apply any others in place thereof, in any case where the provisions of this Act would allow of his doing so.
- (2) But, save as expressly provided by this Act, nothing in this Act shall be taken to imply that the insertion in any such instrument, or the adoption in connexion with, or the application to, any contract or transaction, of any further or other powers, covenants, provisions, stipulations, or words is improper.
- (3) Where the solicitor is acting for trustees, executors, or other persons in a fiduciary position, those persons shall also be protected in like manner.
- (4) Where such persons are acting without a solicitor, they shall also be protected in like manner.

### Modifications etc. (not altering text)

- C3** S. 182 extended by Administration of Justice Act 1985 (c. 61, SIF 98:1), s. 34(2)(a)
- C4** S. 182 extended (28.11.1991) by Administration of Justice Act 1985 (c. 61, SIF 76:1), s. 9, **Sch. 2 para. 37(a)**; S.I. 1991/2683, art.2

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- C5 S. 182 extended (*prosp.*) by Building Societies Act 1986 (c. 53, SIF 16), ss. 54(3)(a)(5), 119(5), 124, 126, Sch. 21 paras. 9(a), 12(2)(3) (the said s. 124 (which induces Sch. 21) being repealed (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), Sch. 20)
- C6 S. 182 modified (12.9.2011) by The Legal Services Act 2007 (Designation as a Licensing Authority) Order 2011 (S.I. 2011/2038), art. 1, Sch. para. 3(3)
- C7 S. 182(1) applied (with modifications) (23.12.2011) by The Legal Services Act 2007 (Designation as a Licensing Authority) (No. 2) Order 2011 (S.I. 2011/2866), art. 1(2), Sch. 2

### 183 Fraudulent concealment of documents and falsification of pedigrees.

- (1) Any person disposing of property or any interest therein for money or money's worth to a purchaser, or the solicitor or other agent of such person, who—
  - (a) conceals from the purchaser any instrument or incumbrance material to the title; or
  - (b) falsifies any pedigree upon which the title may depend in order to induce the purchaser to accept the title offered or produced;with intent in any of such cases to defraud, is guilty of a misdemeanour punishable by fine, or by imprisonment for a term not exceeding two years, or by both.
- (2) Any such person or his solicitor or agent is also liable to an action for damages by the purchaser or the persons deriving title under him for any loss sustained by reason of—
  - (a) the concealment of the instrument or incumbrance; or
  - (b) any claim made by a person under such pedigree whose right was concealed by such falsification as aforesaid.
- (3) In estimating damages, where the property or any interest therein is recovered from the purchaser or the persons deriving title under him, regard shall be had to any expenditure by him or them in improvements of any land.
- (4) No prosecution for any offence under this section shall be commenced without the leave of the Attorney-General.
- (5) Before leave to prosecute is granted there shall be given to the person intended to be prosecuted such notice of the application for leave to prosecute as the Attorney-General may direct.

### 184 Presumption of survivorship in regard to claims to property.

In all cases where, after the commencement of this Act, two or more persons have died in circumstances rendering it uncertain which of them survived the other or others, such deaths shall (subject to any order of the court), for all purposes affecting the title to property, be presumed to have occurred in order of seniority, and accordingly the younger shall be deemed to have survived the elder.

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

- C8 S. 184 modified by Administration of Estates Act 1925 (c. 23, SIF 116:1), s. 46(3)

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### 185 Merger.

There is no merger by operation of law only of any estate the beneficial interest in which would not be deemed to be merged or extinguished in equity.

### 186 Rights of pre-emption capable of release.

All statutory and other rights of pre-emption affecting a legal estate shall be and be deemed always to have been capable of release, and unless released shall remain in force as equitable interests only.

### 187 Legal easements.

- (1) Where an easement, right or privilege for a legal estate is created, it shall enure for the benefit of the land to which it is intended to be annexed.
- (2) Nothing in this Act affects the right of a person to acquire, hold or exercise an easement, right or privilege over or in relation to land for a legal estate in common with any other person, or the power of creating or conveying such an easement right or privilege.

### 188 Power to direct division of chattels.

[<sup>F4</sup>(1)] Where any chattels belong to persons in undivided shares, the persons interested in a moiety or upwards may apply to the court for an order for division of the chattels or any of them, according to a valuation or otherwise, and the court may make such order and give any consequential directions as it thinks fit.

[<sup>F5</sup>(2) The county court has jurisdiction under this section where the amount or value of the property or of the interest in the property which is to be dealt with in the court does not exceed [<sup>F6</sup>£30,000].]

#### Textual Amendments

**F4** S. 188 renumbered as subsection (1) of that section by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(1), [Sch. 2 Pt. II para. 8\(1\)](#)

**F5** S. 188(2) added by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 148(1), [Sch. 2 Pt. II para. 8\(2\)](#)

**F6** Words in s. 188(2) substituted (1.7.1991) by [S.I. 1991/724, art. 2\(8\)](#), [Sch. Pt.I](#)

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

**C9** S. 188 modified by [County Courts Act 1984 \(c. 28, SIF 34\)](#), s. 24(2)(c)

**C10** S. 188 extended (1.7.1991) by [S.I. 1991/724, art. 2\(3\)\(a\)](#)

### 189 Indemnities against rents.

[<sup>F7</sup>(1) . . . . .]

- (2) The benefit of all covenants and powers given by way of indemnity against a rent or any part thereof payable in respect of land, or against the breach of any covenant or condition in relation to land, is and shall be deemed always to have been annexed to the land to which the indemnity is intended to relate, and may be enforced by the estate owner for the time being of the whole or any part of that land, notwithstanding that

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the benefit may not have been expressly apportioned or assigned to him or to any of his predecessors in title.

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**Textual Amendments**

- F7** S. 189(1) repealed (6.4.2014) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, Sch. 14 para. 26, **Sch. 23 Pt. 4** (with s. 89); S.I. 2014/768, art. 2(1)(b)

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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\(2\)](#)