



Law of Property Act 1925

1925 CHAPTER 20 15 and 16 Geo 5

PART III

MORTGAGES, RENTCHARGES, AND POWERS OF ATTORNEY

Mortgages

94 Tacking and further advances.

- (1) After the commencement of this Act, a prior mortgagee shall have a right to make further advances to rank in priority to subsequent mortgages (whether legal or equitable)—
- if an arrangement has been made to that effect with the subsequent mortgagees; or
 - if he had no notice of such subsequent mortgages at the time when the further advance was made by him; or
 - whether or not he had such notice as aforesaid, where the mortgage imposes an obligation on him to make such further advances.

This subsection applies whether or not the prior mortgage was made expressly for securing further advances.

- (2) In relation to the making of further advances after the commencement of this Act a mortgagee shall not be deemed to have notice of a mortgage merely by reason that it was registered as a land charge in a local deeds registry, if it was not so registered at the [F1 time when the original mortgage was created] or when the last search (if any) by or on behalf of the mortgagee was made, whichever last happened.

This subsection only applies where the prior mortgage was made expressly for securing a current account or other further advances.

- (3) Save in regard to the making of further advances as aforesaid, the right to tack is hereby abolished:

Changes to legislation: Law of Property Act 1925, Section 94 is up to date with all changes known to be in force on or before 14 March 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

Provided that nothing in this Act shall affect any priority acquired before the commencement of this Act by tacking, or in respect of further advances made without notice of a subsequent incumbrance or by arrangement with the subsequent incumbrancer.

- (4) This section applies to mortgages of land made before or after the commencement of this Act, but not to charges [^{F2}on registered land] .

Textual Amendments

- F1** Words substituted by Law of Property (Amendment) Act 1926 (c. 11), **Sch.**
F2 Words in s. 94(4) substituted (13.10.2003) by Land Registration Act 2002 (c. 9), ss. 133, 136(2), **Sch. 11 para. 2(9)** (with s. 129); S.I. 2003/1725, **art. 2**

Modifications etc. (not altering text)

- C1** S. 94 modified by Matrimonial Homes Act 1983 (c. 19, SIF 49:5), **s. 2(10)**
C2 S. 94 modified (1.10.1997) by 1996 c. 27, **ss. 31(12)**, 63(4) (with Sch. 9 para. 5(1)(b)(ii)); S.I. 1997/1892, **art.3(1)(a)**

Marginal Citations

- M1** 1925 c. 21.

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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\(2\)](#)