



# Conveyancing and Law of Property Act 1881

## 1881 CHAPTER 41

### I

#### PRELIMINARY

#### **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.

#### **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 :

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (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:
- (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.