

Barnsley's Conveyancing Law and Practice

Second edition

D.G. Barnsley LLM

Solicitor; Professor of Law,
University of Leicester

P.W. Smith MA

of Lincoln's Inn and
the Northern Circuit,
Barrister; Lecturer in Law,
University of Manchester

London
Butterworths
1982

England	Butterworth & Co (Publishers) Ltd 88 Kingsway, London WC2B 6AB
Australia	Butterworths Pty Ltd 271-273 Lane Cove Road, North Ryde, NSW 2113 Also at Melbourne, Brisbane, Adelaide and Perth
Canada	Butterworth & Co (Canada) Ltd 2265 Midland Avenue, Scarborough Ont M1P 4S1 Butterworth & Co (Western Canada) Ltd 409 Granville Street, Ste 856, Vancouver, BC V6C 1T2
New Zealand	Butterworths of New Zealand Ltd 33-35 Cumberland Place, Wellington
South Africa	Butterworth & Co (South Africa) (Pty) Ltd 152-154 Gale Street, Durban 4001
United States of America	Mason Publishing Company Finch Bldg, 366 Wacouta Street, St Paul, Minn 55101 Butterworth (Legal Publishers) Inc 168 Roy Street, Ste 300, Seattle, Wash 98109 Butterworth (Legal Publishers) Inc 381 Elliot Street, Newton, Upper Falls, Mass 02164

© Butterworth & Co (Publishers) Ltd 1982

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, including photocopying and recording, without the written permission of the copyright holder, application for which should be addressed to the publisher. Such written permission must also be obtained before any part of this publication is stored in a retrieval system of any nature.

This book is sold subject to the Standard Conditions of Sale of Net Books and may not be re-sold in the UK below the net price fixed by Butterworths for the book in our current catalogue.

ISBN Hardcover 0 406 55632 6
Softcover 0 406 55633 4

Typeset by Colset Pte Ltd, Singapore
Printed and bound in Great Britain by
Billing and Sons Limited Worcester

Preface to the Second Edition

'Beginnings are such hard times'

I have not had to face the awesome task of creating a new work; not only have I had the benefit of an existing text of undoubted quality but I have also had the benefit of Professor Barnsley's work on large parts of the text. It was always his intention to undertake the revision of this new edition but he found himself unable to complete the task. I have incorporated almost all his work, which is to be found in Part II and to a lesser extent in Parts III and IV, into this edition. The responsibility for the final version, however, remains mine.

The sections that needed most updating and rewriting were those dealing with Registration of Title and the Contract Stage. To a lesser extent Remedies (Part VI) have also required careful attention. Professor Barnsley, like many another, was a supporter of 'the Cyprian Williams Heresy'. This edition exceeds the last one in extent by approximately fifty pages, reflecting Professor Barnsley's substantial revision of Parts II, III and IV, which have been largely rewritten in the light of the new case law in that area since the last edition. I have added, as an extra appendix, The Law Society Conditions of Sale (1980 Revision). The latest edition of the National Conditions of Sale, which attempts to deal with the decision in *Walker v Boyle*, appeared after the manuscript was delivered and has been incorporated at proof stage. The reader now, therefore, has the text of the general conditions of both the standard forms to hand and I am grateful to The Law Society and the Solicitors' Law Stationery Society Limited for their permission to reproduce them.

I am grateful to Stephen Sauvain, Barrister, who lent his expertise to the chapter on Planning. I should like, too, to thank Professor Barnsley for his contribution. In addition to his work on revising the text he has read the proofs and suggested many stylistic and other improvements which I have been able to incorporate into the text.

On a personal note I will always be grateful to 'P.B.F.' who set me on my way; to the one and only Joe Turner who corrected my course at a very vital stage; and to my wife, Diane, who has tolerated the use of our home as a repository for notes, books, mounted sheets and all the other matters relevant to a task such as this.

I am grateful to the editorial staff of Butterworths for the care and attention they have given me (especially with regard to handwriting!).

The law is generally that as at 1 October 1981 although a number of subsequent developments have been incorporated in the text and footnotes.

Lady Day 1982

P.W.S.
Manchester.

Preface to the First Edition

'Of making many books there is no end; and much study is a weariness of the flesh.'

(Ecclesiastes, Chap. XII, v. 12)

The opening part of this quotation could well be taken as an apt description of the steady stream of new law books currently flowing from the printer's press. Nevertheless I make no apology for adding to this number, for I have long felt there to be a need for a book which explains the mysteries of conveyancing, especially to students who may never have seen the inside of a solicitor's office. At a time when the solicitor's monopoly in conveyancing is being challenged, it is imperative that the aspiring conveyancer is thoroughly versed in the law and practice of his calling. The practical skills, including the art of drafting documents, he can acquire in the office, but he must generally look elsewhere for an understanding of the underlying legal rules and principles. This book, which attempts to discuss the principles of conveyancing in a practical setting, has been written primarily for the undergraduate and the articled clerk, although I cherish the fond hope that the book may be of some value to the qualified practitioner. Suggestions are sometimes made (by the uninformed) that conveyancing requires no special skills or knowledge. The pages of this book should go some way towards demonstrating the falsity of such notions.

I have sought to deal with matters chronologically as they are likely to arise in a normal conveyancing transaction, whether the title to the land is registered or unregistered. Two comments should, perhaps, be made. First, I have departed from this order in one important respect. The drafting of the conveyance (or transfer) must necessarily precede the completion of the transaction. However, it seemed to me to be desirable to have a separate section relating to conveyancing documents, rather than to attempt to slot this important subject into its correct chronological sequence. Secondly, the spread of registration of title renders it necessary to consider in detail the general principles of land registration at an early stage of the book, thus facilitating the consideration of various aspects of registered conveyancing in the subsequent pages. It is to be regretted that registration of title is not a topic which receives satisfactory treatment in real property text books, and the majority of land law courses pay but scant attention to the system. Needless to say, the solicitor of tomorrow requires a thorough understanding of the operation of the Land Registration Act 1925. Unfortunately, the need to consider two separate systems of land transfer has added considerably to the size of the book.

I have assumed that the reader has a basic knowledge of the principles of real property, equity and contract, and in the main I have refrained from covering ground that is adequately dealt with by the standard land law text books. Some overlap has been unavoidable.

Every solicitor involved in a conveyancing transaction should be familiar with the Conditions of Sale regulating the contract of sale. I have, therefore, sought to give due prominence to the terms of the National Conditions of Sale and The Law Society's Conditions of Sale. Partly because of personal preference, partly out of a desire not to confuse the reader unnecessarily, I have concentrated upon the National Conditions of Sale, though in no sense have I attempted to write a commentary on these Conditions. I should like to thank Oyez Publishing Limited, the copyright owners of the National Conditions of Sale, for allowing me to reproduce the front page of their contract form and the Conditions of Sale. I am also grateful to The Law Society for granting permission to quote extracts from their Conditions of Sale.

A wind of change is now blowing over the conveyancing scene, heralding future reforms. The Law Commission are currently looking at various topics in an attempt to simplify the transfer of land. As yet, few of their recommendations have reached the statute book, but the next decade may well see the enactment of several important changes. I have sought to draw the reader's attention to the Commission's tentative proposals, where matters are still under review, though much of the information has, perforce, been relegated to the foot-notes.

I am deeply indebted to my friend and former colleague, Professor M. J. Goodman, who has read the whole of the manuscript; his invaluable comments have saved me from many mistakes. For such errors, inconsistencies and imperfections that remain, I alone am responsible. Thanks are also due to Mr Simon Palk who has kindly read the proofs, to Mrs Barbara Abram and to my wife, both of whom rendered sterling assistance with the typing, and, by no means least, to the publishers who have so patiently endured my dilatory ways.

I have endeavoured to state the law in accordance with the material at my disposal on 30 September 1972. It has been possible, when correcting the proofs, to take account of a number of subsequent developments, mainly in the footnotes.

Finally, I should like to express the hope that, despite the length of this book, those who study its pages will not be afflicted by that 'weariness of the flesh' which seems to have plagued the Preacher of old.

D.G.B.

January 1973

Table of statutes

References in this Table to 'Statutes' are to Halsbury's Statutes of England (Third Edition) showing the volume and page at which the annotated text of the Act will be found.

	PAGE		PAGE
Acquisition of Land Act 1981		Bankruptcy Act 1914— <i>contd</i>	
s 2 (3)	246	s 19 (2), (4)	269
10–15	241	37 (1)	98, 269
Sch 2	246	38	98, 271
Administration of Estates Act 1925 (13		42	86, 98, 325, 455
<i>Statutes</i> 38)		45	98, 272, 273
s 1	298	47 (1)	98
(2)	331	53 (2)–(4)	271
2 (1)	330	54	271, 482
3	298	(2), (3)	483
(1)	330	(4), (8)	271
5	331	143	271
7	268, 333	Bodies Corporate (Joint Tenancy) Act	
22	319	1899	
33	320	s 1 (1)	320
35 (1), (3)	269	Building Societies Act 1962 (3 <i>Statutes</i>	
36	335	312)	200
(1)	332, 530	s 30	169
(2), (3)	332	32	195
(4)	332, 333, 565	36	338
(5)	336	37 (1)	467
(6)	336, 358, 379, 499, 565	Sch 5	195, 200
(7)	329, 334, 335	Sch 6	424
(8)	335	Caravan Sites and Control of Develop-	
(10)	544	ment Act 1960 (24 <i>Statutes</i> 145)	217
(11)	565	Chancery Amendment Act 1858 (25	
39 (1)(iii)	330, 336	<i>Statutes</i> 703)	
55 (1)(iii)	351	s 2	125, 583
Administration of Justice Act 1956 (18		Charging Orders Act 1979 (49 <i>Statutes</i>	
<i>Statutes</i> 20)	391	766)	584
s 53	14	s 2	391
Administration of Justice Act 1977 (47		(1)(a)(ii)	324, 325
<i>Statutes</i> 1180)		Charitable Trusts Amendment Act 1855: 457	
s 24	83, 84, 86, 87	Charities Act 1960 (3 <i>Statutes</i> 589)	
25	37	s 29 (1), (4)	129
26	73	38 (1)	26
(1)	467, 469	Sch 2	129
Agricultural Credits Act 1928 (1 <i>Stat-</i>		Civil Aviation Act 1971 (41 <i>Statutes</i> 105)	
<i>utes</i> 783)	384	s 1, 14, 16	193
Agriculture (Miscellaneous Provisions)		Clean Air Act 1956 (26 <i>Statutes</i> 456)	197
Act 1941 (1 <i>Statutes</i> 140)		Coal Act 1938 (22 <i>Statutes</i> 92)	
s 8 (3)(d)	193	s 41	56
Bankruptcy Act 1914 (3 <i>Statutes</i> 33)	483	Coal Industry Nationalisation Act 1946	
s 1	98	(22 <i>Statutes</i> 143)	
7 (1)	271	s 5, 8	56

xvi Table of statutes

	PAGE		PAGE
Commons Registration Act 1965 (3 Statutes 919)		Costs of Leases Act 1958 (18 Statutes 614)	166
s 1 (1), (2)	46	Criminal Law Amendment Act 1885	579
12	20	Crown Proceedings Act 1947 (8 Statutes 844)	
22 (1)	20	s 23 (3)(f)	403
Community Land Act 1975	204	Decimal Currency Act 1969 (40 Statutes 316)	
Companies Act 1948 (5 Statutes 110)		s 10	165
s 95	407, 408, 465	Sch 1	165
227	273, 407	Deeds of Arrangement Act 1914 (3 Statutes 19)	391
229	407	Defective Premises Act 1972 (42 Statutes 1395)	168
244	273	s 1	177, 180
245 (1)(a)	273	(1)	175
(2)(a), (b)	273	(2)	176
281	273	(3)	175
285 (2)	273	(4)	176
303 (1)(a), (b)	273	(5)	171, 175
354	515	2	177
Sch 1		(1)(a), (b)	177
Table A, art 113	433	(2)	176
Compulsory Purchase Act 1965 (6 Statutes 281)	246	3	170, 171
s 4	247	4	173
5	246	6 (2)	176
(2)	246	(3)	175
(3)	246, 248	Evidence Act 1938 (12 Statutes 878)	
6	246	s 4	301
9	248	Evidence and Powers of Attorney Act 1940 (12 Statutes 881)	
11	248	s 4 (1)	437
13 (1), (3)	249	Family Law Reform Act 1969 (17 Statutes 792)	
20	246	s 12	99
Sch 2	248	Finance Act (1909–10) Act 1910 (32 Statutes 216)	
Sch 5	248	s 74	443
Compulsory Purchase (Vesting Declarations) Act 1981		Finance Act 1931 (32 Statutes 240)	
s 1 (1), (2)	249	s 28	444
3	249	Sch 2	444
(4)	233	Finance Act 1954	
4 (1)	249	s 17	257
5 (1)	249	Finance Act 1963 (12 Statutes 751; 18 Statutes 371)	
6 (1)	249	s 55 (1)	442
7 (1)	249	68	48
8 (1)	249	Finance Act 1971 (41 Statutes 560, 1400)	
9	249	s 64	443
10 (1)	249	Finance Act 1974 (44 Statutes 1572)	
11	250	Sch 11	442
14	425	Finance Act 1975 (45 Statutes 2025)	
Consumer Credit Act 1974 (44 Statutes 746)		s 28 (4)	386
s 16 (1)	339	52	38, 68
126	339	Sch 4	388
177 (2)	339	Sch 12	38, 68, 388, 397, 398
Conveyancing Act 1881 (27 Statutes 330)	623	Sch 15	398
s 2 (v)	455	Finance Act 1977 (47 Statutes 1337)	
3 (3)	289	s 56	48
6	527	Finance Act 1980 (50 (2) Statutes 2172, 2194)	
7	619	s 94	443
56	420		
62	526		
63	530		
65	159		

	PAGE
Finance Act 1980— <i>contd</i>	
s 95	442
(2)	443
Fires Prevention (Metropolis) Act 1777 (17 <i>Statutes</i> 829)	
s 83	265
Forgery and Counterfeiting Act 1981 (51 <i>Statutes</i> 707)	
s 9 (1)(g)	435
General Rate Act 1967 (27 <i>Statutes</i> 72):	197
Highways Act 1835 (15 <i>Statutes</i> 12)	
s 23	199
Highways Act 1959 (15 <i>Statutes</i> 143)	224
s 40	201
Highways Act 1980 (50 (1) <i>Statutes</i> 452):	193,
	198
s 37	199
38	200, 201
201	200
203 (2)	201
204–208	199
211	199, 200
212 (3)	200
217	200
219–225	200
228	199
233	199, 200
250	246
Housing Act 1957 (16 <i>Statutes</i> 109)	193
s 6 (1), (2)	173
104	257
Sch 3	246
Housing Act 1961 (16 <i>Statutes</i> 327)	
s 19	153
31	555
32	173, 555
33	173
Housing Act 1964 (16 <i>Statutes</i> 362)	
s 73	193
(5)	193
74 (2)	193
Housing Act 1974 (44 <i>Statutes</i> 405)	
s 118	162
(4)	163
126	536
Housing Act 1980 (50 (1) <i>Statutes</i> 884)	
s 1 (1)	20
20	20
(2)–(4)	20, 355
88	266
111 (1), (2)	337
(5)	338
141	162
Sch 21	162
Infants' Relief Act 1874 (17 <i>Statutes</i> 412)	100
s 1	100
Insolvency Act 1976 (46 <i>Statutes</i> 152)	
s 4	98
11 (5)	98
Judgments Act 1855 (18 <i>Statutes</i> 18)	391

	PAGE
Land Charges Act 1925 (27 <i>Statutes</i> 685)	16, 384
s 1 (2)	395
2 (1)	390
(8)	385, 391
3 (1)	397
(3)	385, 397
4	391
5	397
6 (1)	390
(3)	391
7 (1)	397
(2)	269, 397
8 (1), (2), (4)	391
9	385, 397
10	385
(8)	395
13 (1)	397
(2)	257
(3)	397
16	400
17 (2)	403
(2A)	401
(3)	402
(5), (7)–(9)	403
23A	476
Land Charges Act 1972 (42 <i>Statutes</i> 1590)	16, 66, 67, 69, 165, 270, 271, 297, 308, 316, 329, 363, 375, 378, 380, 383, 468, 621, 636
s 1 (1)	384, 395
(2)	393
(6), (7)	395
2	385
(1)	384
(2)–(4)	385
(5)	388
(ii)	309
(6)	389
(7)	390
3 (1)	387, 394, 422
(5)	387, 393
(7)	407
4 (2)	154, 397
(5)	150, 154, 397, 398
(6)	150, 257, 339, 397, 398
(7)	398
(8)	154, 397, 398
5	391
(1)	269, 390
(7)	397
(8)	397, 398
6	391
(1)	269, 390
(4)	397
(5)	397, 398
(6)	269, 397
7 (1)	391
(2)	397
8	391
9	400

	PAGE		PAGE
Land Charges Act 1972— <i>contd</i>		Land Registration Act 1925— <i>contd</i>	
s 10 (1)	435	s 8 (1) (b)	18
(3) (a)	401, 403	(2)	17
(4)	396, 402, 403, 406	9	28, 78
(5)	403, 407	(b)	56
(6)	402	10	29
11 (1), (3)	399	11	30
(5)	401, 434, 435	12	31
(6) (a)	401	13	448
(b)	399	(c)	24
12	403	16	449
14 (3)	392, 476	18 (1)	454
17 (1)	384, 387, 390, 394, 398	(b)	469, 470
Sch 1	397	(c)	473
Sch 2	385	(d)	469, 470
Land Commission Act 1967 (36 Statutes)		(e)	22, 456, 457, 554
451)	204, 497	(2)	470
s 87	444	(3)	52, 458
99 (5)	455	(4)	465
Sch 14, 15	444	(5)	22, 456
Land Compensation Act 1961 (6 Statutes 238)	248	19 (1)	22, 52, 409, 431, 440, 451, 453, 454, 456, 457, 458, 527
s 31	247	(2)	22, 66, 88, 92, 458, 459, 460, 461, 469, 473
Land Compensation Act 1973 (43 Statutes 170)		(a)	22, 457, 461
s 8 (4)	193	(3)	52, 453, 455, 474
37, 38, 47	246	20	349
52 (8)	193	(1)	18, 26, 52, 67, 72, 73, 74, 78, 80, 82, 88, 99, 362, 453, 454, 460, 465, 472, 474, 531, 635
Land Drainage Act 1961 (18 Statutes 273)	194	(a)	56
Land Registration Act 1925 (27 Statutes 778)	202	(b)	636
s 1	14, 35	(4)	67, 72, 455
(2)	23	21 (1) (b)	473
2 (1)	8, 16, 18, 26, 65, 73, 469	(d)	22, 457
3 (iv)	18, 26, 457	22 (1)	409, 440, 457
(viii)	17, 469	(2)	22, 460, 473
(ix)	469	(a)	457
(x)	17, 55, 356	(3)	527
(xi)	8, 16, 34	23 (1)	52, 67, 73, 78, 82, 99, 462, 531
(xv)	59, 65, 69, 459	(b)	56
(xvi)	44, 474	(2), (5)	67, 463
(xviii)	83	24	462, 637, 638
(xxi)	471, 474	(1) (a), (b)	637, 638
(xxiii)	34	(2)	638
(xxvii)	17	25 (1), (2)	464
(xxxi)	455	(3) (i)	466
4	16, 23, 24, 30	26	67
(1)	93	(1)	465
(a)	18	(3)	466
5	18, 23, 24, 25, 26, 27, 28, 35, 47, 78, 81, 349, 446, 448, 450, 453, 470, 473	27 (1)	464
(a)	56	(3)	455, 466
(b)	636	28 (1) (a)	464
6	30	29	73
7	31	30 (1)–(4)	466
8	23	33	466
(1)	17, 29, 30	34 (1)	466
(a)	17, 457, 458	35	467

	PAGE
Land Registration Act 1925— <i>contd</i>	
s 37	454, 461, 466
(2), (3)	454
38 (1)	455
40	74, 477
(1)	671
(3)	477
42 (2)	91
43	359
46	463
47 (1)	363
48	22, 67, 74, 460
(1)	406
49	67, 409
(1) (c)	47, 190, 258, 468, 475
(2)	59, 67
50 (1)	357
(2)	88, 357, 406, 476
(3)	478
51	67
52 (1)	68
(2)	68, 76, 458, 460, 476
53 (1)	31
54	468, 469
(1)	69
55	70
56 (1)	32
(2)	70
(3)	32
(4)	70
57	71
58 (1)	71
(3)	71, 361
(4)	72, 363
(5)	71
59 (2)	47, 55, 67, 190
(3)	37
(5)	67
(6)	64, 72, 271, 406
60 (2)	91
61	71
(1)	270
(3), (4)	270
(6)	270, 271, 407
(7)	90, 270
(10)	37
62	47, 453
(a)	270
64 (1)	38, 423
(a)	455, 461, 471
(b)	478
(c)	38, 68, 71, 460, 461
(2)	455
65	38, 68, 76, 258, 449, 461, 465
66	75, 467
67 (2)	160
68	37
69	34
(1)	34, 87
(2)	450
(4)	34

	PAGE
Land Registration Act 1925— <i>contd</i>	
s 70	45, 47
(1)	44, 45, 46, 49, 56, 64, 163
(a)	46, 474
(b)–(d)	47
(e)–(f)	48
(g)	27, 45, 46, 49, 50, 56, 58, 59, 60, 63, 64, 65, 66, 67, 70, 72, 83, 86, 359, 362, 374, 379, 392, 397, 422, 450, 456, 459, 460, 636
(h)	55
(i)	55, 190
(j)	55, 56
(k)	22, 52, 55, 56, 458, 459, 461, 554
(l)	56
(2)	56, 472, 474
(3)	57, 461, 473, 475
72	24, 28, 473
74	35, 54, 73, 534
75 (1), (2)	48
76	40, 516, 518, 554
77 (2)	32
(3) (b)	32
(4)	33
(6)	33, 90
78	17, 79
79	496
81	23
82	74
(1)	74, 75, 78, 79, 80, 83, 86
(b)	25, 27, 458
(d)	84
(e)	358, 453
(g)	8, 26, 27
(h)	27, 28, 85
(2)	78, 80, 87, 88, 453
(3)	78, 82, 83, 86, 92
(a)	84, 91
(b)	84
(c)	28, 84, 85, 91
(4)	83
(6)	38
83	18, 89
(1)	88, 89, 90
(2)	25, 89, 90, 458
(3)	90, 353, 406
(4)	90
(5)	84, 90
(a)	91, 92, 637
(b)	91
(6)–(9)	93
(10)	93, 635
(11)	85, 90, 92
85 (1)	93
86 (2)	54, 360
(3)	360

xx Table of statutes

	PAGE		PAGE
Land Registration Act 1925— <i>contd</i>		Land Transfer Act 1875	7, 34, 78
s 87 (4)	361	s 13	28
(6)	360	18	47
88 (1)	359	Land Transfer Act 1897 (27 <i>Statutes</i>	
92	79	335)	7, 34
94 (1)	361	s 16 (3)	634, 636
95	361	21	92
101 (2)	459	Land Transfer Act 1915 (New Zealand):	81
(3)	67, 459	Landlord and Tenant Act 1927 (18	
102 (2)	360	<i>Statutes</i> 451)	
106	73	s 12	385
(1)	464, 467	19 (1)	311
(2)	467, 469	(b)	312, 441
110	153, 350, 355, 356	Sch 1	385
(1)	136, 350, 351, 353, 356	Landlord and Tenant Act 1954	464
(b)	359	Lands Clauses Consolidation Act 1845	
(2)	351, 352	(6 <i>Statutes</i> 9)	
(3)	350	s 76, 77	248
(4)	90, 351	81	486
(5)	358, 452, 473	132	504
(6)	160, 423, 445, 461, 472, 474	Sch A, B	486
(7)	270, 407	Law of Property Act 1845	
111	26	s 5	537
(1)	99	Law of Property Act 1922 (7 <i>Statutes</i> 74;	
112	36, 350	18 <i>Statutes</i> 438)	
112A	37	s 128	55
113	37, 90, 351, 373	Sch 12	55
114	81	Sch 15	557
120 (1)	7, 19, 21, 469	Law of Property Act 1925 (27 <i>Statutes</i>	
123	19, 20, 21	341)	65, 66, 79, 436, 437, 474
(1)	7, 19, 22	s 1 (1)	344
126 (1)	13, 14	(2)	16, 389
(2)	14	(b)	342
(6)	15	(e)	470, 551
127	14, 494	(6)	99, 389
128 (1)	14	2 (1)	59, 60, 164, 326
131	15, 91	(2)	164, 326, 497
132	13	9 (1)	340, 483
133	15	(e)	626
144	13, 15	10 (1)	298
Land Registration Act 1936 (27 <i>Statutes</i>		15	99
910)		(5)	551
s 4 (1)	93	19 (1), (2), (6)	99
Land Registration Act 1966 (27 <i>Statutes</i>		20	99
919)	23, 449, 457, 469	22	101
s 1 (1)	7	23	325
(2)	354	24 (1)	565
Land Registration and Land Charges		25 (1)	320
Act 1971 (41 <i>Statutes</i> 1173)	403	26 (1)	326
s 1	93	(3)	320, 321
2 (1), (4), (5)	93	27	164, 299
3 (1)	84, 91, 637	(1)	59, 326
4	20	(2)	59, 326, 327, 329, 330, 336, 362
5 (5)	401	28	321
(7)	402	(1)	326, 330, 533
9	392, 476, 477	30	59, 321, 323, 324, 325, 362, 483
14 (2)(b)	93	34 (2)	533
Land Registry Act 1862 (27 <i>Statutes</i>		35	49
735)	7, 78	36 (1)	320, 533
s 108	13		

	PAGE
Law of Property Act 1925— <i>contd</i>	
s 36 (2)	328
38	513
39	321
40 97, 102, 107, 113, 115, 138, 239, 242, 243, 411, 490, 577, 649	
(1) 4, 101, 104, 116, 117, 125, 137	
(2)	116
41	412
42	328, 613
(1) 164, 165, 279, 298, 497	
(2)	165, 484
(3)	165
(8)	165, 614
43 (1), (2)	165
44	29, 311
(1)	10, 152, 283
(2)	304, 355, 626
(3), (4)	304, 355
(5)	307, 308, 355
(6), (7)	355
(8) 284, 286, 355, 372	
(9), (10)	355
(11)	305, 355
(12)–(14)	355
45	303
(1) 158, 285, 289, 290, 345, 346, 366	
(2)	309, 345, 357
(3)	309
(4)	301, 303
(b)	408
(6)	302, 501
(9)	424
(11)	158
46	142
47	264, 265
48 (1)	165, 485
(3)	166
(4)	165
49 (1)	570
(2) 159, 250, 310, 583, 597	
51 (1)	481, 482
(2)	504
52 (1) 3, 6, 332, 482, 565	
(2)	482
(a)	332, 565
53 (1) (c)	334
56 179, 497, 498, 537, 541, 563	
(1)	537
(2)	495
57	495
58	498
59 (2)	504
60 (1)	531, 627
61	488
62 161, 472, 473, 474, 514, 520, 528, 529	
(1)–(3)	527

	PAGE
Law of Property Act 1925— <i>contd</i>	
s 62 (4)	529
(5)	528
63 332, 530, 531	
(1)	333, 334, 530
(2)	530
64 154, 484, 551	
(1)	565
(2)	425, 426
(4), (6)	425
(9)	425, 426
65	428
(1)	525, 526
67 304, 420, 504	
(1), (2)	503
68 421, 422, 423, 504	
(1)	504
69 420, 421, 504	
73	429
74 (1)	433, 434
(3), (4)	437
75	432
76 151, 553, 619, 622, 626, 634	
(1)	619
(A)	619, 638
(B) 620, 621, 622, 637, 638	
(D)	622
(E)	620
(F) 620, 622, 633, 638	
(2)	619
(4)	621
(5)	554, 620
(6)	625, 637
(7)	623
77 345, 622, 634, 638	
(1) (A) 309, 345, 544, 621	
(B)	346
(C) 544, 560, 621, 637	
(D)	560, 621
(5)	346
(7)	560
78 179, 180, 344, 348, 426, 427, 536, 538, 551, 563, 623, 637	
(1)	537, 625, 626
79	538, 540
(1)	537
81 (1)	538
84	397, 478
85 (2), (3)	82
86 (2), (3)	82
88 (1) 339, 378, 626	
(b)	548
89 (1)	339
90 (1)	340
91 (2)	340
94	466
(2)	396
(3)	380
96 (2)	396
99 (6)	55

	PAGE		PAGE
Law of Property Act 1925— <i>contd</i>		Law of Property Act 1969 (27 <i>Statutes</i>	
s 101	195	727, 958)	286, 288, 380
(1)	336	s 23	10, 152, 283, 315
(i)	297, 337	24	202, 676
103	336	(1)	201, 396
104	339	(2), (3)	202
(1)	298, 339	(4)	202, 382
(2), (3)	338	25	152, 285, 286, 316, 384
107 (1)	503	(1)	396
115	483	(2), (4), (5)	396
(2)	297, 424	(9)	308
(10)	466	(b)	309
121	551	(10)	285, 308, 315, 396
124	438	(11)	382
125	613	26	407
(2)	164, 290	Law of Property Amendment Act 1859	
(3)	614	(13 <i>Statutes</i> 26)	
126–128	438	s 24	299
136	179	Law of Property (Amendment) Act 1926	
141	552	(27 <i>Statutes</i> 719)	290, 328
(1)	348	s 1	317
146	311, 551, 557	(1)	165
(1)	556	4 (1)	399, 405
(5) (a)	551	(2)	401
(9)	557	5	466
149 (1)	28, 482	Schedule	164, 317, 326
153	159	Law of Property (Joint Tenants) Act	
162 (1) (d)	522	1964 (27 <i>Statutes</i> 725)	299, 326,
172	86, 98		428, 565
174 (1)	643	s 1 (2)	328
182 (1)	306	2	328
183	299, 369	3	329, 362
(2)	369	4 (1)	330
185	552	Law Reform (Miscellaneous Provisions)	
186	256	Act 1970 (40 <i>Statutes</i> 781)	
189 (2)	559	s 2	323
190 (2)	346	Leasehold Reform Act 1967 (18 <i>Statutes</i>	
198	202, 203, 284, 286, 316,	633)	142, 243, 311, 343,
	380, 383, 422		548, 553
(1)	44, 309, 396	s 1	51
199 (1) (i)	284, 397, 398	(1) (a)	162
(ii)	284, 381, 382	(b)	162
200	392, 427	3 (1)	531
204	319	4	162
205 (1)	486, 634	5 (1), (2)	163
(ii)	332, 455, 527, 530	(4)	162
(v)	394	(5)	51, 163
(vii)	146, 499	8 (1)	162
(ix)	103, 348, 427	9 (1), (2)	163
(x)	551	(3)	163, 164
(xxi)	338, 398, 619	10	163, 622
Sch 2	619, 638	(1)	620
Pt I	619, 624	(6)	426
Pt III	621	14 (1)	162
Pt IV	621	19 (14)	163
Pt V	620	22 (1) (a)	163
Pt VI	620	(2)	163
Pt VII	544, 621	Sch 1	162
Pt IX	544, 621	Sch 3	163
Sch 5	486, 548, 565	Legal Aid Act 1974 (44 <i>Statutes</i> 103)	
Sch 6	298	s 9	385

	PAGE
Limitation Act 1939 (19 <i>Statutes</i> 60)	
s 6 (1)	284
7 (2)-(4)	284
34-36	284
Limitation Act 1980 (50 (1) <i>Statutes</i> 1253)	48, 396, 628, 631, 655
s 15	340, 344
(2)	342
18 (2)	342
28 (2)	341
32	655
36	578
38	344
40 (2)	92
Sch 1	340, 342, 344
Sch 3	72, 398
Local Government Act 1972 (42 <i>Statutes</i> 841)	204
s 101	214
182	211
Sch 16	211
Local Government and Planning (Amendment) Act 1981	204, 226
Schedule	228, 230
Local Government (Miscellaneous Provisions) Act 1976 (46 <i>Statutes</i> 247)	
s 13	246
Local Government, Planning and Land Act 1980	204, 211
Local Land Charges Act 1975 (45 <i>Statutes</i> 1705)	384
s 1	191, 388
2	191
(a)	388
3 (1)	189
6 (2)	192
7	195
8, 9	194
10	196
(1)	195
(3), (8)	197
16 (1)	189
Sch 1	193
London Building Acts (Amendment) Act 1939 (20 <i>Statutes</i> 136)	513
Married Women's Property Act 1882 (17 <i>Statutes</i> 116)	
s 17	323, 324
Matrimonial Causes Act 1973 (43 <i>Statutes</i> 539)	390
s 23	324
24	86, 324, 325
24A	322, 324
28 (3)	324
37 (2) (b)	86
Matrimonial Causes (Property and Maintenance) Act 1958 (17 <i>Statutes</i> 132)	
s 7 (7)	323
Matrimonial Homes Act 1967 (17 <i>Statutes</i> 139)	68, 69, 154, 384
s 1 (1)	390

	PAGE
Matrimonial Homes Act 1967— <i>contd</i>	
s 1 (2)	155
(5)	390
2	154
(1)	154, 176, 390
(5)	154, 155, 390
(7)	50, 154
(8)	390
4	154
7A	390
Matrimonial Homes and Property Act 1981	322, 324
s 1	154, 390
2	390
4	154
(1)	68
(2)	69
Matrimonial Proceedings and Property Act 1970 (40 <i>Statutes</i> 795)	
s 37	58, 327
38	390
Mental Health Act 1959 (25 <i>Statutes</i> 42):	101
Sch 7	101
Misrepresentation Act 1967 (22 <i>Statutes</i> 675)	172, 182, 184, 594, 655, 657
s 1	185, 187, 594
(b)	599, 644
2	187, 594
(1)	182, 185, 187, 585, 594
(2)	185, 585, 594, 599, 605
(3)	185
3	186, 187, 188, 191, 603, 604, 605
Mortmain and Charitable Uses Act 1888	
s 1	26
Opencast Coal Act 1958 (22 <i>Statutes</i> 472)	193
Perpetuities and Accumulations Act 1964 (25 <i>Statutes</i> 3)	522
s 3	523
(4) (b)	523
(5) (a), (b)	523
8	534
9 (1)	557
11 (1)	551
Powers of Attorney Act 1971 (41 <i>Statutes</i> 2, 2282)	436
s 1	436
(2)	433
2	437
3 (1) (b) (ii)	437
(2)	437
4	438
(1)	438
(2)	438
5	438
(1)	440
(2)	439
(3)	438, 439
(4), (5)	439, 440
7	437
(1), (2)	437
9	437

	PAGE		PAGE
Powers of Attorney Act 1971— <i>contd</i>		Settled Land Act 1925— <i>contd</i>	
§ 9 (3)	433	§ 1 (1) (ii) (d)	99
10 (1)	436	1 (1) (v)	165, 320, 344
Sch 1	436	4 (1)	317
Prescription Act 1832 (9 <i>Statutes</i> 551) .	474	5	318, 319, 359
Protection from Eviction Act 1977 (47		(1)	317
<i>Statutes</i> 661)	556, 661	7 (5)	319
Public Health Act 1936 (26 <i>Statutes</i>		9 (1)	317
189)	191, 192	13	317
§ 60, 75	192	16 (1)	620
295	344	17	320
Public Health Act 1961 (26 <i>Statutes</i> 500):	191	18 (1) (a)	318, 327
Queen Anne's Bounty Act 1838 (10 <i>Stat-</i>		(b)	317
<i>utes</i> 1281)		19 (1)	99
§ 22	504	20 (1) (ix)	320
Race Relations Act 1976 (46 <i>Statutes</i>		21	497
389)		26 (1)	100
§ 24 (1)	312	27 (1)	99, 100
Real Property Act 1845	482	30 (3)	100
§ 2	481, 504	35	297, 319
Rent Act 1968 (18 <i>Statutes</i> 777)	197	(3)	501
Rent Act 1977 (47 <i>Statutes</i> 387) . . .	162, 265,	36 (4)	320
	266, 387	39 (1)	318
Sch 23	193	63	269
Rentcharges Act 1977 (47 <i>Statutes</i>		72 (2)	317
1186)	186, 399, 469, 550	90 (2)	269
§ 2 (1)	343, 345	107 (1)	620
(2)	343	109 (2)	534
(3) (a), (b)	343, 345	110 (1)	318
(c)–(e)	343	(2)	317
3 (1)	343	(d)	319
(3)	344	(5)	319, 335, 361
(4)	343	119 (3)	359
4	344, 347	Sex Discrimination Act 1975 (45 <i>Stat-</i>	
(1)	345, 346, 347	<i>utes</i> 221)	
(3) (a)	347	§ 31 (1)	312
(4)–(6)	347	Stamp Act 1891 (32 <i>Statutes</i> 134) . .	442
5	344, 347	§ 5	502
(5) (a)	347	12 (1)	443
6	344, 347	14	442
7	344	15 (1), (2)	442
(2)–(4), (6)	347	54	21
8	344	55	21
(4)	344	58 (4)	443
9, 10	344	117	164, 442
11	345	Statute De Bigamis (1276)	619
(1) (b)	345	Statute of Enrolments (1535)	3, 482
17 (3)	343	Statute of Frauds (1677) (7 <i>Statutes</i> 6):	116,
Rights of Light Act 1959 (9 <i>Statutes</i> 559):	194		117, 481, 606
Sale of Goods Act 1979 (49 <i>Statutes</i>		§ 1	3
1102)		4	102, 156
§ 12	629	Statute of Uses (1535) (27 <i>Statutes</i> 294):	482,
53 (2)	629		535
Sale of Land by Auction Act 1867 (2		Statute Quia Emptores (1290)	619
<i>Statutes</i> 499)	244	Supreme Court Act 1981	
§ 4–6	244	§ 50	583
School Sites Act 1841 (11 <i>Statutes</i> 380)	483	118	99
§ 10	486	Supreme Court of Judicature Act 1873	
Settled Land Act 1882 (18 <i>Statutes</i> 154)		§ 25 (7)	412
§ 54	318	Tithe Act 1936 (35 <i>Statutes</i> 475) . .	48
Settled Land Act 1925 (30 <i>Statutes</i> 344)	54,	Town and Country Planning Act 1932:	191
	65, 66, 151, 165, 316,		
	326, 360, 497		