

ELIZABETH II



1964 CHAPTER 63

An Act to amend the law with respect to land vested in joint tenants. [31st July 1964]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) For the purposes of section 36(2) of the Law of Assumptions Property Act 1925, as amended by section 7 of and the Schedule to the Law of Property (Amendment) Act 1926, the survivor of two or more joint tenants shall, in favour of a purchaser of the legal estate, be deemed to be solely and beneficially interested if he conveys as beneficial owner or the conveyance includes a statement that he is so interested. on sale of land by survivor of joint tenants. 15 & 16 Geo. 5. c. 20. 16 & 17 Geo. 5. c. 11.

Provided that the foregoing provisions of this subsection shall not apply if, at any time before the date of the conveyance by the survivor—

- (a) a memorandum of severance (that is to say a note or memorandum signed by the joint tenants or one of them and recording that the joint tenancy was severed in equity on a date therein specified) had been endorsed on or annexed to the conveyance by virtue of which the legal estate was vested in the joint tenants; or
- (b) a receiving order in bankruptcy made against any of the joint tenants, or a petition for such an order, had been registered under the Land Charges Act 1925, being an order or petition of which the purchaser has notice, by virtue of the registration, on the date of the conveyance by the survivor. 15 & 16 Geo. 5. c. 22.

(2) The foregoing provisions of this section shall apply with the necessary modifications in relation to a conveyance by the

personal representatives of the survivor of joint tenants as they apply in relation to a conveyance by such a survivor.

Retrospective and transitional provisions.

2. Section 1 of this Act shall be deemed to have come into force on 1st January 1926, and for the purposes of that section in its application to a conveyance executed before the passing of this Act a statement signed by the vendor or by his personal representatives that he was solely and beneficially interested shall be treated as if it had been included in the conveyance.

Exclusion of registered land.

3. This Act shall not apply to any land the title of which has been registered under the provisions of the Land Registration Acts 1925 and 1936.

Short title, construction, citation and extent.

4.—(1) This Act may be cited as the Law of Property (Joint Tenants) Act 1964, and shall be construed as one with the Law of Property Act 1925.

(2) The Law of Property Acts 1925 to 1932, and this Act, may be cited together as the Law of Property Acts 1925 to 1964.

(3) This Act extends to England and Wales only.

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