

CHAPTER 462

THE VENDOR AND PURCHASER (LAND) ACT

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VENDOR AND PURCHASER (LAND)

(7th *December*, 1877.)

7/1877.
32/1956.

1. This Act may be cited as the Vendor and Purchaser (Land) Act. **Short title.**

2. In the completion of any contract of sale of land made after the commencement of this Act, and subject to any stipulation to the contrary in the contract, forty years shall be substituted, as the period of commencement of title which a purchaser may require, in place of sixty years, the present period of such commencement; nevertheless, earlier title than forty years may be required in cases similar to those in which earlier title than sixty years may now be required. **Forty years substituted for sixty years as the root of title.**

Rules for
regulating
obligations and
rights of vendor
and purchaser.

3. In the completion of any such contract as aforesaid, and subject to any stipulation to the contrary in the contract, the obligations and rights of vendor and purchaser shall be regulated by the following rules, that is to say—

(a) Under a contract to grant or assign a term of years, whether derived, or to be derived, out of a freehold or leasehold estate, the intended lessee or assignee shall not be entitled to call for the title to the freehold;

(b) Recitals, statements, and descriptions of facts, matters, and parties, contained in deeds, instruments, Acts of Parliament, or statutory declarations, twenty years old at the date of the contract, shall, unless and except so far as they shall be proved to be inaccurate, be taken to be sufficient evidence of the truth of such facts, matters, and descriptions;

(c) The inability of the vendor to furnish the purchaser with a legal covenant to produce and furnish copies of documents of title shall not be an objection to title in case the purchaser will, on completion of the contract, have an equitable right to the production of such documents;

(d) Such covenants for production as the purchaser can and shall require shall be furnished at his expense, and the vendor shall bear the expense of perusal and execution on behalf of and by himself, and on behalf of and by necessary parties other than the purchaser;

(e) Where the vendor retains any part of an estate to which any documents of title relate, he shall be entitled to retain such documents.

Powers of
trustees.

4. Trustees, who are either vendors or purchasers, may sell or buy without excluding the application of section 3.

Legal personal
representative
may convey legal
estate.

5. The legal personal representative of a mortgagee of a freehold estate may, on payment of all sums secured by the mortgage, convey the mortgaged estate, whether the mortgage be, in form, an assurance subject to redemption, or an assurance upon trust.

6. Upon the death of a bare trustee, intestate as to any corporeal, or incorporeal hereditaments, of which such trustee was seised in fee simple, such hereditaments shall vest, like a chattel real, in the legal personal representative, from time to time, of such trustee.

Bare legal estate to vest in legal personal representative of trustee.

7. When any freehold hereditament shall be vested in a married woman as a bare trustee, she may convey or surrender the same as if she were a *feme sole*.

Married woman who is a bare trustee may convey, &c.

8. After the commencement of this Act, no priority or protection shall be given or allowed to any estate, right, or interest in land, by reason of such estate, right, or interest being protected by, or tacked to, any legal or other estate or interest in such land; and full effect shall be given in every Court to this provision, although the person claiming such priority or protection as aforesaid shall claim as a purchaser for valuable consideration and without notice:

Protection and priority by legal estates and tacking not to be allowed.

Provided always that this section shall not take away from any estate, right, title, or interest any priority or protection which, but for this section, would have been given or allowed thereto as against any estate or interest existing before the commencement of this Act.

9. A vendor or purchaser of real or leasehold estate in Antigua and Barbuda, or their representatives respectively, may, at any time or times and from time to time, apply in a summary way to a Judge in Chambers, in respect of any requisitions or objections, or any claim for compensation, or any other question arising out of, or connected with, the contract (not being a question affecting the existence or validity of the contract), and the Judge shall make such order upon the application as to him shall appear just, and shall order how, and by whom, all or any of the costs of, and incident to, the application shall be borne and paid.

Vendor or purchaser may obtain decision of Judge in Chambers as to requisitions or compensation, &c.