
CHAPTER 154**STATUTE OF FRAUDS**

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ARRANGEMENT OF SECTIONS

SECTION

- Short title.
1. Parol leases and interests of freehold, etc., to have the force of estates at will only.
 2. Except leases not exceeding three years, etc.
 3. No leases or estates of freehold or copyhold, etc., to be granted or surrendered but by writing signed.
 4. No action against executors, etc., upon a special promise, or upon any agreement, or contract for sale of lands, etc., unless agreement, etc., be in writing, and signed.
 7. Declarations or creations of trusts of lands to be in writing signed.
 8. Proviso for trusts arising, transferred or extinguished by implication of law.
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CHAPTER 154

STATUTE OF FRAUDS

An Act for prevention of frauds and perjuries.

[This Act may be cited as the Statute of Frauds.]

1. All leases estates interests of freehold or termes of yeares or any uncertaine interest of in to or out of any messuages mannours lands tenements or hereditaments made or created by livery and seisin onely or by parole and not putt in writeing and signed by the parties soe making or creating the same or their agents thereunto lawfully authorised by writeing, shall have the force and effect of leases or estates at will onely and shall not either in law or equity be deemed or taken to have any other or greater force or effect, any consideration for making any such parole leases or estates or any former law or usage to the contrary notwithstanding.

*29 Cha. 2 c. 3
extended by 2 of
1799
[A.D. 1677]
3 of 2002
Short title.*

Parol leases and interests of freehold, etc., to have the force of estates at will only.

2. Except nevertheless all leases not exceeding the terme of three yeares from the making thereof whereupon the rent reserved to the landlord dureing such terme shall amount unto two third parts at the least of the full improved value of the thing demised.

Except leases not exceeding three years, etc.

3. And moreover that noe leases estates or interests either of freehold or terms of yeares or any uncertaine interest of in to or out of any messuages lands tenements or hereditaments shall at any time be assigned granted or surrendered unlesse it be by deed or note in writeing signed by the party soe assigning granting or surrendring the same or their agents thereunto lawfully authorised by writeing or by act and operation of law.

No leases or estates of freehold or copyhold, etc., to be granted or surrendered but by writing signed.

4. Noe action shall be brought whereby to charge any executor or administrator upon any speciall promise to answere damages out of his owne estate or whereby to charge the defendant upon any speciall promise to answere for the debt default or miscarriages of another person or to charge any person upon any agreement made upon consideration of marriage or upon any contract or sale of lands tenements or hereditaments or any interest in or

No action against executors, etc., upon a special promise, or upon any agreement, or contract for sale of lands, etc., unless agreement, etc., be in writing, and signed.

concerning them or upon any agreement that is not to be performed within the space of one yeare from the making thereof unlesse the agreement upon which such action shall be brought or some memorandum or note thereof shall be in writeing and signed by the partie to be charged therewith or some other person thereunto by him lawfully authorised.

Declarations or creations of trusts of lands to be in writing signed.

7. All declarations or creations of trusts or confidences of any lands tenements or hereditaments shall be manifested and proved by some writeing signed by the partie who is by law enabled to declare such trust or by his last will in writeing or else they shall be utterly void and of none effect.

Proviso for trusts arising, transferred or extinguished by implication of law.

8. Provided alwayes that where any conveyance shall bee made of any lands or tenements by which a trust or confidence shall or may arise or result by the implication or construction of law or bee transferred or extinguished by an act or operation of law then and in every such case such trust or confidence shall be of the like force and effect as the same would have beene if this statute had not beene made. Any thing herein before contained to the contrary notwithstanding.

Assignments of trusts shall be in writing.

9. All grants and assignments of any trust or confidence shall likewise be in writeing signed by the partie granting or assigning the same [or¹] by such last will or devise or else shall likewise be utterly void and of none effect.

Trust shall be assets by descent.

10. And if any *cestuy que* trust hereafter shall dye leaveing a trust in fee simple to descend to his heire, there, and in every such case such trust shall be deemed and taken and is hereby declared to be assets by descent and the heire shall be lyable to and chargeable with the obligation of his auncestors for and by reason of such assets as fully and amply as he might or ought to have beene if the estate in law had descended to him in possession in like manner as the trust descended, any law custome or usage to the contrary in any wise notwithstanding.

¹ interlined on the roll.

11. Provided alwayes that noe heire that shall become chargeable by reason of any estate or trust made assetts in his hands by this Law shall by reason of any kinde of plea or confession of the action or suffering judgment by nient dedire or any other matter bee chargeable to pay the condemnation out of his owne estate but execution shall be sued of the whole estate soe made assetts in his hands by descent in whose hands soever it shall come after the writt purchased in the same manner as it is to be at and by the common law where the heire at law pleading a true plea judgement is prayed against him thereupon. Any thing in this present Act contained to the contrary notwithstanding.

But heir shall not by reason thereof become chargeable of his own estate.

17. And bee it further enacted by the authority aforesaid that the day of the moneth and yeare of the enrollment of the recognisances shall be sett downe in the margent of the roll where the said recognisances are enrolled, and that noe recognisance shall binde any lands tenements or hereditaments in the hands of any purchasor *bona fide* and for valueable consideration but from the time of such enrollment, any law usage or course of any court to the contrary in any wise notwithstanding.

The day of enrolment of recognisances to be set down; and lands in the hands of purchasers bound from that time only.

22. Provided alwayes that notwithstanding this Act any soldier being in actuall military service or any mariner or seaman being at sea may dispose of his movables, wages and personall estate as he or they might have done before the making of this Act.

Proviso for soldiers and mariners wills.

²24.

Husbands not compellable to make distribution of the personal estates of their wives
3 of 2002, s. 29.

² Section 24 has been repealed by section 29 of Act 3 of 2002 only in so far as it applies to deaths occurring after 1st February, 2002. Section 24 originally read as follows: "And for the explaining of one Act of this present Parlyament entituled An Act for the better settleing of intestates estates bee it declared by the authority aforesaid that neither the said Act nor any thing therein contained shall be construed to extend to the estates of *femme-coverts* that shall dye intestate, but that their husbands may demand and shall have administration of their rights credits and other personall estates and recover and enjoy the same as they might have done before the making of the said Act".