



Sequestration Act 1849

1849 CHAPTER 67 12 and 13 Vict

An Act to extend the Remedies of Sequestrators of Ecclesiastical Benefices. [28th July 1849]

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Preamble omitted under authority of [Statute Law Revision Act 1891 \(c. 67\)](#)

Commencement Information

- I1 Act wholly in force at Royal Assent

- [1] **Sequestrator enabled to sue in his own name for tithes, rent, &c. due to incumbent of the benefice sequestered. Nothing to empower sequestrator to bring or take actions except against incumbent, &c. Sequestrator may require indemnity from the creditor, at whose suit the sequestration shall issue.**

[^{F1}Every sequestrator of an ecclesiastical benefice], may and is hereby authorized and empowered, from time to time, to bring and prosecute any action at law or suit in equity or [^{F2}exercise the power under section 72(1) of the Tribunals, Courts and Enforcement Act 2007 (commercial rent arrears recovery)], or take any other proceeding, in his own name as the sequestrator of such benefice, without further description, for the recovery of any tithes, tithe rent-charge, tithe composition or substitution, obvention, pension, portion, or other payment for or in the nature or in lieu of tithe, or any other rent or annual sum, dues, or fees payable to the incumbent of such benefice, or of any messuages, lands, tenements, or hereditaments subject to such sequestration, or of any rent due or payment reserved or made payable to the incumbent of such benefice under any lease of or covenant or agreement to let any such messuages, lands, tenements, or hereditaments, tithes, tithe rent-charge, or other parcel of the benefice to which the [^{F3}sequestration] relates: Provided always, that nothing herein contained shall be construed to empower the sequestrator of any benefice to bring, prosecute, ^{F4}..., or take any action, suit, ^{F4}..., or other proceeding, by virtue of this Act, except against the incumbent of such benefice, which might not lawfully have been brought, prosecuted,

Changes to legislation: There are currently no known outstanding effects for the Sequestration Act 1849. (See end of Document for details)

^{F5} ..., or taken by the incumbent of such benefice, if such benefice had not been under sequestration: ^{F6} ...

Textual Amendments

- F1** Words in s. 1 expressed to be inserted (Provinces of Canterbury and York except Channel Islands and Isle of Man) (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\)](#), s. 17(1), [Sch. 3 para. 2\(a\)](#); [Instrument made by Archbishops of Canterbury and York dated 27.5.1992](#).
- F2** Words in s. 1 substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 14 para. 12\(2\)](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F3** Word in s. 1 expressed to be inserted (Provinces of Canterbury and York except Channel Islands and Isle of Man) (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\)](#), s. 17(1), [Sch. 3 para. 2\(b\)](#); [Instrument made by Archbishops of Canterbury and York dated 27.5.1992](#).
- F4** Words in s. 1 repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 14 para. 12\(3\)](#), [Sch. 23 Pt. 4](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F5** Word in s. 1 repealed (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 14 para. 12\(4\)](#), [Sch. 23 Pt. 4](#) (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F6** Words in s. 1 repealed (Provinces of Canterbury and York except Channel Islands and Isle of Man) (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\)](#), s. 17(2), [Sch. 4 Pt.II](#); [Instrument made by Archbishops of Canterbury and York dated 27.5.1992](#)

2 All payments under the Act to be deemed profits of the benefice.

The payment or render to such sequestrator lawfully entitled, with or without suit, by the party thereunto liable, of any such tithe, tithe rent-charge, tithe composition or substitution, rent, dues, fees, or payment, shall effectually discharge the party making the same from all liability to the incumbent of such benefice in respect thereof; and such sequestrator shall and may apply and shall account for the monies received or arising under or by virtue of any such render, payment, or recovery, in like manner as other goods and profits of the benefice liable to sequestration: Provided always, that nothing herein contained shall make any alteration in the law respecting the application of the money received by a sequestrator, or the security to be given by him for his duly accounting for the same.

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Textual Amendments

- F7** [S. 3](#) repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

Changes to legislation:

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