Tithe Act 1836

1836 CHAPTER 71 6 and 7 Will 4

An Act for the commutation of tithes in England and Wales. [13th August 1836]

Modifications etc. (not altering text)

C1 Short title "The Tithe Act 1836" given by Short Titles Act 1896 (c. 14)

C2 Act amended by Tithe Act 1839 (c. 62), Tithe Act 1842 (c. 54), Tithe Act 1860 (c. 93), Tithe Act 1878 (c. 42), Tithe Act 1891 (c. 8) and Tithe Act 1918 (c. 54)

C3 Functions of Commissioners (Tithe Commissioners for England and Wales) now exercisable by Minister of Agriculture, Fisheries and Food: Settled Land Act 1882 (c. 38), **s. 48(1)**, Board of Agriculture Act 1889 (c. 30), s. 2(1)(b), **Sch. 1**, Ministry of Agriculture and Fisheries Act 1919 (c. 91), **s. 1** and S.I. 1955/554 (1955 I, p. 1200)

C4 Preamble omitted under authority of Statute Law Revision (No. 2) Act 1890 (c. 51)

C5 Certain words of enactment repealed by Statute Law Revision (No. 2) Act 1888 (c. 57) and remainder omitted under authority of Statute Law Revision Act 1948 (c. 62), **s. 3**

C6 Poor Relief Act 1662 cited or referred to by its short title under authority of Statute Law Revision Act 1893 (c. 14), **s. 3**

1 . . . . . **F1**

Textual Amendments

F1 Ss. 1, 4–9, 11, 25, 92, 97 repealed by Statute Law Revision Act 1874 (c. 35)

2 . . . . . **F2**

Textual Amendments

F2 S. 2 repealed by Board of Agriculture Act 1889 (c. 30), **Sch. 2**

3 . . . . . [F3]

Textual Amendments

F3 Ss. 3, 10, 13–16, 30, 31, 68 repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

4—9. . . . . . [F4]

Textual Amendments

F4 Ss. 1, 4–9, 11, 25, 92, 97 repealed by Statute Law Revision Act 1874 (c. 35)

10 . . . . . [F5]

Textual Amendments

F5 Ss. 3, 10, 13–16, 30, 31, 68 repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

11 . . . . . [F6]

Textual Amendments

F6 Ss. 1, 4–9, 11, 25, 92, 97 repealed by Statute Law Revision Act 1874 (c. 35)

12 Meaning of the words "person," "lands," "tithes," "parish," "parochial," "landowner," "tithe owner," as used in this Act.

In the construction and for the purposes of this Act, unless there be something in the subject or context repugnant to such construction, the word "person" shall mean and include the King's Majesty, and any body corporate, aggregate, or sole, as well as an individual; and any word importing the singular number only shall mean and include several persons or parties as well as one person or party, and several things as well as one thing respectively, and the converse; and any word importing the masculine gender only shall mean and include a female as well as a male; and the word "lands" shall mean and include all messuages, lands, tenements, and hereditaments; and the words "tithes" shall mean and include all uncommuted tithes, portions and parcels of tithes, and all moduses, compositions real, and prescriptive and customary payments; and the word "parish" and "parochial" shall mean and include and extend to every parish and every extra-parochial place, and every township or village, within which overseers of the poor are separately appointed under the provisions of the [M1]Poor Relief Act, 1662, and every district of which the tithes are payable under a separate impropriation or appropriation, or in a separate portion or parcel, or which the commissioners shall by any order direct to be considered as a separate district for the commutation of tithes; and the words "land owner" or "tithe owner" or "owner of lands" or "owner of tithes" shall mean and include every person who shall be in the actual possession or receipt

of the rents or profits of any lands or tithes, (except any tenant for life or lives, or for years, holding under a lease or agreement for a lease on which a rent of not less than two thirds of the clear yearly value of the premises comprised therein shall have been reserved, and except any tenant for years whatsoever holding under a lease or agreement for a lease for a term which shall not have exceeded fourteen years from the commencement thereof,) and that without regard to the real amount of interest of such person; and in every case in which any tithes or lands shall have been leased or agreed to be leased to any person for life or lives, or for years, by any lease or agreement for a lease on which a rent less than two thirds of the clear yearly value of the premises comprised therein shall have been reserved, and of which the term shall have exceeded fourteen years from the commencement thereof, the person who shall for the time being be in the actual receipt of the rent reserved upon such lease or agreement for a lease shall, jointly with the person who shall be liable to the payment of such rent of such tithes or lands, be deemed for the purposes of this Act to be owner of such tithes or lands; and in every case in which any person shall be in possession or receipt of the rents or profits of any tithes or lands under any sequestration, extent, elegit, or other writ of execution, or as a receiver under any order of a court of equity, the person against whom such writ shall have issued, or who but for such order would have been in possession, shall, jointly with the person in possession by virtue of such writ or order, be deemed for the purposes of this Act to be the owner of such tithes or lands.

Modifications etc. (not altering text)

C7 Functions of overseers now generally exercisable in City of London by Common Council and elsewhere by rating authorities: City of London (Union of Parishes) Act 1907 (c. cxl, SIF 103:1), s. 11, London Government Act 1899 (c. 14), **s. 11(1)**, Rating and Valuation Act 1925 (c. 90, SIF 103:1), **s. 62(1)**, S. R. & O. 1927/55 (Rev. XIX, p. 599; 1927, p. 964), London Government Act 1963 (c. 33, SIF 81:1), **s. 63(1)** and General Rate Act 1967 (c. 9, SIF 103:1), **s. 1(1)**

Marginal Citations

M1 1662 c. 12.

13—16. . . . . . F7

Textual Amendments

F7 Ss. 3, 10, 13–16, 30, 31, 68 repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

17—24. . . . . . F8

Textual Amendments

F8 Ss. 17–24, 26–28, 32–55, 59–61, 63, 65, 79, 88, 89 repealed by Statute Law Revision Act 1890 (c. 33) and Tithe Act 1951 (c. 62), **s. 10(1)**(*a*)

25 . . . . . F9

Textual Amendments

F9 Ss. 1, 4–9, 11, 25, 92, 97 repealed by Statute Law Revision Act 1874 (c. 35)

26—28. . . . . . F10

Textual Amendments

F10 Ss. 17–24, 26–28, 32–55, 59–61, 63, 65, 79, 88, 89 repealed by Statute Law Revision Act 1890 (c. 33) and Tithe Act 1951 (c. 62), **s. 10(1)**(*a*)

29 . . . . . F11

Textual Amendments

F11 Ss. 29, 67, repealed by Statute Law Revision Act 1890 (c. 33), Tithe Act 1951 (c. 62), **s. 10(1)**(*a*) and Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

30, 31. . . . . . F12

Textual Amendments

F12 Ss. 3, 10, 13–16, 30, 31, 68 repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

32—55. . . . . . F13

Textual Amendments

F13 Ss. 17–24, 26–28, 32–55, 59–61, 63, 65, 79, 88, 89 repealed by Statute Law Revision Act 1890 (c. 33) and Tithe Act 1951 (c. 62), **s. 10(1)**(*a*)

56 . . . . . F14

Textual Amendments

F14 S. 56 repealed by Corn Returns Act 1882 (c. 37), **Sch.**

57 . . . . . F15

Textual Amendments

F15 Ss. 57, 62, repealed by Tithe Act 1936 (c. 43), ss. 1, 48(3), **Sch. 9** and Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

[F16]58 . . . . . .

Textual Amendments

F16 Whole Act except ss. 12, 64 and 96 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

59—61. . . . . . [F17]

Textual Amendments

F17 Ss. 17–24, 26–28, 32–55, 59–61, 63, 65, 79, 88, 89 repealed by Statute Law Revision Act 1890 (c. 33) and Tithe Act 1951 (c. 62), **s. 10(1)**(*a*)

62 . . . . . [F18]

Textual Amendments

F18 Ss. 57, 62, repealed by Tithe Act 1936 (c. 43), ss. 1, 48(3), **Sch. 9** and Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

63 . . . . . [F19]

Textual Amendments

F19 Ss. 17–24, 26–28, 32–55, 59–61, 63, 65, 79, 88, 89 repealed by Statute Law Revision Act 1890 (c. 33) and Tithe Act 1951 (c. 62), **s. 10(1)**(*a*)

64 Transcripts of the award to be sent to the registrar of the diocese and to the incumbent and churchwardens.

Two copies of every confirmed instrument of apportionment, and of every confirmed agreement for giving land instead of any tithes or rent-charge, shall be made and sealed with the seal of the said commissioners, and one such copy shall be deposited in the registry of the diocese within which the parish is situated, to be there kept among the records of the said registry, and the other copy shall be deposited with the incumbent and church or chapel wardens of the parish for the time being, or such other fit persons as the commissioners shall approve, to be kept by them and their successors in office with the public books, writings, and papers of the parish, and all persons interested

therein may have access to and be furnished with copies of or extracts from any such copy on giving reasonable notice to the person having custody of the same, . . . [F20]; and every recital or statement in or map or plan annexed to such confirmed apportionment or agreement for giving land, or any sealed copy thereof, shall be deemed satisfactory evidence of the matters therein recited or stated, or of the accuracy of such plan.

Textual Amendments

F20 Words repealed by Ecclesiastical Fees Measure 1962 (No. 1), s. 8(1), **Sch. Pt. I**

65 . . . . . [F21]

Textual Amendments

F21 Ss. 17–24, 26–28, 32–55, 59–61, 63, 65, 79, 88, 89 repealed by Statute Law Revision Act 1890 (c. 33) and Tithe Act 1951 (c. 62), **s. 10(1)**(*a*)

[F22]**66** . . . . . .

Textual Amendments

F22 Whole Act except ss. 12, 64 and 96 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

67 . . . . . [F23]

Textual Amendments

F23 Ss. 29, 67, repealed by Statute Law Revision Act 1890 (c. 33), Tithe Act 1951 (c. 62), **s. 10(1)**(*a*) and Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

68 . . . . . [F24]

Textual Amendments

F24 Ss. 3, 10, 13–16, 30, 31, 68 repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

69 . . . . . [F25]

Textual Amendments

F25 S. 69 repealed by Local Government Act 1966 (c. 42), s. 38(1)(2), **Sch. 6 Pt. III**

70 . . . . . [F26]

Textual Amendments

F26 S. 70 repealed by Statute Law Revision Act 1891 (c. 67)

[F27]**71** . . . . . .

Textual Amendments

F27 Whole Act except ss. 12, 64 and 96 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

[F28]**72** . . . . . .

Textual Amendments

F28 Whole Act except ss. 12, 64 and 96 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

[F29]**73** . . . . . .

Textual Amendments

F29 Whole Act except ss. 12, 64 and 96 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

[F30]**74** . . . . . .

Textual Amendments

F30 Whole Act except ss. 12, 64 and 96 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

[F31]**75** . . . . . .

Textual Amendments

F31 Whole Act except ss. 12, 64 and 96 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

[F32]**76** . . . . . .

Textual Amendments

F32 Whole Act except ss. 12, 64 and 96 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

[F33]77 . . . . . .

Textual Amendments

F33 Whole Act except ss. 12, 64 and 96 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

[F34]78 . . . . . .

Textual Amendments

F34 Whole Act except ss. 12, 64 and 96 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

79 . . . . . [F35]

Textual Amendments

F35 Ss. 17–24, 26–28, 32–55, 59–61, 63, 65, 79, 88, 89 repealed by Statute Law Revision Act 1890 (c. 33) and Tithe Act 1951 (c. 62), **s. 10(1)**(*a*)

[F36]80 . . . . . .

Textual Amendments

F36 Whole Act except ss. 12, 64 and 96 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

[F37]81 . . . . . .

Textual Amendments

F37 Whole Act except ss. 12, 64 and 96 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

[F38]82 . . . . . .

Textual Amendments

F38 Whole Act except ss. 12, 64 and 96 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

[F39]83 . . . . . .

Textual Amendments

F39 Whole Act except ss. 12, 64 and 96 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

84 . . . . . .[F40]

Textual Amendments

F40 S. 84 repealed by Tithe Act 1891 (c. 8), **s. 11**

[F41]85 . . . . . .

Textual Amendments

F41 Whole Act except ss. 12, 64 and 96 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

[F42]86 . . . . . .

Textual Amendments

F42 Whole Act except ss. 12, 64 and 96 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

[F43]87 . . . . . .

Textual Amendments

F43 Whole Act except ss. 12, 64 and 96 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

88, 89. . . . . . .[F44]

Textual Amendments

F44 Ss. 17–24, 26–28, 32–55, 59–61, 63, 65, 79, 88, 89 repealed by Statute Law Revision Act 1890 (c. 33) and Tithe Act 1951 (c. 62), **s. 10(1)**(*a*)

[F45]90 . . . . . .

Textual Amendments

F45 Whole Act except ss. 12, 64 and 96 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

[F46]91 . . . . . .

Textual Amendments

F46 Whole Act except ss. 12, 64 and 96 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

92 . . . . . [F47]

Textual Amendments

F47 Ss. 1, 4–9, 11, 25, 92, 97 repealed by Statute Law Revision Act 1874 (c. 35)

93 . . . . . [F48]

Textual Amendments

F48 S. 93 repealed by Perjury Act 1911 (c. 6), **Sch.** and Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

94 . . . . . [F49]

Textual Amendments

F49 S. 94 repealed by Public Authorities Protection Act 1893 (c. 61), **s. 2**

[F50]95 . . . . . .

Textual Amendments

F50 Whole Act except ss. 12, 64 and 96 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

96 **Limits of Act.**

This Act shall extend only to England and Wales.

97 . . . . . [F51]

Textual Amendments

F51 Ss. 1, 4–9, 11, 25, 92, 97 repealed by Statute Law Revision Act 1874 (c. 35)

Changes to legislation:
There are currently no known outstanding effects for the Tithe Act 1836.