



Charities Act 1960

1960 CHAPTER 58

PART III

APPLICATION OF PROPERTY CY-PRÈS, AND ASSISTANCE AND SUPERVISION OF CHARITIES BY COURT AND CENTRAL AUTHORITIES

Miscellaneous powers of Commissioners and Minister

27 Powers for recovery or redemption of charity rentcharges

- (1) Where it appears to the Commissioners that a charity is entitled to receive a rentcharge issuing out of any land, or out of the rents, profits or other income of any land, they may take legal proceedings on behalf of the charity for recovering the rentcharge or compelling payment.
- (2) Where a charity is entitled to receive a rentcharge issuing out of any land, the Commissioners may give to the estate owner in respect of the fee simple in the land (or, if the rentcharge is payable in respect of an estate for a term of years, then to the estate owner in respect of that estate) a notice to treat with the charity trustees for the redemption of the rent-charge.
- (3) Where a notice to treat is given under subsection (2) above in respect of any land, and the rentcharge is still subsisting at the expiration of ten years from the date on which the notice is given, then (subject to the provisions of this section) the person who is then the estate owner in respect of the relevant estate in the land shall be liable to pay the redemption price to the charity or to the person entitled to receive it as trustee for the charity, and on payment or tender of the redemption price shall be entitled to a proper and effective release of the rentcharge (or, if he has so requested, a proper and effective transfer of it to a person nominated by him).
- (4) For the purposes of subsection (3) above the redemption price for a rentcharge shall be such as may be determined in accordance with regulations made by the Treasury.
- (5) Proceedings for the recovery of sums due under subsection (3) above may be taken by the Commissioners on behalf of the charity.

Status: This is the original version (as it was originally enacted).

- (6) Where an estate owner of land liable to a rentcharge has by law or by contract any right of indemnity or contribution in respect of the rentcharge against any person or property, then on his redeeming the rentcharge in accordance with subsection (3) above he shall have the like right of indemnity or contribution in respect of the redemption price.
- (7) For the purposes of the Land Charges Act, 1925, and of the Land Registration Act, 1925, a notice to treat under this section shall be treated as a land charge affecting the estate of the estate owner to whom it is given, and those Acts shall apply to the notice to treat as they apply to an estate contract.
- (8) Where an estate owner of land liable to a rentcharge pays it through an agent, a notice to treat under this section, if given to the agent on behalf of the estate owner, shall for the purposes of this section be deemed to be given to the estate owner, notwithstanding that the agent's authority from the estate owner does not extend to accepting the notice on his behalf.
- (9) This section shall apply to any periodical payment other than rent incident to a reversion as it applies to a rentcharge.