

SCHEDULES.

THIRTEENTH SCHEDULE

COMPENSATION FOR EXTINGUISHMENT OF MANORIAL INCIDENTS.

Section 139.

PART II

SCALE OF COMPENSATION FOR EXTINGUISHMENT OF MANORIAL INCIDENTS.

Fines Arbitrary.

- 1 In fine arbitrary cases where a fine is payable on alienation by, as well as on the death of, a tenant, the compensation for fines shall not exceed the number of years' annual value of the land according to the age of the tenant as set forth in the table annexed to this schedule.
- 2 The table is calculated on the principle that a fine based on two years' annual value is payable on each change of tenancy ; therefore, in those manors in which the customary fine on alienation by, or on the death of, a tenant, is based on more or less than two years' annual value, a proportionate increase or reduction shall be made in the amount of the compensation,
- 3 In estimating the annual value of the land, no deduction shall be made for land tax or landlord's property tax, but the quit rent shall be deducted, and, where there are buildings, allowance shall be made for keeping the buildings in repair. In default of agreement the gross annual value of the land as separately assessed for the purposes of Schedule A. of the Income Tax Act, shall (save as hereinafter provided and unless the Minister for any special reason otherwise directs) be used as the basis for ascertaining the annual value : Provided that either party may in any case require the annual value to be assessed by an agreed valuer or by a valuer appointed by the Minister.
- 4 Where there are facilities for improvement or the land has a present or prospective building value, one twentieth part of the capital value of the land as freehold to be determined (in default of agreement) by a valuer appointed by the Minister, shall be used as a basis for ascertaining the annual value.

Fines Certain.

- 5 In fine certain cases where a fine is payable on alienation by, as well as on the death of, a tenant, the compensation for fines shall be calculated by multiplying the amount of the fine by one half of the number of years' purchase given in the table according to the age of the tenant.

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Reliefs.

- 6 The amount of compensation for a relief shall be calculated in like manner as a fine certain.

Heriots.

- 7 The compensation for a heriot payable on alienation by, as well as on the death of, a tenant, shall be calculated by multiplying the value of the heriot by one half of the number of years' purchase given in the table according to the age of the tenant.
- 8 The value of a heriot shall be ascertained from the average value of the last three heriots taken or paid in respect of the land enfranchised. If that information cannot be obtained without undue expense the following circumstances shall be taken into account in fixing the value of the heriot, namely, the nature of the heriot, the character and value of the land, the condition in life of the tenant, and whether the heriot can be seized without as well as within the manor.

When Fine or Heriot payable only on one of the Events of Alienation or Death.

- 9 The table being calculated on the assumption that fines and heriots are payable both on alienation inter vivos by a tenant and on his death, when a fine, whether arbitrary or certain or a heriot, is payable only on one of those events, then only one half of the compensation calculated as previously directed shall be given.

When Fine or Heriot payable on Death of Lord.

- 10 In manors in which fines or heriots are payable on the death of the lord, as well as on alienation by, or on the death of, a tenant, the compensation on the extinguishment of manorial incidents shall be increased according to the nature and amount of the customary fine or heriot payable in the manor on the death of the lord.

Quit Rents and other Annual Payments.

- 11 The compensation for quit rents, free rents, and other annual rents, services, or payments, shall be calculated at 20 years' purchase.

Timber.

- 12 Compensation for timber shall be ascertained as follows :—Where by a special custom of the manor the lord can enter upon the land, and cut and carry away the timber -without the consent of the tenant, its whole value, after making a sufficient allowance for repairs, shall be given to the lord. But where there is no special custom, so that the ordinary law of copyholds is applicable and therefore the lord cannot enter and cut without the consent of the tenant, one half only of its value, after making a sufficient allowance for repairs, shall be given. If there be any other special custom in the manor relating to timber, such custom shall be regarded.

Other Incidents.

- 13 The compensation for all incidents of copyhold tenure extinguished or not saved by virtue of this Act and not otherwise provided for shall be 20 per cent. of the annual value of the land ascertained as provided in paragraphs 3 and 4.

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This paragraph extends to forfeitures, whether or not for the conveyance or attempted conveyance of an estate of freehold in the land or for alienation without licence by way of sale, lease, mortgage, or otherwise:

Provided that, where by the custom of the manor the tenant has an unrestricted right of demising and otherwise dealing with the land without the licence of the lord, no compensation shall be payable under this paragraph unless the Minister otherwise determines; and where the unrestricted right relates to part only of the land the compensation shall be adjusted accordingly.

Perpetually Renewable Copyholds.

- 14 In the case of perpetually renewable copyhold land the compensation for the extinguishment of the manorial incidents payable on renewal shall be 20 years purchase of the yearly rent (including additional rent) which would have been payable under the 15th Schedule to this Act if that Schedule were applicable, and until the incidents are extinguished the said rent (including as aforesaid) shall be payable as a quit or free rent in respect of the land, and except in so far as the same shall have been paid shall be added to the compensation.

Escheat and other Rights reserved.

- 15 The right of escheat being abolished for the benefit of the Crown, or the Duchy of Lancaster or the Duke of Cornwall, its value is not to be taken into consideration.
- If any rights reserved to the lord by the Twelfth Schedule to this Act are acquired by the tenant, the amount of the compensation therefor shall be ascertained by agreement.

When Land held by joint Tenants or on behalf of Tenants in common.

- 16 In the case of an extinguishment of manorial incidents by joint tenants, the compensation for fines, and heriots, if any, shall be based upon such a single life as may be equivalent to the expectation of survivorship of the joint lives according to the rules and tables appended to the Succession Duty Act, 1853. This provision shall apply to an extinguishment of manorial incidents by trustees for sale (whose expectation of survivorship shall be taken into account) on behalf of persons interested as co-parceners or tenants in common in the net proceeds of sale.

Interest.

- 17 Interest shall be payable half-yearly on the amount of the compensation at the rate of five and a half pounds per cent. per annum from the date of the agreement or notice requiring the ascertainment of the compensation to the date of payment of the compensation, unless the compensation is paid by way of an annual terminable rentcharge under this Act.

Date of Computation.

- 18 The value of any matter to be taken into account in ascertaining the compensation payable shall be calculated as at the date of the extinguishment. Table referred to in the foregoing: Schedule, providing a Scale of Compensation for Extinguishment of Manorial Incidents.

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Age of Tenant.	Number of Years' Purchase.
5 or under }	1.06
6	1.09
7	1.11
8	1.14
9	1.16
10	1.19
11	1.21
12	1.24
13	1.26
14	1.29
15	1.31
16	1.34
17	1.37
18	1.39
19	1.42
20	1.45
21	1.48
22	1.51
23	1.53
24	1.56
25	1.59
26	1.62
27	1.65
28	1.68
29	1.71
30	1.74
31	1.77
32	1.80
33	1.83
34	1.86
35	1.90

In constructing this Table a fine arbitrary on admission has been taken as based on two years' annual value, and whilst the average fine interval has been assumed to be 14 years, regard has been had to the age of the tenant.

Where the enfranchised land is by this Act made to vest in a corporation the same compensation shall be payable as if 40 years were the age of the tenant.

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Age of Tenant.	Number of Years' Purchase.
36	1.93
37	1.96
38	2.00
39	2.03
40	2.07
41	2.10
42	2.14
43	2.17
44	2.21
45	2.25
46	2.29
47	2.33
48	2.36
49	2.40
50	2.44
51	2.48
52	2.52
53	2.56
54	2.60
55	2.65
56	2.69
57	2.73
58	2.77
59	2.81
60	2.85
61	2.89
62	2.93
63	2.97
64	3.01
65	3.05
66	3.09

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Age of Tenant.	Number of Years' Purchase.
67	3.13
68	3.17
69	3.20
70	3.24
71	3.28
72	3.31
73	3.35
74	3.38
75	3.41
76	3.45
77	3.48
78	3.51
79	3.54
80	3.56
81	3.59
82	3.62
83	3.64
84	3.67
85	3.69
86	3.71
87	3.73
88	3.75
89	3.77
90	3.79
91	3.80
92	3.82
93	3.83
94	3.85
95	3.86
96	3.87
97	3.89

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Age of Tenant.	Number of Years' Purchase.
98	3.90
99	3.91
100	3.92
101	3.93
102	3.94
103 or upwards }	3.96

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Where the enfranchised land is by this Act made to vest in a corporation the same compensation shall be payable as if 40 years were the age of the tenant.