



Tithe Act 1936

1936 CHAPTER 43 26 Geo 5 and 1 Edw 8

PART I

EXTINGUISHMENT OF TITHE RENTCHARGE, COMPENSATION OF OWNERS THEREOF AND LIABILITIES OF LANDOWNERS

Extinguishment, Compensation by issue of Stock, Charge of Redemption Annuities

1 Extinguishment of tithe rentcharge.

Subject to the provisions of this Act, all tithe rentcharge shall be extinguished on the second day of October, nineteen hundred and thirty-six (in this Act referred to as “the appointed day” and accordingly as from that day the land out of which any tithe rentcharge issued immediately before that day shall be absolutely discharged and freed therefrom.

- 2 ^{F1}(1)
- ^{F2}(2)
- ^{F2}(3)

Textual Amendments

- F1** Ss. 2(1), 7, 31(7), Sch. 7 Pt. I para. 3(a), Pt. II, Pt. III para. 2 repealed by Finance Act 1989 (c. 26, SIF 63:2, 98:5, 99:3), s. 187(2), **Sch. 17**, Pt. XIV
- F2** Ss. 2(2)(3), 6(1)(2), 8, 22, 23, 31(6), Sch. 3 Pt. I, Sch. 8 paras. 2–4, 6, 7 repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

^{F3}3

Status: Point in time view as at 01/02/1991.

*Changes to legislation: There are currently no known outstanding
 effects for the Tithe Act 1936, Part I. (See end of Document for details)*

Textual Amendments

- F3** Ss. 3, 4(2)(b), 10, 11, 12(1), 13(3)(4)(7)–(9)(11), 15, 16(1)–(3)(7), 17, 29, 34 repealed by [Finance Act 1977](#) (c. 36, SIF 98:5), s. 59(5), **Sch. 9 Pt. V**

Establishment of Commission and Delivery of Information as to Rentcharges

Modifications etc. (not altering text)

- C1** Functions of Tithe Redemption Commission now exercisable by Commissioners of Inland Revenue: [S.I. 1959/1971](#) (1959 II, p. 2618)
- C2** Style and title of Minister of Agriculture and Fisheries now changed to Minister of Agriculture, Fisheries and Food by [S.I. 1955/554](#) (1955 I, p. 1200)

4 Tithe Redemption Commission.

- (1) There shall be established for the purposes of this Act a Commission to be called the “Tithe Redemption Commission” (in this Act referred to as “the Commission”), consisting of a chairman and not more than four other commissioners appointed by the Treasury after consultation with the Minister of Agriculture and Fisheries (in this Act referred to as “the Minister”).
- (2) It shall be the duty of the Commission, subject to and in accordance with the provisions of this Act—
 - (a) to determine what tithe rentcharges have been extinguished by this Act, . . . ^{F4}
 - (b) ^{F5}
- (3) The expenses incurred by the Commission in the performance of their functions under this Act, to such amount as may be approved by the Treasury, shall be defrayed out of moneys provided by Parliament.
- (4) The provisions of the Second Schedule to this Act shall have effect with respect to the constitution, procedure, staff and expenses of the Commission.

Textual Amendments

- F4** Words repealed by [Finance Act 1989](#) (c. 26, SIF 63:2, 98:5, 99:3), s. 187(2), **Sch. 17**, Pt. XIV
- F5** Ss. 3, 4(2)(b), 10, 11, 12(1), 13(3)(4)(7)–(9)(11), 15, 16(1)–(3)(7), 17, 29, 34 repealed by [Finance Act 1977](#) (c. 36, SIF 98:5), s. 59(5), **Sch. 9 Pt. V**

^{F6}5

Textual Amendments

- F6** S. 5 repealed by [Statute Law Revision Act 1953](#) (2 & 3 Eliz. 2 c. 5) and [Tithe Act 1951](#) (c. 62), **Sch. 2**

Status: Point in time view as at 01/02/1991.
Changes to legislation: There are currently no known outstanding effects for the Tithe Act 1936, Part I. (See end of Document for details)

6 Documents to be placed at disposal of the Commission.

- (1) F7
- (2) F7
- (3) As soon as may be after the commencement of this Act, the Minister shall place at the disposal of the Commission all instruments of apportionment in his custody or control and all such other documents relating to tithe rentcharge in his custody or control as ought in his opinion to be so placed.
- (4) Any person having in his custody or control a sealed copy made pursuant to the Tithe Acts of an instrument of apportionment shall place it at the disposal of the Commission on being required by them so to do.

Textual Amendments

F7 Ss. 2(2)(3), 6(1)(2), 8, 22, 23, 31(6), Sch. 3 Pt. I, Sch. 8 paras. 2–4, 6, 7 repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

Stock

F87

Textual Amendments

F8 Ss. 2(1), 7, 31(7), Sch. 7 Pt. I para. 3(a), Pt. II, Pt.III para. 2 repealed by Finance Act 1989 (c. 26, SIF 63:2, 98:5, 99:3), s. 187(2), Sch. 17, Pt. XIV

F98

Textual Amendments

F9 Ss. 2(2)(3), 6(1)(2), 8, 22, 23, 31(6), Sch. 3 Pt. I, Sch. 8 paras. 2–4, 6, 7 repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

Annuities

F109

Textual Amendments

F10 S. 9 repealed by Tithe Act 1951 (c. 62), s. 1(1), Sch. 2

F1110

Status: Point in time view as at 01/02/1991.

*Changes to legislation: There are currently no known outstanding
 effects for the Tithe Act 1936, Part I. (See end of Document for details)*

Textual Amendments

F11 Ss. 3, 4(2)(b), 10, 11, 12(1), 13(3)(4)(7)–(9)(11), 15, 16(1)–(3)(7), 17, 29, 34 repealed by [Finance Act 1977](#) (c. 36, SIF 98:5), s. 59(5), [Sch. 9 Pt. V](#)

F12 **11**

Textual Amendments

F12 Ss. 3, 4(2)(b), 10, 11, 12(1), 13(3)(4)(7)–(9)(11), 15, 16(1)–(3)(7), 17, 29, 34 repealed by [Finance Act 1977](#) (c. 36, SIF 98:5), s. 59(5), [Sch. 9 Pt. V](#)

12 **F13**(1)
F14(2)

Textual Amendments

F13 Ss. 3, 4(2)(b), 10, 11, 12(1), 13(3)(4)(7)–(9)(11), 15, 16(1)–(3)(7), 17, 29, 34 repealed by [Finance Act 1977](#) (c. 36, SIF 98:5), s. 59(5), [Sch. 9 Pt. V](#)
F14 Ss. 12(2)–(6), 18–20, 39(4), 42(2), 43, 45 repealed by [Tithe Act 1951](#) (c. 62), [Sch. 2](#)

13 **F15**(1)
F16(3)
F17(5)
F16(7)
F18(10)
F16(11)

Textual Amendments

F15 S. 13(1)(2) repealed by [Finance Act 1958](#) (c. 56), [Sch. 9 Pt. IV](#)
F16 Ss. 3, 4(2)(b), 10, 11, 12(1), 13(3)(4)(7)–(9)(11), 15, 16(1)–(3)(7), 17, 29, 34 repealed by [Finance Act 1977](#) (c. 36, SIF 98:5), s. 59(5), [Sch. 9 Pt. V](#)
F17 S. 13(5)(6) repealed by [Income Tax Act 1952](#) (c. 10), [Sch. 25](#)
F18 S. 13(10) repealed by [Land Charges Act 1972](#) (c. 61, SIF 98:2), s. 18, [Sch. 5](#)

F19 **14**

*Status: Point in time view as at 01/02/1991.**Changes to legislation: There are currently no known outstanding effects for the Tithe Act 1936, Part I. (See end of Document for details)***Textual Amendments****F19** S. 14, Sch.4 repealed by Finance Act 1963 (c. 25), **Sch. 13 Pt. IV****F20** **14A****Textual Amendments****F20** S.14A repealed by Statute Law (Repeals) Act 1975 (c. 10), s. 1, **Sch. Pt. XIII****F21** **15****Textual Amendments****F21** Ss. 3, 4(2)(b), 10, 11, 12(1), 13(3)(4)(7)–(9)(11), 15, 16(1)–(3)(7), 17, 29, 34 repealed by Finance Act 1977 (c. 36, SIF 98:5), s. 59(5), **Sch. 9 Pt. V**

16 **F22**(1)

F23(4)

F22(7)

F23(8)

Textual Amendments**F22** Ss. 3, 4(2)(b), 10, 11, 12(1), 13(3)(4)(7)–(9)(11), 15, 16(1)–(3)(7), 17, 29, 34 repealed by Finance Act 1977 (c. 36, SIF 98:5), s. 59(5), **Sch. 9 Pt. V****F23** Ss. 16(4)–(6)(8) repealed by Tithe Act 1951 (c. 62), s. 11(6), **Sch. 2****F24** **17****Textual Amendments****F24** Ss. 3, 4(2)(b), 10, 11, 12(1), 13(3)(4)(7)–(9)(11), 15, 16(1)–(3)(7), 17, 29, 34 repealed by Finance Act 1977 (c. 36, SIF 98:5), s. 59(5), **Sch. 9 Pt. V**

F25 **18**—

20.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Tithe Act 1936, Part I. (See end of Document for details)

Textual Amendments

F25 Ss. 12(2)–(6), 18–20, 39(4), 42(2), 43, 45 repealed by [Tithe Act 1951 \(c. 62\)](#), [Sch. 2](#)

Transitional Provisions

21 Provisions as to tithe rentcharge vested in owner of land charged.

- (1) Where immediately before the appointed day a tithe rentcharge and the whole of the land out of which it issues are vested in the same person, having been so vested on the twenty-sixth day of February, nineteen hundred and thirty-six, and continuously thereafter, the provisions of this Act, other than the provisions of sections one and thirty-one thereof, shall not have effect in relation to that rentcharge or, so far as regards provisions relating to that rentcharge, to that land.
- (2) For the purposes of this section a tithe rentcharge and the land out of which it issued shall be deemed to have been vested in the same person at any date—
 - (a) in any case, if the legal estate in fee simple in the rentcharge and in the land respectively were vested in the same person at that date, and, where any other estate or interest, whether legal or equitable, vested in any person was then subsisting in the rentcharge, if the like estate or interest was then subsisting in the land and was vested in that person; or
 - (b) in the case of a rentcharge the fee simple in possession whereof was vested in Queen Anne's Bounty by the Tithe ^{M1}Act, 1925, if the land was at that date land belonging to the benefice for the incumbent of which, or belonging to the ecclesiastical corporation for which, the rentcharge was held in trust; and not otherwise.

Modifications etc. (not altering text)

C3 [S. 21](#) extended by [Tithe Act 1951 \(c. 62\)](#), [s. 6](#)

Marginal Citations

M1 1925 c. 87.

^{F26}**22**,
23.

Textual Amendments

F26 Ss. 2(2)(3), 6(1)(2), 8, 22, 23, 31(6), [Sch. 3 Pt. I](#), [Sch. 8 paras. 2–4](#), 6, 7 repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Tithe Act 1936, Part I.