



Tithe Act 1936

1936 CHAPTER 43

PART I

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

Establishment of Commission and Delivery of Information as to Rentcharges.

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, the amount of stock to be issued for compensation in respect of the extinguishment thereof, and the persons entitled to receive the stock to be so issued;
 - (b) to determine what annuities are charged by section three of this Act and to record particulars thereof, to apportion annuities which are charged in respect of land in the ownership of two or more owners, and to manage annuities until directions for the transfer of the management thereof to the Commissioners of Inland Revenue have been given under the subsequent provisions of this Act; and to perform such other functions for the purposes of this Act as are hereafter in this Act mentioned.
- (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.

5 Obligation of owners of rentcharges to give particulars thereof to the Commission.

- (1) Not later than the thirty-first day of October, nineteen hundred and thirty-six, there shall be transmitted to the Commission, in respect of every tithe rent-charge extinguished by this Act, particulars in writing, in such form as may be prescribed by rules made by the Minister, as to—
- (a) the amount of the rentcharge;
 - (b) the land out of which the rentcharge issues including (except in the case of an extraordinary tithe rentcharge) a statement whether any of that land was on the first day of April, nineteen hundred and thirty-six, agricultural land;
 - (c) the collection of the rentcharge last effected, including particulars as to the payment date on which the sum collected became due, the name and address of the person by whom and of the person from whom and the land in respect of which that sum was collected and, in a case in which that sum was recovered under an order of the court, the date of commencement of the proceedings;
 - (d) the title to the rentcharge, including particulars as to the person in whom the legal estate in fee simple therein is vested, the instrument, if any, other than an instrument of apportionment or a public general Act, by virtue of which that estate became vested in that person, and as to any other estate or interest subsisting in or affecting the rentcharge by virtue of any settlement, trust for sale, lease, mortgage, or other disposition, or otherwise howsoever.
- (2) The particulars to be transmitted under the foregoing subsection, other than particulars thereby-required to be related to a date therein mentioned, shall, if transmitted before the appointed day, be related to the facts as existing at the date on which the particulars are transmitted and, if transmitted on or after the appointed day, be related to the facts as existing immediately before the appointed day.
- (3) The particulars to be transmitted under subsection (1) of this section as to matters relating to the title to a rentcharge shall be in the form of a statutory declaration made by the person in whom the legal estate in fee simple in the rentcharge is vested or was vested immediately before the appointed day:

Provided that, if it appears to the Commission, in the case of any rentcharge or of rentcharges in the ownership of any person or class of persons, that it is impracticable or is in the circumstances unnecessary for the statement to be made by way of statutory declaration or to be made by the person in whom the said estate is or was vested or that it is expedient that the statement should be made by some other person, they may accept or require, in lieu of a statutory declaration made by the person in whom the said estate is or was vested, a statement made in writing under the hand of that person or a statutory declaration or statement in writing made by some other person approved by them in that behalf.

- (4) If, in the case of any rentcharge in respect of which the foregoing requirements of this section have effect, those requirements are not satisfied on or before the thirty-first day of October, nineteen hundred and thirty-six, or within such period thereafter as the Commission may in special circumstances allow on application being made to them in that behalf, or if any person interested in any rentcharge refuses or neglects to give to the Commission on being requested by them so to do any information in his

possession with respect thereto which they may reasonably require, the Commission shall have power to direct that the provisions of this Act relating to compensation in respect of extinguishment shall not have effect in relation to that rentcharge, or shall have effect in relation thereto subject to a reduction of the amount of the stock to be issued, or to a postponement of the date from which interest thereon is to accrue.

6 Documents to be placed at disposal of the Commission.

- (1) A person having in his custody or control any collecting list or similar document relating to tithe rentcharge shall place it at the disposal of the Commission on being required by them so to do:

Provided that, where any person who but for the provisions of this subsection would have been entitled to the custody of such a list or document satisfies the Commission that the custody thereof is reasonably required by him, the Commission shall either authorise him to retain it, or if it has been transmitted to them return it to him subject to an obligation to transmit a true copy thereof to them, or, if they require it to be transmitted to them or to remain in their custody, shall furnish him with a true copy thereof, and a person who transmits a copy to the Commission under this proviso shall be entitled to be paid by the Commission such sum as appears to them to represent the reasonable cost of the preparation thereof.

- (2) Any person having such a list or document in his custody or control who fails to place it at the disposal of the Commission on being required by them so to do, or who fails to transmit to them a copy thereof which he is under obligation to transmit within twenty-eight days after the obligation is incurred, shall be liable on summary conviction to a fine not exceeding five pounds.
- (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.