

Status: Point in time view as at 01/02/1991.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, SEVENTH SCHEDULE. (See end of Document for details)

SEVENTH SCHEDULE

Section 31.

LIABILITIES TO REPAIR CHANCEL, &C.

PART I

APPORTIONMENT OF LIABILITY

- 1 The Commission shall ascertain in relation to every chancel or other ecclesiastical building for the repair of which liability attached to the ownership of tithe rentcharge agreed or awarded on the original commutation of tithes under the Tithe Acts—
- (a) the rentcharges in respect of which such liability attached and the aggregate amount of those rentcharges;
 - (b) which, if any, of those rentcharges was or were redeemed under the Tithe Acts or ceased before the appointed day to be subject to such liability, and the amount, or the aggregate amount, as the case may be, of any such rentcharges; and
 - (c) the identity and the aggregate amount (in this Part referred to as “the apportionable amount of rentcharge liability”) of the residue of those rentcharges.
- 2 Where the Commission ascertain, in relation to any chancel or building, that the residue aforesaid comprises two or more rentcharges, they shall ascertain the amount of each of those rentcharges which—
- (a) was a rentcharge in respect of which stock is to be issued under this Act and which was not so vested as to fall within the next succeeding subparagraph;
 - (b) was a rentcharge in respect of which stock is to be issued under this Act and which was vested immediately before the appointed day for an interest in fee simple in possession in any of the corporations or bodies mentioned in the proviso to subsection (2) of section thirty-one of this Act;
 - (c) was so vested between the twenty-sixth day of February, nineteen hundred and thirty-six, and the appointed day as to render the provisions of section twenty-one of this Act applicable thereto; or
 - (d) was merged or extinguished under the Tithe Acts in land to which the provisions of section one of the ^{M1}Tithe Act, 1839, apply;
- and shall ascertain, as respects each of those rentcharges, the proportion (in this Part referred to in relation to that rentcharge as “the appropriate proportion”) which the amount thereof bears to the apportionable amount of rentcharge liability.

Marginal Citations

M1 1839 c. 62.

- 3 Where the Commission ascertain, in relation to any chancel or building, that the residue aforesaid comprises two or more rentcharges, then—
- ^{F1}(a)
 - (b) any such liability to repair related to any of those rentcharges as is mentioned in the proviso to subsection (2) of section thirty-one of this Act,

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or in subsection (3) or (4) of that section, shall be limited to the appropriate proportion of the cost of putting the chancel or building in proper repair.

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

4 References in the ^{M2}Chancel Repairs Act, 1932, to the cost of putting a chancel in repair shall, in relation to a liability limited under this Schedule to a proportion of such cost, be construed as references to that proportion of such cost.

Marginal Citations

M2 1932 c. 20.

5 Nothing in this Act shall prejudice the right of any person against whom proceedings are taken to enforce any such liability to repair related to any rentcharge as is mentioned in the proviso to subsection (2) of section thirty-one of this Act, or in subsection (3) or (4) of that section, to put in issue the question whether liability to repair attached to that rentcharge on the original commutation of tithes under the Tithe Acts or continued thereafter.

PART II

^{F2}1—5.

Textual Amendments

F2 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

PART III

MODIFICATIONS AS TO WALES AND MONMOUTHSHIRE

1 For references to the Diocesan Authority or to Queen Anne’s Bounty there shall be substituted references to the Representative Body incorporated under section thirteen of the ^{M3}Welsh Church Act, 1914.

Marginal Citations

M3 1914 c. 91.

^{F3}2

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Textual Amendments

F3 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

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