

SCHEDULES.

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 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.
- 3 Where the Commission ascertain, in relation to any chancel or building, that the residue aforesaid comprises two or more rentcharges, then—
 - (a) the part of the stock to be received by the Diocesan Authority in respect of any of those rentcharges shall be calculated on the basis of the substitution

Status: This is the original version (as it was originally enacted).

in subsection (2) of section thirty-one of this Act for the reference to the sum required for repairs of a reference to the appropriate proportion of that sum; and

- (b) any such liability to repair related to any of those rent-charges 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, shall be limited to the appropriate proportion of the cost of putting the chancel or building in proper repair.

4 References in the 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.

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

PROCEDURE AS TO RECEIPT OF STOCK BY DIOCESAN AUTHORITY, &C.

1 As soon as may be after particulars of a tithe rentcharge have been transmitted to the Commission under section five of this Act or they have ascertained particulars of a tithe rentcharge, if it appears to them that it was a rentcharge in respect of which stock is to be issued under this Act and that the Diocesan Authority are entitled to receive a part of that stock, they shall give notice in writing to Queen Anne's Bounty of the name and address of the person by whom the particulars were submitted, or of the person appearing to them to be entitled for the time being to the interest on the stock to be issued in respect of the rentcharge, as the case may be.

2 Within two months from the service of the Commission's notice, the Diocesan Authority shall serve on the person therein named notice in writing specifying the amount claimed by them to represent the sum required for repairs, and in default of their so doing within that period, or within such extended period as the Commission may in special circumstances allow on application being made to them in that behalf, the right of the Diocesan Authority to receive a part of the stock to be issued in respect of the rentcharge shall be forfeited.

3 In the case of a chancel or building in England, other than Monmouthshire, the amount to be specified as aforesaid shall be the amount for which the liability to repair could have been compounded under section fifty-two of the Measure if the rent-charge had not been extinguished, and the Diocesan Authority shall cause that amount to be determined in accordance, so far as circumstances permit, with subsections (2) and (3) of that section.

4 Where a notice has been served as aforesaid by the Diocesan Authority, any person interested in the stock to be issued in respect of the rentcharge may, by notice in writing served on the Authority within twenty-eight days from the service of the Authority's notice, require the question whether the sum specified therein is more than such as is reasonably sufficient to be referred to the arbitration of a person to be determined by agreement between the parties or, in case of difference, by the Commission, and the sum required for repairs shall be taken to be either the sum

specified in the Authority's notice or, where arbitration has been duly required, such sum as may be fixed in the arbitration proceedings.

- 5 Stock issued to the Diocesan Authority by virtue of the provisions of section thirty-one of this Act shall be held and disposed of for the purposes and in the manner for and in which an investment of a sum paid in compounding a liability for repairs is to be held and disposed of under the Measure.

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 Welsh Church Act, 1914.
- 2 Paragraph 5 of Part II of this Schedule shall not apply to stock issued to the Representative Body, but such stock shall be held and disposed of according to the directions of the Governing Body of the Church in Wales.