

SCHEDULES.

FIRST SCHEDULE

Section 2.

PART I

DEDUCTIONS FROM GROSS ANNUAL VALUE OF A TITHE RENTCHARGE FOR DETERMINATION OF AMOUNT OF COMPENSATION.

For the purpose of determining the amount of stock to be issued for compensation in respect of the extinguishment of a tithe rentcharge, the following deductions shall be made from the gross annual value thereof, that is to say :—

- 1 In respect of the cost of collection and management, a sum equal to one twentieth of the gross annual value of the rentcharge.
- 2 In respect of land tax, a sum equal to the average of the amounts which would have been payable on account of that tax for the years ending on the twenty-fourth day of March, nineteen hundred and thirty-four, thirty-five and thirty-six (due regard being had to any exemption or abatement under section twelve of the Finance Act, 1898, as amended by any subsequent enactment), if the sum payable in respect of the rentcharge in each of those years had been equal to the gross annual value of the rentcharge:

Provided that no deduction shall be made under this paragraph in the case of a rentcharge if the land tax in respect thereof was redeemed before the twenty-sixth day of February, nineteen hundred and thirty-six.

- 3 In respect of rates, subject to the provisions of paragraphs 4 and 5 of this Part—
 - (a) in the case of a rentcharge vested for an interest in fee simple in possession in Queen Anne's Bounty by the Tithe Act, 1925, which was formerly attached to a benefice, a sum equal to one twenty-first part of the gross annual value of the rentcharge;
 - (b) in the case of a rentcharge vested for an interest in fee simple in possession in Queen Anne's Bounty by the Tithe Act, 1925, which was formerly attached to an ecclesiastical corporation, a sum bearing the same proportion to the gross annual value of the rentcharge as the sum of sixteen pounds bears to the sum of one hundred and five pounds;
 - (c) in the case of any other rentcharge, a sum to be calculated in the following manner, that is to say, the Commission shall ascertain as regards each of the three years ending on the thirty-first day of March, nineteen hundred and thirty-four, thirty-five and thirty-six—
 - (i) the poundage rate at which general rates were levied;
 - (ii) the poundage rate at which any rates, in respect of which tithe rentcharge was rated on a proportion only of its rateable value, were levied; and
 - (iii) particulars of deductions from net annual value in arriving at rateable value;

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and the Commission shall thereupon calculate the average annual rate of poundage at which the rent-charge was assessable to rates during those three years, any liability to pay on a proportion only of the rateable value and any deduction in arriving at the rateable value being treated as a corresponding reduction of poundage in respect of that rate, and the amount to be deducted under this paragraph shall be the sum which would have been levied as rates had such average annual rate of poundage been applied to the reduced rateable value of the rentcharge, and for the purposes of this sub-paragraph the expression " reduced rateable value" means, in relation to a rentcharge, a sum ascertained by deducting from nineteen-twentieths of the gross annual value thereof the following fraction of such nineteen-twentieths, that is to say, the ascertained average rate of poundage in shillings over that ascertained average rate plus twenty shillings.

- 4 In the case of a rentcharge created in lieu of any corn rent or like payment which was free from rates, or a rent-charge which was otherwise free from rates, no deduction shall be made in respect of rates, and, subject to the provisions of paragraph 5 of this Part, in a case in which the owner of a rent-charge was liable during the three years aforesaid to be charged only a proportion of any rate, the deduction in respect of rates shall be that proportion of the sum calculated in accordance with the provisions of the last foregoing paragraph.
- 5 In the case of a rentcharge which was subject to a lease, or was held in trust for persons entitled in undivided shares, immediately before the appointed day, or which was Tested for an interest less than a fee simple in possession in Queen Anne's Bounty by the Tithe Act, 1925, the deduction in respect of rates shall be such amount, calculated by reference to sub-paragraph (c) of paragraph 3 of this Part, as the Commission, may determine to be just having regard to the circumstances.
- 6 In respect of losses in collection, of remissions, and of the benefit resulting in relation to security of income from the replacement of the rentcharge by stock, a sum equal to one-twentieth of the amount of the rentcharge.

PART II

MODIFICATIONS TO BE MADE IN CERTAIN CASES IN DETERMINING AMOUNT OF COMPENSATION.

- 1 In the case of a tithe rentcharge the fee simple in possession whereof was vested in Queen Anne's Bounty by the Tithe Act, 1925, the amount of stock to be issued for compensation as ascertained apart from this provision shall be reduced by an amount equal to the value at the appointed day, as estimated by the Treasury, of the sums accumulated in respect of the rent-charge in the sinking fund established under that Act (including any sum carried to the sinking fund after the appointed day) or, if any payment into the sinking fund has been postponed under proviso (ii) to subsection (1) of section five of that Act, of the sums which would have been so accumulated if there had been no such postponement, due account being taken of any increased payment prescribed under that proviso.
- 2 In the case of a contingent tithe rentcharge, the amount of stock to be issued for compensation shall be an amount ascertained, so far as the special incidents to which the rentcharge was subject permit, in like manner as if the rentcharge had

not been a contingent rentcharge, but reduced by such an amount as appears to the Commission to be just having regard to those incidents.

- 3 In the case of a tithe rentcharge created in lieu of a corn rent or like payment which was free from income tax, the amount of stock to be issued for compensation as ascertained apart from this provision shall be increased by such an amount as appears to the Commission to be just having regard to the fact that the rentcharge was so free.

SECOND SCHEDULE

Section 4.

CONSTITUTION, PROCEDURE, STAFF AND EXPENSES OF THE COMMISSION.

- 1 The Treasury shall have power to remove a member of the Commission from his office if he has in their opinion become incapable or unfitted to perform his functions under this Act, and, in the event of any vacancy occurring among the commissioners for the time being by death, resignation or removal, the Treasury, after consultation with the Minister, may appoint a person to fill the vacancy.
- 2 If any commissioner becomes temporarily incapable to perform his functions under this Act, the Treasury, after consultation with the Minister, may appoint some other person to discharge his duties for any period not exceeding six months at one time, and the person so appointed shall, during that period, have the same powers as the commissioner in whose place he is appointed.
- 3 The Commission may act notwithstanding any vacancy in their number.
- 4 A member of the Commons House of Parliament shall be disqualified for being appointed or being a commissioner and for being appointed under paragraph 2 of this Schedule to discharge the duties of a commissioner.
- 5 The Commission shall have an official seal, which shall be officially and judicially noticed.
- 6 The functions of the Commission, and of the officers and servants of the Commission, shall be exercised on behalf of the Crown.
- 7 The Commission may hold such inquiries as appear to them to be necessary or desirable for the purpose of the proper discharge of their functions.
- Before holding any such inquiry the Commission shall give such notice as appears to them best adapted for informing persons affected of the date on which and the place at which the inquiry will be held and at any such inquiry any person appearing to the person holding the inquiry to be affected may appear either in person or by counsel, solicitor or agent.
- 8 The Commission may sue and be sued, and may for all purposes be described, by the name of " the Tithe Redemption Commission."
- 9 The Commission may authorise, subject to such limitations or restrictions as they may determine, a committee appointed by them, or any person appointed by them for the purpose, to exercise in the name and on behalf of the Commission any of the Commission's powers or to perform or discharge on their behalf any duty or liability of the Commission.

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- 10 Subject to the foregoing provisions of this Schedule, the Commission shall have power to make rules regulating the procedure of the Commission and the procedure at any inquiry under this Schedule.
- 11 The Commission may appoint such secretaries and other officers, and such servants, as the Commission may, with the consent of the Treasury, determine.
- 12 There shall be paid to the commissioners, and to any person appointed under paragraph 2 of this Schedule to discharge the duties of a commissioner and to any such secretaries, officers and servants as aforesaid, such remuneration as, in the case of the commissioners and of any person appointed as aforesaid, the Treasury, or, in the case of any other person, the Commission with the approval of the Treasury, may determine.

THIRD SCHEDULE

Sections 7, 38.

PART I

PERSONS TO WHOM STOCK IS TO BE ISSUED.

Stock to be issued for compensation in respect of the extinguishment of a tithe rentcharge shall be issued in the following cases to the following persons, that is to say:—

- 1 In the case of a rentcharge which immediately before its extinguishment was vested in a person of full age absolutely entitled thereto for his own benefit free from incumbrances, the stock shall be issued to him or his personal representative or assigns.
- 2 In the case of a rentcharge which was then vested in Queen Anne's Bounty or attached to a benefice or to an ecclesiastical corporation, the stock shall be issued to Queen Anne's Bounty..
- 3 In the case of a rentcharge which was then vested in the Ecclesiastical Commissioners or in the Commissioners of Church Temporalities in Wales, the stock shall be issued to the Commissioners in whom the rentcharge was vested.
- 4 In the case of a rentcharge which was then vested in a University or College to which the Universities and College Estates Act, 1925, applies, the stock shall be issued at the option of the University or College either to the Minister or to trustees appointed by the Minister.
- 5 In the case of a rentcharge which was then so vested that the legal estate in fee simple therein could then have been sold and conveyed to the purchaser under the powers conferred by the Settled Land Act, 1925, or any additional powers conferred by a settlement, or by trustees for sale, or by a mortgagee or personal representative in the exercise of his paramount powers, in such manner as to overreach all equitable interests, and powers, and to extinguish any other legal estate subsisting therein, the stock shall be issued to the person to whom the purchase money arising on such a sale would have been payable.
- 6 In any other case, and also in any such case as aforesaid if the Commission consider it expedient in order to avoid expense or delay or for any special reason, the stock shall be issued, according as the Commission may determine, either—

- (a) to the proper officer of the Supreme Court or, in a case where the amount of the stock does not exceed five hundred pounds, of the county court, in accordance with rules of court, or
- (b) to trustees appointed by the Commission.

PART II

PROVISIONS AS TO STOCK TO BE ISSUED TO QUEEN ANNE'S BOUNTY.

- 1 Stock issued to Queen Anne's Bounty in respect of tithe rentcharges which immediately before their extinguishment were vested in Queen Anne's Bounty for an interest in fee simple in possession and held on account of a benefice, or were attached to a benefice for such an interest, together with any securities representing sums carried or to be carried to the sinking fund in relation to any such rentcharges under section five of the Tithe Act, 1925, shall be held by Queen Anne's Bounty on their general corporate account, with the same powers of sale and reinvestment as if the stock or securities had been purchased by them out of moneys standing to the credit of that account, and no part of such stock or securities shall be appropriated to, or be at the individual risk of, any particular benefice.
- 2 Queen Anne's Bounty shall, subject to the provisions of paragraph 1 of the Eighth Schedule to this Act, appropriate to each benefice concerned a sum of money equal to the aggregate of—
 - (a) the amount of the stock issued to Queen Anne's Bounty in respect of such of the rentcharges aforesaid as were held on account of or attached to that benefice; and
 - (b) the value, as estimated by Queen Anne's Bounty, of such of the securities aforesaid as are held on account of that benefice.
- 3 The sum appropriated to a benefice under the provisions of the last foregoing paragraph, together with any securities representing investments of sums received for redemption or merger which are held on account of that benefice under the proviso to subsection (2) of section six of the Tithe Act, 1925, shall be applied and disposed of by Queen Anne's Bounty as money or securities in their hands appropriated for the augmentation of the benefice should by law and under the rules of Queen Anne's Bounty be applied and disposed of.
- 4 (1) Where any such rentcharge as aforesaid was immediately before its extinguishment charged with an annual money payment, the charge shall pass to the sum appropriated as aforesaid to the benefice :

Provided that, where any such charge is vested in the holder of any ecclesiastical office, Queen Anne's Bounty shall have power by Order to abate it either permanently or for such term as they may direct, if in their discretion they are satisfied that such abatement is desirable.
- (2) Queen Anne's Bounty shall have the like powers to abate any charge, being a charge so vested as aforesaid, on the general revenues of a benefice in cases in which the general revenues included income derived from tithe rentcharge extinguished by this Act.

FOURTH SCHEDULE

Section 14.

CERTIFICATION OF ANNUAL VALUE OF LAND IN AGRICULTURAL HOLDING.

- 1 In this Schedule the expression " charged land " means ail land comprised in an agricultural holding exclusive of any part thereof in respect of which no annuity is charged.
- 2 If the owner of any charged land makes before the first day of March in any year to the surveyor of taxes for the parish in which the land is assessed or situate an application in the prescribed form for a certificate of the annual value of the charged land for the period of twelve months ending on the fifth day of April in that year, the surveyor shall—
- (a) if the charged land is land assessed for income tax purposes under Schedule B by reference to annual value for that period apart from other land, furnish to the owner and, if the annuity or annuities is or are under the management of the Commission, to the Commission, a statement in writing of the annual value as ascertained for the purposes of assessment;
 - (b) if the charged land is so assessed for that period together with other land, apportion the annual value in the assessment between the charged land and the other land and furnish as aforesaid a statement in writing of the annual value as ascertained for the purposes of the assessment and of the apportioned amounts;
 - (c) if the charged land is not so assessed for that period, estimate what, if it had been so assessed for that period apart from other land, would have been the annual value as ascertained for the purposes of the assessment and furnish as aforesaid a statement in writing of his estimate.
- 3 The annual value of charged land for the period in respect of which an application is made as aforesaid shall be taken to be the amount specified in a statement furnished under sub-paragraph (a) or (c) of the last foregoing paragraph or the amount specified as apportioned to the charged land in a statement furnished under sub-paragraph (b) thereof, as the case may be :
- Provided that, if the owner or, in a case where the annuity or annuities is or are under the management of the Commission, the Commission, is or are dissatisfied with the correctness of a statement furnished by the surveyor of annual value as ascertained for the purposes of an assessment, or with an apportionment or estimate made by the surveyor, the owner, or the Commission, as the case may be, may within one month from the date on which the statement of the surveyor is furnished to him or them, appeal to the general commissioners of income tax for the division in which the charged land is assessed or situate, and the said annual value shall be taken to be such amount as, in the case of a statement furnished under sub-paragraph (a), may be found by those commissioners to be the value which ought to have been specified therein, or, in the case of a statement furnished under sub-paragraph (b) or (c), may be determined by those commissioners, after due notice to and hearing the parties or their agents and the surveyor if any of them wishes to be heard.
- 4 Immediately after the expiration of the said period of one month, or, if an appeal is made, after the said annual value has been found or determined by the general commissioners, the surveyor or the general commissioners, as the case may be, shall issue to the owner by whom the application was made a certificate specifying the annual value which is by virtue of the last foregoing paragraph to be taken as the annual value of the charged land for the period to which the application relates.

FIFTH SCHEDULE

Section 25.

ISSUE AND DISTRIBUTION OF SUMS BY WAY OF CONTRIBUTION IN RESPECT OF DIMINUTION OF INCOME OF RATING AUTHORITIES.

Amounts and mode of distribution between rating authorities.

- 1 Subject to the provisions of paragraph (e) of subsection (4) of section twenty-five of this Act and of this Schedule, the Treasury shall issue from the Redemption Annuities Account to the Minister of Health the following sums in respect of the following periods, that is to say :—
- (a) in respect of the period of twelve months beginning on the first day of October, nineteen hundred and thirty-six, a sum (in this paragraph referred to as the " standard grant ") equal to ninety-two hundredths of the aggregate, as ascertained and certified by the Minister of Health, of the diminution of rate income of all rating authorities in England and Wales;
 - (b) in respect of each subsequent period of twelve months, a sum less than the sum to be issued in respect of the last preceding period under the provisions of the last foregoing sub-paragraph or of this sub-paragraph, as the case may be, by an amount equal to a fraction of the standard grant ascertained in accordance with the provisions of paragraph 2 of this Schedule;
 - (c) in respect of the period of twelve months beginning on the first day of October, nineteen hundred and thirty-six, a further sum equal to eight-hundredths of the aggregate aforesaid, and a like further sum in respect of the next subsequent period of twelve months;
 - (d) in respect of the period of six months beginning on the first day of April, nineteen hundred and thirty-six, such amount as may be estimated by the Minister of Health to represent the loss of income sustained by all rating authorities arising from the operation of subsection (1) or (2) of section twenty-three of this Act.
- 2 (1) The fraction referred to in sub-paragraph (6) of the foregoing paragraph shall, if the ninety-two hundredths certified under sub-paragraph (a) thereof is the sum of eight hundred and sixty-five thousand pounds, be one and a half hundredths.
- (2) If the said ninety-two hundredths is more or less than the said sum, the fraction referred to in sub-paragraph (6) of the foregoing paragraph shall be such fraction as the Minister of Health may from time to time determine, so, however, that the fraction shall be calculated so as to secure that the issues made under the said sub-paragraph (b) amount in the aggregate to not less, and are made within a period not longer, than if sub-paragraph (1) of this paragraph had had effect.
- 3 Subject to the provisions of this Schedule, the sums to be issued thereunder in respect of any period shall be distributed amongst rating authorities in accordance with directions to be given by the Minister of Health, after consultation with such associations of local authorities as appear to him to be concerned, and with any local authority with whom consultation appears to him to be desirable.
- 4 The directions given by the Minister of Health under the last foregoing paragraph may provide that any sum which would otherwise have been payable under the directions to a rating authority in respect of any period shall not be paid—
- (a) in the case of a period after the thirtieth day of September, nineteen hundred and thirty-six, if the sum which would have been payable is less than ten pounds or is less than one-half of one-hundredth of the gross rate income

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- of the authority for the financial year next before that in which that period began;
- (b) in the case of the period of six months beginning on the first day of April, nineteen hundred and thirty-six, if the diminution of rate income of the authority was less than ten pounds or less than one-half of one-hundredth of the gross rate income of the authority for the standard year.
- 5 The Minister of Health may direct that there shall be applicable, in such manner as he may determine, towards making payments to rating authorities appearing to him, in view of special circumstances arising from the operation of this Act, to be in need of assistance—
- (a) any sums which would otherwise be payable to a rating authority in respect of any period but which are not so payable by virtue of a direction given under the last foregoing paragraph; and
- (b) if the said ninety-two hundredths is less than the sum of eight hundred and sixty-five thousand pounds, any sums by which the issues that would have been made under paragraph 1 of this Schedule if sub-paragraph (1) of paragraph 2 thereof had had effect exceed the issues made under paragraph 1 thereof.
- 6 (1) The Minister of Health may request the Treasury to deduct from any issue which but for this provision they would have made in respect of any period an amount equal to any sums which might have been applied in respect of that period under sub-paragraph (a) of the last foregoing paragraph but which he determines ought not to be so applied, and the Treasury shall give effect to any such request and shall on the request of the Minister of Health issue an amount equal to the whole or any part of any deductions made under this sub-paragraph and not theretofore issued as an addition to any issue to be made in respect of any subsequent period.
- (2) The Treasury shall on the request of the Minister of Health issue an amount equal to any sums which he determines ought to be applied in respect of any period under sub-paragraph (b) of the last foregoing paragraph as an addition to the issue to be made in respect of that period.

Application by rating authorities of sums distributed.

- 7 The Minister of Health shall give directions for securing that the sums payable to a rating authority for a rural rating area on a distribution under paragraph 3 of this Schedule shall be credited, as to such part thereof as may be fixed by the directions, in aid of the general rate for such period as may be fixed by the directions, and, as to the balance thereof, in aid of the special rates for such period as aforesaid levied in the several parts of the area in which special rates assessed on tithe rentcharge were levied in the standard year, in proportion to the amount of special rates assessed on tithe rentcharge issuing out of land in those parts respectively and collected in respect of the standard year :

Provided that—

- (a) the Minister of Health may, if satisfied by the authority to whom any such sum is payable that the whole or a greater part thereof than is fixed by the directions ought to be credited in aid of the general rate, authorise them so to credit the whole or such part thereof as appears to him to be proper in the circumstances; and

- (b) a rating authority shall have power in their discretion to credit the balance of any such sum which is to be credited in aid of special rates otherwise than in such proportion as aforesaid.
- 8 Sums payable to a rating authority for an area other than a rural rating area on a distribution under paragraph 3 of this Schedule shall be credited in aid of the general rate :
- Provided that, in the case of an area which was divided for rating purposes in the standard year, the said sums shall be credited in aid of so much of the general rate as is levied in each specially rated area in such proportions as appear to the Minister of Health to be proper having regard to the diminution of rate income in those areas respectively and to any representations made to the Minister of Health by the authority.
- 9 The sum to be credited in aid of any rate under this Schedule shall be taken into account for the purpose of ascertaining the proceeds of that rate, for whatever purpose such ascertainment is required.

General.

- 10 For the purpose of enabling the Minister of Health to make any estimate for the purposes of this Schedule, rating authorities shall comply with any directions given by him as to entries in rate books or other documents, returns or records to be made or kept by them.
- 11 In this Schedule the following expressions have the meanings hereby respectively assigned to them, that is to say:—
- " diminution of rate income " means, in relation to any rating authority, an amount equal to the aggregate as estimated by the Minister of Health of the sums realised by the collection by the authority of rates assessed on tithe rentcharge in respect of the standard year;
- " gross rate income " means such income as calculated in accordance with rules made under section nine of the Rating and Valuation Act, 1925;
- " rating authority " means a rating authority within the meaning of the Rating and Valuation (Apportionment) Act, 1928;
- " standard year " means the financial year beginning on the first day of April, nineteen hundred and thirty-five.

SIXTH SCHEDULE

Section 30.

METHOD OF ASCERTAINMENT OF COMPENSATION FOR REDEMPTION OF CORN RENTS, &c.

The compensation for the redemption of a corn rent, rentcharge or money payment to which section thirty of this Act applies (in this Schedule referred to as a " rent ") shall be such sum as, in the opinion of the Minister, is sufficient, after payment of the cost of investment, to produce, when invested in Government securities, a permanent annuity equal to the net annual value of the rent as hereinafter defined. The net annual value of a rent shall be determined by the Minister as follows :—

- 1 The value of the rent as expressed in the Act or award by which it was created or in any instrument by which it has been apportioned after the coming into operation of that Act or award (hereinafter referred to as the " award value ") shall, unless the

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award value is a fixed amount not subject to variation, be increased or reduced to such sum as, in the opinion of the Minister, would have been the award value if that value had been based on the average price, as determined by the Minister, for the twenty-five years immediately before the date of the application for redemption, of the commodity or commodities by reference to the price of which the award value was subject to variation.

- 2 From the award value as so fixed, increased or reduced, as the case may be, there shall be deducted a sum equal to one-twentieth of that value in respect of the cost of collection and management, and a sum equal to the average amount per annum, if any, which was paid or payable by the owner of the rent in respect of rates and land tax during the three years immediately before the last mentioned date or, in a case where the award value is increased or reduced, would have been so paid or payable if the annual collectable value of the rent during those years had been equal to the award value as increased or reduced :

Provided that no deduction in respect of cost of collection and management shall be made in a case in which the consideration money for the redemption is to be discharged by an annuity.

- 3 The net sum remaining after the said deductions have been made shall be deemed to be the net annual value of the rent for the purposes of this Schedule.

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;

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- (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 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

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- 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.

EIGHTH SCHEDULE

Section 38.

POWERS OF QUEEN ANNE'S BOUNTY.

- 1 Power to make to persons entitled on the appointed day to receive the emoluments of benefices payments sufficient to make good any decrease occasioned by the provisions of this Act of their receipts in respect of the emoluments to which they were respectively then entitled, so long as they respectively remain entitled to receive those emoluments or any part thereof, and for that purpose to withhold from the appropriations to be made to benefices under Part II of the Third Schedule to this Act such amounts as, together with the amounts to be issued to Queen Anne's Bounty under section twenty-five of this Act or such part thereof as Queen Anne's Bounty may think fit to apply for that purpose, may be required as one common fund for making such payments.

- 2 Power to make to persons entitled on the appointed day to receive the emoluments, or to receive emoluments as members, of ecclesiastical corporations payments sufficient to make good any such decrease as aforesaid, and, for the purpose of having available in relation to each corporation such amounts, calculated by reference to the value of the interests of those persons in those emoluments, as may be required for making such payments, to apply—
 - (a) such part of the amount or amounts to be issued to Queen Anne's Bounty under paragraph (g) of subsection (4) of section twenty-five of this Act as they estimate to have been so issued in respect of tithe rentcharges held by them on account of the corporation; and
 - (b) so much as may be necessary of the stock issued to Queen Anne's Bounty under paragraph 2 of Part I of the Third Schedule to this Act and held by them in trust for the corporation absolutely.
- 3 Power, in the case of any tithe rentcharge vested for an interest in fee simple in possession in Queen Anne's Bounty by the Tithe Act, 1925, which was formerly attached to an ecclesiastical corporation, to hold and dispose of any securities representing sums carried or to be carried to the sinking fund in relation to the rentcharge under section five of that Act, together with any securities representing investments of sums received for redemption or merger which are held on account of that corporation under the proviso to subsection (2) of section six of that Act, for the like purposes as if the securities had been stock issued to Queen Anne's Bounty under paragraph 2 of Part I of the Third Schedule to this Act in respect of the extinguishment of the rentcharge.
- 4 Power to provide on such terms as Queen Anne's Bounty think fit for the winding up—
 - (a) of committees constituted under subsection (2) of section ten of the Tithe Act, 1925, and of the accounts of such committees; and
 - (b) of the accounts of incumbents appointed under subsection (1) of the said section ten to act as agents of Queen Anne's Bounty for the collection of rentcharges.
- 5 Power to provide on such terms as Queen Anne's Bounty think fit for the recoupment out of the emoluments of the benefices concerned of advances made by Queen Anne's Bounty under paragraph 6 of the First Schedule to the Tithe Act, 1925, for the purpose of meeting expenses of collection of rentcharges.
- 6 Power to provide on such terms as Queen Anne's Bounty think fit for the making out of the revenues of benefices of such deductions as are specified in subsection (2) of section three of the Tithe (Administration of Trusts) Measure, 1928, and of any other deductions which Queen Anne's Bounty would have had power to make out of such revenues, so far as derived from tithe rentcharge, if this Act had not passed.
- 7 Power to provide on such terms as Queen Anne's Bounty think fit for the adjustment of accounts as between Queen Anne's Bounty on the one hand, and incumbents of benefices and ecclesiastical corporations on the other hand, in respect of—
 - (a) deficiencies in arrears received by Queen Anne's Bounty; or
 - (b) deficiencies arising by reason of any postponement, under proviso (ii) to subsection (1) of section five of the Tithe Act, 1925, of payments into a sinking fund established under that Act in respect of a tithe rentcharge vested in Queen Anne's Bounty.

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

- 8 Power at any time, and during any incumbency of the benefice concerned, to extend within the limits prescribed by law the term of repayment of any loan advanced by Queen Anne's Bounty for the purposes of—
- (a) the Loans (Incumbents of Benefices) Amendment Act, 1918, and the Acts to be construed therewith; or
 - (b) the Ecclesiastical Dilapidations Measures, 1923 to 1929;
- where the revenues of the benefice charged with the loan were immediately before the appointed day derived wholly or in part from tithe rentcharge.

NINTH SCHEDULE

Section 48.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
6 & 7 Will. 4. c. 71.	The Tithe Act, 1836.	Sections fifty-seven, sixty-two, sixty-nine, seventy-seven, seventy-eight, eighty and eighty-six.
7 Will. 4 & 1 Vict. c. 69.	The Tithe Act, 1837.	The whole Act so far as unrepealed.
2 & 3 Vict. c. 62.	The Tithe Act, 1839.	Sections fourteen, sixteen, seventeen, twenty-one and twenty-eight.
3 & 4 Vict. c. 15.	The Tithe Act, 1840.	Sections seventeen, twenty and twenty-three.
5 & 6 Vict. c. 54.	The Tithe Act, 1842.	Sections three, six, seven and eight.
14 & 15 Vict. c. 25.	The Landlord and Tenant Act, 1851.	Section four.
14 & 15 Vict. c. 50.	An Act to amend an Act of the Third and Fourth Years of King William the Fourth in respect of the Assessment of Tithe and Tithe Rentcharges for certain Rates.	In section one, the words "tithe rentcharges".
14 & 15 Vict. c. 104.	The Episcopal and Capitular Estates Act, 1851.	In section eleven, the words "and tithe rentcharges".
17 & 18 Vict. c. 116.	The Episcopal and Capitular Estates Act, 1854.	In section eight, the words "or tithe rentcharges" where they secondly occur.
23 & 24 Vict. c. 93.	The Tithe Act, 1860.	Sections one, two, four to nine, thirty-one, forty-two and forty-three. The Schedule.

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

Session and Chapter.	Title or Short Title.	Extent of Repeal.
32 & 33 Vict. c. 67.	The Valuation (Metropolis) Act, 1869.	In section four, in the definition of " gross value ", the words " and tithe commutation rent-charge, if any ".
45 & 46 Vict. c. 37.	The Corn Returns Act, 1882.	Section ten.
49 & 50 Vict. c. 54.	The Extraordinary Tithe Redemption Act, 1886.	The whole Act so far as unrepealed.
60 & 61 Vict. c. 23.	The Extraordinary Tithe Act, 1897.	The whole Act.
10 Edw. 7 & 1 Geo. 5. c. 24.	The Licensing (Consolidation) Act, 1910.	In section thirty-nine, in subsection (2), the words " and " tithe commutation rent-" charge (if any) ".
8 & 9 Geo. 5. c. 54.	The Tithe Act, 1918.	Section ten. The First Schedule so far as unrepealed.
11 & 12 Geo. 5. c. 35.	The Corn Sales Act, 1921.	In section two, in subsection (3), the words " and in section ten " (which relates to the application of the septennial " average to the Tithe Com-" mutation Acts) ".
14 & 15 Geo. 5. c. 21.	The Finance Act, 1924.	In section twelve, in subsection (1) (b), the words " and tithe " commutation rentcharge, if " any ".
15 & 16 Geo. 5. c. 20.	The Law of Property Act, 1925.	In section one, in subsection (2) (d), the words "tithe rentcharge " . In section one hundred and ninety-one, in subsection (12), the words " tithe rentcharge or " . In section two hundred and one, in subsection (1), the words " tithe and " .
15 & 16 Geo. 5. c. 21.	The Land Registration Act, 1925.	In section seventy, in subsection (1) (e), the words "tithe rentcharge " .
15 & 16 Geo. 5. c. 87.	The Tithe Act, 1925.	In section one, subsection (1). Section two.

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

Session and Chapter.	Title or Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 90.	The Rating and Valuation Act, 1925.	<p>In section four, subsections (1) , (2), (4) and (5).</p> <p>Sections six, nine and eleven.</p> <p>In section twelve, paragraphs (a) and (c).</p> <p>In section thirteen, subsections (2) and (4).</p> <p>Section seventeen.</p> <p>In section twenty, subsections (3) and (4).</p> <p>In section three, in subsection (2), the words " or tithe rentcharge " and the words " tithe rentcharge " where the last-mentioned words secondly occur.</p> <p>In section twenty-two, in subsection (1) (6), the words " and tithe rentcharge, if any " .</p> <p>In section sixty-eight, in subsection (1), in the definition of " gross value ", the words " and tithe rentcharge, if any ", and subsection (2).</p>
19 & 20 Geo. 5. c. 17.	The Local Government Act, 1929.	<p>In the Third Schedule, in paragraph 2, the words " any tithe rentcharge or ", where they first occur, and the words " tithe rentcharge or ", where they secondly and thirdly occur.</p>
20 & 21 Geo. 5. c. 24.	The Railways (Valuation for Rating) Act, 1930.	<p>In section four, in subsection (1)(b) and subsection (3) (ii), the words " and tithe rentcharge (if any) " .</p>