



Tithe Act 1936

1936 CHAPTER 43

PART III

MISCELLANEOUS AND GENERAL.

Miscellaneous.

31 Liabilities to repair chancels, and c.

- (1) The provisions of this section shall have effect with respect to liabilities to repair chancels of churches or other ecclesiastical buildings arising from the ownership of—
 - (a) tithe rentcharge extinguished by this Act in respect of which stock is to be issued under this Act;
 - (b) tithe rentcharge extinguished by this Act to which the provisions of section twenty-one of this Act apply; or
 - (c) land in which merger or extinguishment of tithe rentcharge has taken effect and to which the provisions of section one of the Tithe Act, 1839, apply.
- (2) In respect of liability to repair arising from the ownership of a tithe rentcharge extinguished by this Act in respect of which stock is to be issued under this Act, the Diocesan Authority shall be entitled to receive a part of the stock to be issued in respect of the rentcharge equal in amount to such a sum (in this section and in the Seventh Schedule to this Act referred to as "the sum required for repairs") as may be reasonably sufficient, having regard to the condition of the chancel or building at the appointed day, to provide for the cost of future repairs thereof and to provide a capital sum the income of which will be sufficient to insure it for a sum adequate to reinstate it in the event of its being destroyed by fire :

Provided that, where the rentcharge was vested immediately before the appointed day for an interest in fee simple in possession in any of the following corporations or bodies, namely, Queen Anne's Bounty, the Ecclesiastical Commissioners, a spiritual rector of a rectory with cure of souls, an ecclesiastical corporation, or a university or college to which the Universities and College Estates Act, 1925, applies, the foregoing provisions of this subsection shall not have effect, but the corporation or body shall

Status: This is the original version (as it was originally enacted).

be subject to liability to repair in like manner as if the rentcharge had continued in existence and in the ownership of the corporation or body.

- (3) In respect of liability to repair arising from the ownership of a tithe rentcharge extinguished by this Act to which the provisions of section twenty-one of this Act apply, the land out of which the rentcharge issued immediately before the appointed day and the owner thereof for the time being shall be subject to liability to repair in like manner as if the land had been land to which the provisions of section one of the Tithe Act, 1839, apply.
- (4) In respect of liability to repair arising from the ownership of land in which merger or extinguishment of a tithe rentcharge has taken effect and to which the provisions of section one of the Tithe Act, 1839, apply, the land and the owner thereof for the time being shall be subject to liability to repair in like manner as if this Act had not passed.
- (5) The foregoing provisions of this section shall have effect subject to the provisions of Part I of the Seventh Schedule to this Act, which relate to the apportionment of liability to repair in certain cases.
- (6) Where the Diocesan Authority are entitled to receive under this section a part of the stock to be issued in respect of any rentcharge or rentcharges, one-half of any expenses appearing to the Commission to have been reasonably incurred by the Authority or by Queen Anne's Bounty in estimating the sum required for repairs shall be made good to them by the issue to them of a further part of that stock equal in amount to the said one-half :

Provided that the Commission may reduce the amount to be so made good, to such extent as they think just and equitable, in a case in which the liability to repair is apportionable as mentioned in Part I of the Seventh Schedule to this Act and a substantial part of such liability is not extinguished.
- (7) The provisions of Part II of the Seventh Schedule to this Act shall have effect with respect to procedure and other matters relating to the receipt of stock by the Diocesan Authority under this section.
- (8) This section and the Seventh Schedule to this Act shall have effect in relation to a chancel or building in Wales or Monmouthshire subject to the modifications specified in Part III of that Schedule.
- (9) In this section and in the Seventh Schedule to this Act the expression " Diocesan Authority " has the meaning assigned to it by the Ecclesiastical Dilapidations Measure, 1923, and that Measure, as amended by the Ecclesiastical Dilapidations (Amendment) Measure, 1929, is referred to as " the Measure."