



# Tithe Act 1936

## 1936 CHAPTER 43

### PART III

#### MISCELLANEOUS AND GENERAL.

##### *General.*

#### **47 Interpretation.**

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" agricultural land " means agricultural land as defined in section two of the Rating and Valuation (Apportionment) Act, 1928, and buildings (including dwelling-houses) occupied together with such land and used primarily in connection with agricultural operations thereon;

" annuity " means a redemption annuity charged by section three of this Act or a substituted annuity, and " substituted annuity " has the meaning assigned to it by section ten of this Act;

" annuities register " and " annuities map " mean respectively a register and a map sealed under section nine of this Act;

" appropriate authority " means, in relation to an annuity under the management of the Commission, the Commission, and, in relation to an annuity under the management of the Board, the Board;

" arrears " has the meaning assigned to it by section twenty of this Act;

" benefice " includes all rectories with cure of souls, vicarages, perpetual curacies, endowed public chapels and parochial chapelries, and chapelries or districts belonging or reputed to belong or annexed or reputed to be annexed to any church or chapel, and districts formed for ecclesiastical purposes by virtue of statutory authority, and includes benefices in the patronage of the Crown or of the Duchy of Cornwall;

" contingent rentcharge " means tithe rentcharge issuing out of lands exempted by virtue of section seventy-one of the Tithe Act, 1836, from

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*Status: This is the original version (as it was originally enacted).*

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the payment thereof whilst in the occupation of the owner of the lands or otherwise subject to special incidents;

" district " means the parish or other district treated as a separate district for the commutation of tithes under the Tithe Act, 1836;

" ecclesiastical corporation " has the meaning assigned to it by the Episcopal and Capitular Estates Act, 1851;

" ecclesiastical tithe rentcharge " means tithe rent-charge the fee simple in possession whereof was vested in Queen Anne's Bounty by the Tithe Act, 1925, or which became attached to a benefice or to an ecclesiastical corporation for an interest in fee simple in possession after the appointed day for the purposes of that Act, or which is at the commencement of this Act and immediately before the appointed day vested in fee simple in possession in the Ecclesiastical Commissioners;

" extraordinary tithe rentcharge " means a rent-charge payable under the Extraordinary Tithes Acts, 1886 and 1897;

" interest date " and " payment date " mean the first day of April and the first day of October;

" instrument of apportionment " means an instrument of apportionment made and confirmed, or an instrument of altered apportionment made, under the Tithe Acts, and includes a certificate of capital value sealed under the Extraordinary Tithes Acts, 1886 and 1897, and a map annexed to any such instrument or certificate or detached therefrom under section twenty-six of the Tithe Act, 1860;

" lay tithe rentcharge " means any tithe rentcharge other than ecclesiastical tithe rentcharge;

" prescribed " means prescribed by rules made by the Commission, or, in relation to annuities under the management of the Board, the Board;

" present value " means, in relation to a payment made or sum issued on any date, the value of that payment or sum at the first day of October, nineteen hundred and thirty-six, as determined by the Treasury on the basis of interest at three per cent per annum;

" re-apportioned rentcharge " means a tithe rent-charge which has been re-apportioned by the authority for the time being exercising jurisdiction in that behalf under the Tithe Acts, or which has, before the first day of April, nineteen hundred and thirty-three, been reapportioned, as between lands identified by numbers in an instrument of apportionment, by the owners of the rentcharge and of the lands and has been recovered on the basis of such re-apportionment;

" stock " means redemption stock;

" Tithe Acts " means the Tithe Acts, 1836 to 1925;

" tithe rentcharge " means tithe rentcharge issuing out of lands and payable in pursuance of the Tithe Acts, and includes a rentcharge into which a corn rent was converted under those Acts, and also (except in such portions of this Act as do not have effect in relation to extraordinary tithe rentcharge) extraordinary tithe rentcharge, but does not include a rentcharge payable under the Tithe Act, 1860, in respect of the tithes on any gated or stinted pasture, nor a sum or rate payable for each head of cattle or stock turned on land subject to common rights or held or enjoyed in common.

- (2) In this Act, unless the context otherwise requires, in relation to a re-apportioned rentcharge, references to a tithe rentcharge shall be construed as references to each

of the rentcharges resulting from the re-apportionment, and references to the land out of which a tithe rent-charge issued shall be construed as references to the lands respectively on which those rentcharges were reappportioned.

- (3) References in this Act to the amount of a tithe rentcharge shall be construed as references to the apportioned or par amount thereof.
- (4) In calculating for the purposes of this Act the amount of any stock, of any annuity, of any instalment of an annuity, or of any sum payable on account of tithe rentcharge, fractions of a penny less than a halfpenny shall be disregarded, and fractions of a penny amounting to a halfpenny or more shall be treated as a whole penny.