



# Tithe Act 1951

## 1951 CHAPTER 62 14 and 15 Geo 6

An Act to provide, in lieu of the obligation imposed by the Tithe Act, 1936, to register all annuities charged thereby, for registration in selected districts, to amend and to repeal certain provisions of that Act, and to make further provision with respect to certain matters connected therewith. [1st August 1951]

### Modifications etc. (not altering text)

- C1 Act amended as to “payment date” by [Finance Act 1958 \(c. 56\), s. 38\(2\)\(a\)](#); extended by [Finance Act 1962 \(c. 44\), s. 32](#)
- C2 Functions of Tithe Redemption Commission now exercisable by Commissioners of Inland Revenue: [S.I. 1959/1971 \(1959 II, p. 2618\)](#)
- C3 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
- C4 Act amended by [Finance Act 1977 \(c. 36, SIF 98:5\), s. 56](#)

### *Provisions as to annuities registers*

## 1 **Repeal of provision for registers of annuities for all districts, and substituted provision as to selected districts.**

- (1) ..... <sup>F1</sup>
- (6) The specification in a sealed annuities register of an amount as that of an annuity charged at the date of the sealing of the register, together with the indication in the map referred to therein of land as that in respect of which that annuity was then charged, shall be treated as conclusive evidence that an annuity of that amount was then charged, and that it was charged in respect of that land, unless it is shown that subsection (5) of this section was not observed as to the matter in question, and shall be treated as conclusive evidence that it was not charged in respect of any other land.
- (7) A sealed annuities register for any district shall be treated as conclusive evidence that no annuity other than those particulars whereof are comprised in the register was charged in respect of any land in the district at the date of the sealing of the register.

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*Changes to legislation: There are currently no known outstanding effects for the Tithe Act 1951. (See end of Document for details)*

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- (8) A sealed annuities register or the map referred to therein may be varied by the Commission for correcting any clerical mistake therein, or any error therein arising from any accidental slip or omission, but not otherwise.
- (9) An annuities register and the map referred to therein shall when sealed be deposited at the principal office of the Commission.
- (10) ..... F1
- (11) Where the Commission are satisfied in the case of any district that there is no annuity charged in respect of any land in the district, they may make and seal a declaration of that fact, and a declaration as to any district sealed under this subsection shall be conclusive evidence of that fact.

Any such declaration shall when sealed be deposited at the principal office of the Commission.

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**Textual Amendments**

**F1** [Ss. 1\(1\)–\(5\)\(10\), 2–5, 10\(9\), Sch. 1](#) repealed by [Finance Act 1977 \(c. 36, SIF 98:5\)](#), s. 59(5), [Sch. 9 Pt. V](#)

*Amendments and repeals of certain provisions of the principal Act, and subsidiary provisions.*

**2–5.** ..... F2

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**Textual Amendments**

**F2** [Ss. 1\(1\)–\(5\)\(10\), 2–5, 10\(9\), Sch. 1](#) repealed by [Finance Act 1977 \(c. 36, SIF 98:5\)](#), s. 59(5), [Sch. 9 Pt. V](#)

**6 Confirmation of past dealings based on application of s. 21 of principal Act.**

Where—

- (a) there has been before the commencement of this Act an ascertainment by the Commission for the purposes of the Seventh Schedule to the principal Act that a rentcharge extinguished by that Act was so vested as to render applicable thereto section twenty-one of that Act (which excepts a rentcharge that was in the same ownership as the land charged therewith from the provisions of that Act as to compensation on the one hand and the charge of an annuity on the other hand), and
  - (b) at the commencement of this Act there has been no issue of stock for compensation in respect of that rentcharge and no steps have been taken for recovery of any annuity as charged in respect of the land out of which it issued,
- that rentcharge shall be deemed for all the purposes of the principal Act to have been so vested.

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## 7 Records and other documents: proof and right to inspection and copies.

- (1) The Commission shall cause proper records to be kept of determinations, ascertainment and orders made by them, and any entry in any book or other document kept for the purposes of this subsection or of subsection (4) of section thirty-nine of the principal Act shall in all legal proceedings be evidence of the determination, ascertainment or order referred to and of the regularity thereof.
- (2) Instruments of apportionment, deeds or declarations of merger under the Tithe Acts, annuities registers sealed under section one of this Act and the maps therein referred to, declarations sealed under that section, and records kept as aforesaid shall be open to inspection by any person during all usual office hours, and any person may require a copy thereof, or extract therefrom, to be furnished to him, and may require any such copy or extract to be certified by an <sup>F3</sup>officer of the Public Record Office].
- (3) A copy of, or extract from, any document issued or kept by or in the custody of the Commission under or for the purposes of the principal Act or this Act, being a copy or extract upon which is endorsed a certificate signed by an officer of the Commission stating that it is a true copy or extract, shall in all legal proceedings be admissible in evidence as of equal validity with the document in question, and a certificate purporting to be so signed shall, unless the contrary is proved, be deemed to be so signed.
- (4) The preceding provisions of this section shall have effect in substitution for subsection (4) of section thirty-nine, subsection (2) of section forty-two, and section forty-three, of the principal Act.

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### Textual Amendments

**F3** Words substituted by [S.I. 1981/232, art. 3\(1\)\(a\)](#)

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### Modifications etc. (not altering text)

**C5** [S. 7\(3\)](#) amended by [S.I. 1981/232, art. 3\(2\)\(b\)](#)

## 8 Reports of proceedings of the Commission.

- (1) Section forty-five of the principal Act (which requires the Commission to cause a report of their proceedings to be laid before Parliament biennially) shall cease to have effect.
- (2) Where in any financial year the proceedings of the Commission include items relating to matters (other than of routine) . . . <sup>F4</sup>, a report thereof shall be sent by the Commission to the Treasury . . . <sup>F4</sup>.

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### Textual Amendments

**F4** Words 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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### Modifications etc. (not altering text)

**C6** [S. 8\(1\)](#) repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\), s. 3\(4\), Sch.](#)

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9 ..... F5

#### Textual Amendments

F5 S.9 repealed by Finance Act 1963 (c. 25), Sch. 13 Pt. IV

### 10 Minor amendments, and repeals.

- (1) No power to create tithe rentcharge shall be exercisable after the commencement of this Act, and accordingly
  - (a) the enactments in the Tithe Acts which were repealed by the <sup>M1</sup>Statute Law Revision Act, 1890, the <sup>M2</sup>Statute Law Revision (No. 2) Act, 1890, and the <sup>M3</sup>Statute Law Revision Act, 1891, but with an exception as to tithes not commuted at the date of the passing of those Acts, are hereby repealed as to such tithes; and
  - (b) sections eighteen and twenty-five of the Tithe <sup>M4</sup>Act, 1860, are hereby repealed.
- (2) Section three of the Tithe <sup>M5</sup>Act, 1847 (which relates to the correction of instruments of apportionment) is hereby repealed.
- (3) In the exercise of the power to order detachment of the map annexed to an instrument of apportionment from that instrument which was conferred on the Tithe Commissioners by section twenty-six of the Tithe Act, 1860, and is made exercisable by the Commission by section forty of the principal Act, the Commission shall not be bound, and shall be deemed never to have been bound, by the requirement of the said section twenty-six that the power as exercisable by the Tithe Commissioners should be exercised by order under their hands.
- (4) In so far as they concern annuities charged on land for the redemption of tithe rentcharge or of corn rents, rentcharges or money payments redeemed under the Tithe Acts, 1836 to 1936, the functions of the Minister under section one of the Tithe <sup>M6</sup>Annuities Apportionment Act, 1921, and under sections one hundred and ninety-one and one hundred and ninety-two of the <sup>M7</sup>Law of Property Act, 1925, are hereby transferred to the Commission, who may prescribe the procedure to be followed in connection with the exercise of those functions and the manner in which costs are to be borne by the respective parties to proceedings in connection therewith, and such reasonable fees as they may with the approval of the Treasury prescribe shall be payable to the Commission in connection therewith.
- (5) Instruments of apportionment (which by subsection (3) of section six of the principal Act were required to be placed at the disposal of the Commission by the Minister) shall be in the custody of the Commission, and subsection (1) of section thirty-six of that Act (which requires the Commission, when a document placed at their disposal under the said section six is no longer required by them, to deliver it into the custody of the person who but for that section would have been entitled thereto) shall not apply to such instruments.
- (6) The following paragraph shall be substituted for paragraph (c) of subsection (1) of section ten of the principal Act (which specifies the annual value of land as ascertained for the purposes of income tax under Schedule B as a matter to which the Commission are to have regard in apportioning an annuity), that is to say,—

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- “(c) in the case of an annuity charged in respect of agricultural land, to the annual value of the land or any part thereof, which shall be taken to be the annual rent which a tenant might reasonably be expected to pay therefor.”
- (7) Sections nineteen and twenty of the principal Act (which related to sums that became due before the second day of October, nineteen hundred and thirty-six, in respect of or as an addition to tithe rentcharge extinguished by that Act, and which are spent) are hereby repealed.
- (8) Paragraph (d) of section twenty-nine of the principal Act (which excludes annuities charged in respect of the lands out of which extraordinary tithe rentcharges issued from the remission granted by section fourteen of that Act in the case of certain annuities charged in respect of agricultural land) shall cease to have effect, but without prejudice to any other of the provisions of the said section twenty-nine.
- (9) . . . . . F6
- (10) Rules made by the Commission for prescribing anything which they are authorised by this Act or the principal Act to prescribe shall be a statutory instrument, and the provisions of the <sup>M8</sup>Statutory Instruments Act, 1946, shall apply thereto accordingly, and such rules shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Textual Amendments**

F6 Ss. 1(1)–(5)(10), 2–5, 10(9), Sch. 1 repealed by Finance Act 1977 (c. 36, SIF 98:5), s. 59(5), Sch. 9 Pt. V

**Modifications etc. (not altering text)**

C7 S. 10(1)(2)(7)(8) repealed (prosp.) by Corn Rents Act 1963 (c. 14), s. 3(4), Sch.

C8 The text of ss. 10(6), 12(3), Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

- M1 1890 c. 53.
- M2 1890 c. 51.
- M3 1891 c. 67.
- M4 1860 c. 93.
- M5 1847 c. 104.
- M6 1921 c. 20.
- M7 1925 c. 20.
- M8 1946 c. 36.

**11 Power to transfer functions of the Commission to another Government Department.**

- (1) His Majesty may by Order in Council provide for the transfer to any other Government Department of all or any of the functions of the Commission.

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- (2) An Order under the preceding subsection may contain such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to the Order, including provisions—
- (a) for the transfer of any property, rights and liabilities held, enjoyed or incurred by the Commission in connection with any functions transferred;
  - (b) for the carrying on and completion by or under the authority of the Department to whom any functions are transferred of anything commenced by or under the authority of the Commission before the date when the Order takes effect;
  - (c) for such adaptations of the principal Act or this Act or of any other enactment relating to any functions transferred as may be necessary to enable them to be exercised by the Department to whom they are transferred and the officers thereof;
  - (d) for the substitution of the Department to whom functions are transferred for the Commission in any instrument, contract, or legal proceedings made or commenced before the date when the Order takes effect;
  - (e) for the dissolution of the Commission if and when all their functions have been transferred.
- (3) A draft of any Order under this section shall be laid before Parliament.
- (4) Any Order under this section may be varied by a subsequent Order made in the like manner and subject to the like conditions.
- (5) The preceding provisions of this section shall be in substitution for subsections (2) to (6) of section twelve of the principal Act (which provided for transfer of the management of annuities to the Commissioners of Inland Revenue), and accordingly—
- (a) the said subsections (2) to (6), and the words referring to transfer thereunder in paragraph (b) of subsection (2) of section four of the principal Act and in subsection (1) of the said section twelve, are hereby repealed; and
  - (b) a reference to the Commission shall be substituted for each reference in the principal Act to the “appropriate authority” (which expression was defined in section forty-seven of that Act so as to import either the Commission or the Commissioners of Inland Revenue when having the management of annuities), and the definition of that expression in the said section forty-seven is hereby repealed:
- Provided that nothing in this subsection shall be construed as excluding provision for transfer to the Commissioners of Inland Revenue from the provision which may be made under subsection (1) of this section.
- (6) Subsections (4), (5), (6) and (8) of section sixteen of the principal Act (being special provisions relating to the recovery of annuities by the Commissioners of Inland Revenue) are hereby repealed, but any Order under subsection (1) of this section transferring to those Commissioners functions of the Commission as to the recovery of annuities may include those provisions or provisions to the like effect.

## **12 Short title, citation, construction, repeal and commencement.**

- (1) This Act may be cited as the Tithe Act, 1951, and this Act and the Tithe Acts, 1836 to 1936, may be cited together as the Tithe Acts, 1836 to 1951.

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- (2) This Act shall be construed as one with the principal Act, and may be cited together with that Act as the Tithe <sup>M9</sup>Acts, 1936 <sup>M10</sup> and 1951.
- (3) The Acts mentioned in the Second Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.
- (4) This Act shall come into operation at the expiration of one month from the passing thereof.

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**Modifications etc. (not altering text)**

**C9** The text of ss. 10(6), 12(3), Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**C10** S. 12(4) repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

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**Marginal Citations**

**M9** [1936 c. 43](#).

**M10** [1951 c. 62](#).

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FIRST  
SCHEDULE.....  
F7

**Textual Amendments**

**F7** Ss. 1(1)–(5)(10), 2–5, 10(9), Sch. 1 repealed by [Finance Act 1977 \(c. 36, SIF 98:5\)](#), s. 59(5), [Sch. 9 Pt. V](#)

SECOND SCHEDULE

Section 12.

ENACTMENTS REPEALED

**Modifications etc. (not altering text)**

**C11** The text of ss. 10(6), 12(3), Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

| Session and Chapter         | Title or Short Title                         | Extent of Repeal   |
|-----------------------------|--|--|
| 10 & 11 Vict. c. 104.       | The Tithe Act, 1847                          | Section three.   |
| 23 & 24 Vict. c. 93.        | The Tithe Act, 1860                          | Sections eighteen and twenty-five.   |
| 11 & 12 Geo. 5. c. 20.      | The Tithe Annuities Apportionment Act, 1921. | In section one, subsection (3).  |
| 26 Geo. 5. & Edw. 8. c. 43. | The Tithe Act, 1936                          | In section four, in subsection (2), in paragraph (b) the words from “until” to the end of the paragraph.<br>In section five, subsection (4).<br>Section nine.<br>In section twelve, in subsection (1), the words from “whilst” to “effect”; and subsections (2) to (6).<br>In section sixteen, subsections (4) to (6); in subsection (7), the words from “and no proceedings” to “taken”; and subsection (8).<br>Section eighteen.<br>Section nineteen.<br>Section twenty. |



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In section twenty-five, in subsection (2), the words “and the Board”, “respectively”, and “or of arrears”; and in subsection (4), paragraph (c), and in paragraph (d) the words “the Board, the Arrears Investigation Committee”.

In section twenty-nine, in paragraph (c) the words from “section nineteen” to “appointed day”, and paragraph (d).

In section thirty-six, in subsection (1), the words “or to the Board” and “or the Board”.

In section thirty-nine, in subsection (1), the words “or the Board” in both places where they occur, the words from “and except” to “Committee”, and the word “reference” where it last occurs; in subsection (2), the words “or the Board, as the case may be”, and the words “or the Board”; in subsection (3), the words “or of the Board”; and subsection (4).

In section forty, in subsection (1), the words from “section three” to “and of”, the words “correction or”, and the words “as the case may be”.

In section forty-one, the words “or the Board”.

In section forty-two, subsection (2).

Section forty-three.

Section forty-five.

In section forty-seven, in subsection (1), the definitions of “annuities register”, “annuities map”, appropriate

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authority “and arrears”; and, in the definition of “prescribed”, the words from “or” to the end of the definition.

In the Fourth Schedule, in paragraph 2, in subparagraph (a) the words from “if the annuity” to “management of the Commission”; and in paragraph 3 the words from “in a case where” to “management of the Commission”.

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Table of Statutes referred to in this Act

| <b>Short Title</b>                      | <b>Session and Chapter</b>    |
|---|-------------------------------|
| Tithe Act, 1847                         | 10 & 11 Vict. c. 104.         |
| Tithe Act, 1860                         | 23 & 24 Vict. c. 93.          |
| Statute Law Revision Act, 1890          | 53 & 54 Vict. c. 33.          |
| Statute Law Revision (No. 2) Act, 1890  | 53 & 54 Vict. c. 51.          |
| Statute Law Revision Act, 1891          | 54 & 55 Vict. c. 67.          |
| Tithe Annuities Apportionment Act, 1921 | 11 & 12 Geo. 5. c. 20.        |
| Law of Property Act, 1925               | 15 & 16 Geo. 5. c. 20.        |
| Tithe Act, 1936                         | 26 Geo. 5. & 1 Edw. 8. c. 43. |
| Statutory Instruments Act, 1946         | 9 & 10 Geo. 6. c. 36.         |

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