



Tithe Act 1951

1951 CHAPTER 62 14 and 15 Geo 6

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

2—5.^{F1}

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F1 Ss. 1(1)–(5)(10), 2–5, 10(9), Sch. 1 repealed by [Finance Act 1977 \(c. 36, SIF 98:5\)](#), s. 59(5), [Sch. 9 Pt.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

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.

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

(1) The Commission shall cause proper records to be kept of determinations, ascertainments 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

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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 ^{F2}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.

Textual Amendments
F2 Words substituted by [S.I. 1981/232, art. 3\(1\)\(a\)](#)

Modifications etc. (not altering text)
C1 [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) . . . ^{F3}, a report thereof shall be sent by the Commission to the Treasury . . . ^{F3}.

Textual Amendments
F3 Words repealed by [Finance Act 1989 \(c. 26, SIF 63:2, 98:5, 99:3\), s. 187\(2\), Sch. 17 Pt. XIV](#)

Modifications etc. (not altering text)
C2 [S. 8\(1\)](#) repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\), s. 3\(4\), Sch.](#)

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Textual Amendments

F4 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 ^{M1}Statute Law Revision Act, 1890, the ^{M2}Statute Law Revision (No. 2) Act, 1890, and the ^{M3}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 ^{M4}Act, 1860, are hereby repealed.
- (2) Section three of the Tithe ^{M5}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 ^{M6}Annuities Apportionment Act, 1921, and under sections one hundred and ninety-one and one hundred and ninety-two of the ^{M7}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,—
 - “(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

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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) F5
- (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 ^{M8}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

F5 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)

- C3** S. 10(1)(2)(7)(8) repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), **Sch.**
- C4** 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.
- (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—

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- (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.
- (2) This Act shall be construed as one with the principal Act, and may be cited together with that Act as the Tithe ^{M9}Acts, 1936 ^{M10} 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.

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- (4) This Act shall come into operation at the expiration of one month from the passing thereof.

Modifications etc. (not altering text)

- C5** 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.
- C6** [S. 12\(4\)](#) repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

Marginal Citations

- M9** [1936 c. 43](#).
- M10** [1951 c. 62](#).

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