



# Tithe Act 1839

## 1839 CHAPTER 62 2 and 3 Vict

An Act to explain and amend the Acts for the commutation of tithes in England and Wales. [17th August 1839]

### Modifications etc. (not altering text)

- C1 Short title “The Tithe Act 1839” given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Act amended by [Tithe Act 1918 \(c. 54\)](#)
- C3 Functions of Tithe Commissioners for England and Wales now exercisable by Minister of Agriculture, Fisheries and Food: [Settled Land Act 1882 \(c. 38\), s. 48\(1\)](#), [Board of Agriculture Act 1889 \(c. 30\), s. 2\(1\)\(b\)](#), [Sch. 1, Ministry of Agriculture and Fisheries Act 1919 \(c. 91\), s. 1](#) and [S.I. 1955/554\(1955 I, p. 1200\)](#)
- C4 Preamble recites Tithe Act 1836, Tithe Act 1837 and Tithe Act 1838 and is omitted under authority of [Statute Law Revision \(No. 2\) Act 1890 \(c. 51\)](#)
- C5 Words of enactment repealed by [Statute Law Revision \(No. 2\) Act 1888 \(c. 57\)](#) and [Statute Law Revision \(No. 2\) Act 1890 \(c. 51\)](#)

### [1.] On merger of tithes or rent-charge, the charges thereon to be charges on lands.

In every case where any tithes or rent-charge shall have been or shall hereafter be released, assigned, or otherwise conveyed or disposed of under the provisions of the said Acts, or any of them, or of this Act, for merging or extinguishing the same, the lands in which such merger or extinguishment shall take effect shall be subject to any charge, incumbrance, or liability which lawfully existed on such tithes or rent-charge, previous to such merger to, the extent of the value of such tithes or rent-charge; and any such charge, incumbrance, or liability shall have priority over any charge or incumbrance existing on such lands at the time of such merger taking effect; and such lands, and the owners thereof for the time being, shall be liable to the same remedies for the recovery of any payment and the performance of any duty in respect of such charge, incumbrance, or liability, or of any penalty or damages for nonpayment or non-performance thereof respectively, as the said tithes or rent-charge, or the owner thereof for the time being, were or was liable to previous to such merger.

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*Status: Point in time view as at 19/11/1998.*  
*Changes to legislation: There are currently no known outstanding effects for the Tithe Act 1839. (See end of Document for details)*

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**F1****2** .....

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**Textual Amendments**  
**F1** Whole Act except ss. 1, 37 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

**F2****3** .....

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**Textual Amendments**  
**F2** Whole Act except ss. 1, 37 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

**F3****4** .....

.....  
**Textual Amendments**  
**F3** Whole Act except ss. 1, 37 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

**F4****5** .....

.....  
**Textual Amendments**  
**F4** Whole Act except ss. 1, 37 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

**F5****6** .....

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**Textual Amendments**  
**F5** Whole Act except ss. 1, 37 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

**7** ..... **F6**

.....  
**Textual Amendments**  
**F6** Ss. 7, 19, 20 repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

**8—13.** ..... **F7**

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**Textual Amendments**

**F7** Ss. 8–13, 22, 24, 26, 27, 29–33 repealed by Statute Law Revision (No. 2) Act 1890 (c. 51) and Tithe Act 1951 (c. 62), s. 10(1)(a)

**14** ..... **F8**

**Textual Amendments**

**F8** Ss. 14, 16, 17, 21, 28 repealed by Tithe Act 1936 (c. 43), ss. 1, 48(3), **Sch. 9** and Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

**F9** **15** .....

**Textual Amendments**

**F9** Whole Act except ss. 1, 37 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

**16,17.** ..... **F10**

**Textual Amendments**

**F10** Ss. 14, 16, 17, 21, 28 repealed by Tithe Act 1936 (c. 43), ss. 1, 48(3), **Sch. 9** and Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

**F11** **18** .....

**Textual Amendments**

**F11** Whole Act except ss. 1, 37 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

**19,20.** ..... **F12**

**Textual Amendments**

**F12** Ss. 7, 19, 20 repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

**21** ..... **F13**

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**22** ..... **F14**

**Textual Amendments**  
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**F15** **23** .....

**Textual Amendments**  
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**24** ..... **F16**

**Textual Amendments**  
**F16** Ss. 8–13, 22, 24, 26, 27, 29–33 repealed by Statute Law Revision (No. 2) Act 1890 (c. 51) and Tithe Act 1951 (c. 62), **s. 10(1)(a)**

**F17** **25** .....

**Textual Amendments**  
**F17** Whole Act except ss. 1, 37 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

**26,27.** ..... **F18**

**Textual Amendments**  
**F18** Ss. 8–13, 22, 24, 26, 27, 29–33 repealed by Statute Law Revision (No. 2) Act 1890 (c. 51) and Tithe Act 1951 (c. 62), **s. 10(1)(a)**

**28** ..... **F19**

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**Textual Amendments**

**F19** Ss. 14, 16, 17, 21, 28 repealed by Tithe Act 1936 (c. 43), ss. 1, 48(3), **Sch. 9** and Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

**29**— ..... **F20**  
**33.**

**Textual Amendments**

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**F21** **34** .....

**Textual Amendments**

**F21** Whole Act except ss. 1, 37 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

**F22** **35** .....

**Textual Amendments**

**F22** Whole Act except ss. 1, 37 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

**F23** **36** .....

**Textual Amendments**

**F23** Whole Act except ss. 1, 37 repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. II** Grp.2.

**37 This Act to be taken as part of 6 & 7 W. 4. c. 71.**

This Act shall be taken to be a part of the first-recited Act for the commutation of tithes in England and Wales, and of the secondly-recited Act for amending the same, and of the said thirdly-recited Act to facilitate the merger of tithes; and that in the construction of this Act, unless there be something in the subject or context repugnant to such construction, the several words used in this Act shall have and bear the same interpretation as is given to such words respectively in the said recited Acts or either of them; and whenever a word importing the singular number or masculine gender only is used the same shall be understood to include and shall be applied to several persons or parties as well as one person or party, and females as well as males, and several matters or things as one matter or thing respectively, and the converse.

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**38** ..... **F24**

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**Textual Amendments**

**F24** S. 38 repealed by Statute Law Revision (No. 2) Act 1874 (c. 96)

**Status:**

Point in time view as at 19/11/1998.

**Changes to legislation:**

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