

1959 No. 1971

**The Tithe Redemption Commission (Transfer of
Functions and Dissolution) Order, 1959**

Laid before Parliament in draft

Made - - - - 20th November, 1959

Coming into Operation 1st April, 1960

At the Court at Buckingham Palace, the 20th day of November, 1959

Present,

The Queen's Most Excellent Majesty in Council

Whereas by section eleven of the Tithe Act, 1951(a), Her Majesty is empowered by Order in Council to provide for the transfer to any other Government Department of all or any of the functions of the Tithe Redemption Commission and to make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to the Order, including provisions for the dissolution of the Tithe Redemption Commission if and when all their functions have been transferred :

And, whereas a draft of this Order has lain before Parliament for a period of forty days in accordance with subsection (3) of the said section eleven and subsection (1) of section six of the Statutory Instruments Act, 1946(a), and neither House of Parliament has resolved that the draft be not submitted to Her Majesty:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, in pursuance of the powers conferred by section eleven of the Tithe Act, 1951, is pleased to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Tithe Redemption Commission (Transfer of Functions and Dissolution) Order, 1959.

(2) The Interpretation Act, 1889(b), shall apply in relation to the interpretation of this Order as it applies in relation to the interpretation of an Act of Parliament.

(3) In this Order “instrument” (without prejudice to the generality of that expression) includes in particular Orders in Council, judgments, decrees, orders, rules, regulations, byelaws, licences, awards, contracts, certificates and other documents.

(4) This Order shall come into operation on the first day of April, nineteen hundred and sixty.

2.—(1) The functions of the Tithe Redemption Commission are hereby transferred to the Commissioners of Inland Revenue, and the Tithe Redemption Commission is hereby dissolved.

(2) With the functions transferred under this Article there are also hereby transferred all property, rights and liabilities held, enjoyed or incurred by the Tithe Redemption Commission.

3.—(1) Anything in process of being done by or in relation to the Tithe Redemption Commission at the time of the coming into operation of this Order (and, in particular, legal proceedings then pending to which the Tithe Redemption Commission is a party) may be continued by or in relation to the Commissioners of Inland Revenue.

(2) Any Act of Parliament or instrument passed or made before the coming into operation of this Order shall, so far as may be necessary for or in consequence of the transfers effected by this Order, have effect as if references to the Tithe Redemption Commission, or any of its officers, were references to, or to the corresponding officers of, the Commissioners of Inland Revenue:

Provided that this paragraph has effect, in relation to an Act or instrument passed or made after the making of this Order, subject to any contrary intention which appears from the Act or instrument.

(3) In the Second Schedule to the Tithe Act, 1936(c), paragraphs 1 to 5, paragraph 8, paragraph 10 (except so far as it applies to inquiries under paragraph 7) and paragraphs 11 and 12 shall cease to have effect.

(4) In the Fourth Schedule to that Act references to the Tithe Redemption Commission shall be omitted (in sub-paragraph (a) of paragraph 2 and in the proviso to paragraph 3).

(5) Section nine of the Tithe Act, 1951 (which relates to the determination of particulars of charged land for the purpose of remissions of annuities charged in respect of agricultural land) shall be amended as follows:—

- (a) in subsection (1) for the words from "transmit" to "examining" there shall be substituted the word "examine";
- (b) in subsections (2) and (3) for the words "the Commission are" there shall be substituted the words "the surveyor is", and in subsection (4) for the words "the Commission" and "them", wherever they occur, there shall be substituted respectively the words "the surveyor" and "him";
- (c) in subsection (2) the words from "they shall" to "satisfied, and" shall cease to have effect, and in subsection (3) for the words from "notified" to "who" there shall be substituted the words "the surveyor";
- (d) in subsection (4), in paragraph (a), the words "the copy of" shall be omitted.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which comes into effect on 1st April, 1960, provides for the transfer of the functions of the Tithe Redemption Commission to the Commissioners of Inland Revenue, and for the dissolution of the Tithe Redemption Commission.