



Ecclesiastical Leases Act 1800

1800 CHAPTER 41 39 and 40 Geo 3

An Act for explaining and amending several Acts made in the Thirty-second Year of King Henry the Eighth, and the First, Thirteenth and Fourteenth Years of the Reign of Queen Elizabeth, so far as respects Leases granted by Archbishops, Bishops, Masters and Fellows of Colleges, Deans and Chapters of Cathedral and Collegiate Churches, Masters and Guardians of Hospitals, and others having any Spiritual or Ecclesiastical Living or Promotion. [16 May 1800]

^{X1}Preamble.

Whereas doubts have arisen whether archbishops, bishops, masters and fellows of colleges, deans and chapters of cathedral and collegiate churches, masters and guardians of hospitals, and others having any spiritual or ecclesiastical living or promotion, who are by several Acts passed in the reigns of their late Majesties King Henry the Eighth and Queen Elizabeth restrained from granting any leases of their estates whereon the accustomed yearly rent is not reserved, can lawfully grant separate leases of parts of lands or tenements which have been usually demised by one lease and under one rent, reserving on the several parts so demised less than the rent anciently reserved on the demise of the whole, though the aggregate amount of the rents so reserved on such separate demises should be equal to or exceed the amount of the annual accustomed rent for the whole: And whereas many such separate leases have been granted, and great inconvenience may arise to persons claiming under such leases, if such leases should not be deemed valid and effectual in case the amount of the rent anciently reserved on demises of the whole shall appear to have been reserved on the separate demises of the different parts; and the power of dividing tenements anciently so demised in one parcel at one rent may in many cases tend to improve the value of the estates belonging to such ecclesiastical persons and bodies respectively, as well as to the benefit of their lessees and the publick:

Editorial Information

X1 Act repealed (1.4.1978) as to incumbents by Endowments and Glebe Measure 1976 (No 4), Sch. 7

Modifications etc. (not altering text)

C1 Short title given by [Short Titles Act 1896](#) (c. 14)

C2 Act excluded by [Cathedrals Measure 1963](#) (No. 2), s. 53, [Sch. 1](#)

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Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Leases Act 1800 (repealed 19.11.1998). (See end of Document for details)

- [I.] Where any part of the possessions of any archbishop, &c., or person having any ecclesiastical living, shall be demised by several leases which was formerly demised by one, or where a part shall be demised for less than the ancient rent and the residue shall be retained in the possession of the lessor, the several rents reserved on the separate demises of the specific parts shall be taken to be the ancient rents within the meaning of 32 Hen. 8. c. 28., 1 Eliz. c. 19., 13 Eliz. c. 10., and 14 Eliz. c. 11.**

In all cases where any honours, castles, manors, messuages, lands, tythes, tenements or other hereditaments, being parcel of the possessions of any archbishop, bishop, master and fellows, dean and chapter, master or guardian of any hospital, or any other person or persons or body or bodies politick or corporate having any spiritual or ecclesiastical living or promotion, and having been anciently or accustomedly demised by one lease under one rent or divers rents issuing out of the whole, now are or shall hereafter be demised by several leases to one or several persons under an apportioned or several rents, or where a part only of such honours, manors, messuages, lands, tythes, tenements or other hereditaments as last mentioned are or shall be demised by a separate lease or leases, under a less rent or less rents than was or were accustomedly reserved for the whole by such former lease, and the residue thereof is or shall be retained in the possession or occupation of the lessor or lessors, the several and distinct rents reserved on the separate demises of the several specifick parts thereof comprized in and demised by such several leases shall be deemed and taken to be the ancient and accustomed rents for such specifick parts respectively, within the intent and meaning of an Act passed in the thirty-second year of the reign of his late Majesty King Henry the Eighth, intituled "Lessees to enjoy the farm against the tenants in tail;" and of an Act passed in the first year of the reign of her late Majesty Queen Elizabeth, intituled "An Act giving Authority to the Queen's Majesty upon the avoidance of any archbishop or bishop to take into her hands certain of the temporal possessions thereof, recompensing the same with parsonages impropriate and tythes;" and of the Ecclesiastical Leases Act 1571 and of the Ecclesiastical Leases Act 1572.

- 2 Demise made before passing this Act not valid unless the rents reserved be equal to or more than the rents accustomedly reserved, &c.**

Provided always, that nothing herein contained shall extend to confirm or render valid any demise made before the passing of this Act, unless the several rents reserved upon the separate demises of separate parts of tenements, theretofore accustomedly demised under one entire lease, shall be equal to or more than the rent or rents theretofore accustomedly reserved on the entire demise of the whole; or in case the whole should not be demised, but part reserved in the possession of the lessor or lessors, unless the rents reserved on the parts demised should be so far equal to or more than the whole amount of the ancient rent or rents, that the part not demised should be sufficient to answer the difference.

- 3 Where the whole of such premises shall hereafter be demised in parts, the aggregate rents reserved shall not be less than the old accustomed rent, and so in proportion where a part shall be retained in possession by the lessor.**

Provided also, that where the whole of any such honours, castles, manors, messuages, lands, tythes, tenements or other hereditaments, accustomedly demised by one lease, shall be demised in parts by several leases after the passing of this Act, the aggregate amount of the several rents which shall be reserved by such separate leases be not less than the old accustomed rent or rents theretofore reserved by such entire lease; and that

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where a part only shall be so demised by any such separate lease, and the residue shall be retained in the possession of the lessor or lessors, the rent or rents to be reserved by such separate lease or leases shall not be less, in proportion to the fine or fines to be received on granting such lease or leases, than the rent or rents accustomed to be reserved for the whole of the said premises was, in proportion to the fine received on granting the last entire lease.

4 No greater proportion of the accustomed rent shall be reserved by any separate lease than the premises demised will bear.

Provided also, that no greater proportion of the accustomed rent be reserved by any separate lease hereby confirmed or allowed to be granted, than the part of the premises thereby severally demised will reasonably bear and afford a competent security for.

5 Where any specifick thing shall have been reserved by the lessor, it may be a charge on the premises demised, &c.

Provided also, that where any specifick thing incapable of division or apportionment shall have been reserved or made payable to the lessor or lessors, his or their heirs or successors, either by way of rent or by any covenant or agreement contained in any such entire lease, the same may be wholly reserved and made payable out of a competent part of such lands or tenements demised by any such several lease as aforesaid; and in case in any lease already granted and intended hereby to be confirmed any such provision shall appear to have been made or the payment and delivery of any such sum or sums of money, stipends, augmentations or other things as aforesaid, the same shall be deemed and taken to have been lawfully made, in case the lands and tenements charged therewith shall be of a greater annual value than the payment or other things so charged, exclusive of the rent or other annual payment reserved to the lessor or lessors.

6 No lease confirmed whereon no annual rent to the lessor is reserved.

Provided further, that nothing herein contained shall extend to authorize or confirm any lease whereon no annual rent is or shall be reserved to the lessor or lessors, his or their successors or assigns.

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Textual Amendments
F1 [S. 7 repealed by Statute Law Revision Act 1948 \(c. 62\)](#)

8 Where payments have been reserved to vicars, &c. other than the lessors, provision shall be made in leases in severalty for the future payment thereof out of part of the premises being of an annual value of three times the amount of the payment.

Provided also, that where any such accustomedly entire leases as aforesaid shall have usually contained covenants on the part of the lessee or lessees for the payment or delivery, or shall have in any other manner subjected or charged such lessee or

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lessees to or with the payment or delivery, of any sum or sums of money, stipend, augmentation or other thing, to or for the use of any vicar, curate, schoolmaster or other person or persons, other than and besides the lessor or lessors and his or their heirs or successors, all or any such leases as shall hereafter be granted of the same lands or tenements in severalty as aforesaid shall and may lawfully provide for the future payment and delivery of such sum or sums of money, stipends, augmentations or other things, by and out of any part or parts of the lands or tenements accustomedly charged therewith, not being of less annual value than three times the amount of the payment so to be charged thereon, exclusive of the proportion of rent or other annual payments to be reserved to the lessor or lessors.

9 This Act not to confirm the claim of any vicar, &c. to such payment, where it depends only on the will of the person granting or renewing the lease.

Provided always, that nothing in this Act shall extend to establish or confirm the claim of any vicar, curate, school-master or other person or persons, to any such sum or sums, salary, stipend or other thing as aforesaid, the payment and continuance whereof shall depend only on the will of the person or persons or body or bodies politick or corporate granting or renewing such lease or leases respectively.

10 Persons holding such leases in trust, or granting under-leases of specifick parts with covenants for renewal, may surrender them, that separate leases may be granted by the original lessors to the cestuique trusts or under lessees on reasonable terms, subject to the accustomed rent, etc.

And where any person or persons now holding or who shall hereafter hold any such lease or leases as in this Act mentioned, shall or may hold the same, or any specifick part of the lands or tenements thereby demised, in trust for any other person or persons or for any body or bodies politick or corporate, or shall have granted any under lease or under leases of any specifick part or parts of his, her or their respective holdings, and be under any covenant or engagement for renewal thereof to any other person or persons, body or bodies politick or corporate, when and as often as his, her or their own lease or leases shall be renewed, it shall and may be lawful for such person or persons at first mentioned, at any time or times after the passing of this Act, to surrender his, her or their lease or leases, in order that separate and distinct leases may be granted by the original lessor or lessors of such specifick parts of the same premises as shall have been held in trust or subject to such convenants or engagements for renewal as aforesaid, to the respective under lessees and cestuique trusts, upon fair and reasonable terms, subject to an apportionment of the accustomed rent or rents and other payments, according to the intent and meaning of this Act; and every such surrender so made, and the new leases to be granted thereon according to the intent and meaning of this Act, shall be good and effectual in law and equity, notwithstanding such under lessees and cestuique trusts, or any of them, shall or may be infants, issue unborn, femes covert, persons absent from the realm, or otherwise incapacitated to act for themselves; provided that such new leases respectively be for the benefit of the several persons entitled to the benefit of such surrendered lease or leases respectively, and be expressly so declared in the body of each such new leases respectively.

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