



Tithe Act 1918

1918 CHAPTER 54 8 and 9 Geo 5

An Act to amend the Tithe Acts, 1836 to 1891.

[21st November 1918]

Modifications etc. (not altering text)

- C1 Act applied with modifications by [Tithe Act 1936 \(c. 43\), s. 30](#)
- C2 Functions of Board of Agriculture and Fisheries now exercisable by Minister of Agriculture, Fisheries and Food: [Ministry of Agriculture and Fisheries Act 1919 \(c. 91\), s. 1\(1\)](#) and [S.I. 1955/554 \(1955 I, p. 1200\)](#)
- C3 Functions of Queen Anne's Bounty now exercisable by Church Commissioners; [Church Commissioners Measure 1947 \(No. 2\), ss. 2, 18\(2\)](#)
- C4 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

1 ^{F1}

Textual Amendments

- F1 [S. 1, 2](#) repealed by [Tithe Act 1925 \(c. 87\), Sch. 2](#)

2 ^{F2}

Textual Amendments

- F2 [S. 1, 2](#) repealed by [Tithe Act 1925 \(c. 87\), Sch. 2](#)

3 Compulsory redemption of rentcharges exceeding twenty shillings.

A tithe rentcharge, notwithstanding that it exceeds twenty shillings, shall, on the application of the owner of the land charged therewith, and without the consent of the owner of the rentcharge, be directed by the Board of Agriculture and Fisheries to be

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Changes to legislation: There are currently no known outstanding effects for the Tithe Act 1918 (repealed 19.11.1998). (See end of Document for details)

redeemed under and in accordance with the Tithe Acts, 1836 to 1891, as amended by this Act, unless, owing to any exceptional circumstances, the Board otherwise direct.

Modifications etc. (not altering text)

- C5 S. 3 repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)
- C6 Reference to twenty shillings to be read as referring to equivalent amount in new currency: [Decimal Currency Act 1969 \(c. 19, SIF 10\)](#), s. 10(1)

4 Consideration for redemption.

(1) The consideration money payable on the redemption of a tithe rentcharge on any land under the Tithe Acts, 1836 to 1891, or this Act, shall, in lieu of the amount authorised or directed by the Tithe Acts, 1836 to 1891, be such an amount as may be agreed by the owners of the land and of the rentcharge, and in default of such agreement as may, on the application of the owner of the rentcharge, or of the owner of the land or any part thereof, be determined by the Board of Agriculture and Fisheries, in accordance with the provisions contained in the First Schedule to this Act, to be fair compensation for the redemption.

(2) An agreement made under this section may provide . . . ^{F3} that the consideration money shall be discharged by an annuity payable yearly or half-yearly for a period not exceeding fifty years, consisting of interest at a rate not exceeding five per centum per annum on the consideration money, and of such sum as would be sufficient if the periodical payments thereof were accumulated at compound interest at a rate not exceeding four per centum per annum to produce an amount equal to the consideration money at the end of the said period, and in any such case the Board shall by order direct the discharge of the consideration money by such an annuity as aforesaid and shall charge the land therewith, and the order shall contain such provisions for giving effect to the agreement or determination and for protecting the interests of persons interested in the rentcharge as the Board may think fit, and [^{F4}and from the date on which the annuity commences] the rentcharge shall cease and be extinguished.

In the case of any such annuity payable to Queen Anne’s Bounty on behalf of any benefice or cure, Queen Anne’s Bounty, in determining the portion thereof payable year by year by way of income to the spiritual person entitled in respect of the benefice or cure, may make any necessary provision for securing that the portion accumulated shall at the end of the term produce an amount equal to the consideration money.

(3) An agreement by an owner of a rentcharge under this section shall not be valid—
(a) if made by a spiritual person entitled in respect of his benefice or cure, except with the consent of Queen Anne’s Bounty, or, in the case of a rentcharge affected by the ^{M1}Welsh Church Act, 1914, of the Commissioners of Church Temporalities in Wales; or
(b) if made by a person (not being a spiritual person so entitled), who is not empowered to sell the rentcharge unless he obtains the consent of some other person, except with the consent of that other person.

(4) ^{F5}

Textual Amendments

- F3 Words repealed by [Tithe Act 1925 \(c. 87\)](#), [Sch. 2](#)

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- F4** Words substituted by [Tithe Act 1925 \(c. 87\), s. 20\(1\)](#)
F5 [Ss. 4\(4\), 11\(3\), Sch. 2](#) repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

Modifications etc. (not altering text)

- C7** [S. 4](#) amended by [Tithe Annuities Apportionment Act 1921 \(c. 20\), s. 1](#) and (29.1.1973) by [Land Charges Act 1972 \(c. 61\), s. 2\(2\)\(b\), Sch. 2 para. 1\(a\)](#)
C8 [S. 4\(1\)](#) repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\), s. 3\(4\), Sch.](#)
C9 [S. 4\(2\)](#) amended with the substitution of “sixty years” for “fifty years” by [Tithe Act 1925 \(c. 87\), s. 20\(1\)](#)
C10 [S. 4\(3\)](#) repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\), s. 3\(4\), Sch.](#)

Marginal Citations

- M1** [1914 c. 91.](#)

5 Provision of money for redemption by limited owners.

- (1) So much of section eleven of the Tithe ^{M2}Act, 1846 (which enables a limited owner of land to charge on the land the consideration money and other moneys payable in respect of the redemption of a tithe rentcharge issuing out of the land), as fixes the rate of interest on the charge or requires an annual reduction of the charge, shall cease to have effect.
- (2) Money applicable to the purchase of land to be settled or held to or on any uses or trusts, shall be applicable in or towards the redemption of a tithe rentcharge which is charged on land settled or held to or on the like uses or trusts.

Modifications etc. (not altering text)

- C11** [S. 5](#) repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\), s. 3\(4\), Sch.](#)

Marginal Citations

- M2** [1846 c. 73.](#)

6 Power to charge on land money payable for redemption of tithe rentcharge.

- (1) If the consideration money payable in respect of the redemption of a tithe rentcharge is not paid or discharged within one month after the same becomes payable, the Board of Agriculture and Fisheries, on the application of the owner of the rentcharge, may make an order in favour of the owner of the rentcharge, or other the person entitled under the Tithe Acts, 1836 to 1891, to receive the consideration money, charging the land with the payment of the amount of such consideration money and the costs properly incurred by the applicant in obtaining the charge, with such interest, by such instalments and with such directions for giving effect to the charge as the Board may think fit; and where a charge is so created then, after the payment of the half-yearly portion of the rentcharge which accrues due next subsequently to the time of the creation of the charge, the rentcharge shall cease and be extinguished.
- (2) A charge created under the provisions of this section or section four of this Act shall have priority over every other then existing charge and encumbrance affecting the land, whether created under the powers of an Act of Parliament or otherwise, and such a charge shall be a land charge within the meaning of the ^{M3}Land Charges Registration and Searches Act, 1888.

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Modifications etc. (not altering text)

C12 S. 6 amended (29.1.1973) by [Land Charges Act 1972 \(c. 61\)](#), s. 2(2)(b), **Sch. 2 para. 1(a)**; repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), **Sch.**

Marginal Citations

M3 1888 c. 51.

7 Payment of consideration money into court in certain circumstances.

Where any person fails to exercise within such time as the Board of Agriculture and Fisheries may direct the options given by section nine of the Tithe^{M4} Act, 1846, as to the application of consideration money for redemption of a rentcharge, the consideration money may be paid into court in manner provided by that section.

Modifications etc. (not altering text)

C13 S. 7 repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), **Sch.**

Marginal Citations

M4 1846 c. 73.

8 Statutory declaration for purpose of redemption.

(1) For the purposes of the redemption of tithe rentcharge the Board of Agriculture and Fisheries may require the owner of the rentcharge to make a statutory declaration stating—

- (a) the nature and extent of his estate and interest in the rentcharge;
- (b) the date and short particulars of the instrument under which his estate or interest is derived;
- (c) the names and addresses of the trustees, if any, under such instrument; and
- (d) the incumbrances, if any, affecting the rentcharge;

and the Board may accept a declaration made under this section for the purpose of the redemption.

(2) If the owner of a rentcharge fails to make a declaration as required in pursuance of this section the Board may direct the redemption money for the rentcharge to be paid into court as in a case where the owner is only entitled thereto for a limited estate.

Modifications etc. (not altering text)

C14 S. 8 repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), **Sch.**

9 Power of Queen Anne's Bounty to pay expenses of redemption.

Queen Anne's Bounty may pay or agree to pay out of redemption money payable to them in respect of any tithe rentcharge to which any spiritual person is entitled in respect of a benefice or cure such expenses of redemption of the rentcharge as they in their discretion may think fit, and may also pay out of any such redemption money

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the cost of redeeming any tithe rentcharge issuing out of any glebe land belonging to the spiritual person in respect of the same benefice or cure.

Modifications etc. (not altering text)

C15 S. 9 repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

10 ^{F6}

Textual Amendments

F6 S. 10 repealed by [Tithe Act 1936 \(c. 43\)](#), ss. 1, 48(3), [Sch. 9](#) and [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

11 †**Short title, construction, and repeal.**

(1) This Act may be cited as the Tithe Act, 1918, and the Tithe Acts, 1836 to 1891, and this Act, may be cited together as the Tithe Acts, 1836 to 1918.

(2) In this Act the expression “owner” shall have the same meaning as in the Tithe ^{M5}Act, 1891.

(3) ^{F7}

Textual Amendments

F7 Ss. 4(4), 11(3), [Sch. 2](#) repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

Modifications etc. (not altering text)

C16 A dagger appended to a marginal note means that it is no longer accurate

C17 S. 11(2) repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

Marginal Citations

M5 1891 c. 8.

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^{F8F8}FIRST SCHEDULE

Textual Amendments

F8 Sch. 1 repealed by Tithe Act 1925 (c. 87), **Sch. 2**, Tithe Act 1936 (c. 43), s. 48, **Sch. 9** and Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

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F8

^{F9F9}SECOND SCHEDULE

Textual Amendments

F9 Ss. 4(4), 11(3), Sch. 2 repealed by Statute Law Revision Act 1927 (c. 42)

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F9

Status:

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Changes to legislation:

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