

Status: Point in time view as at 01/02/1991.
Changes to legislation: There are currently no known outstanding effects for the Tithe Act 1936. (See end of Document for details)

F1FIRST SCHEDULE

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Textual Amendments

F1 [Sch. 1](#) repealed by [Statute Law Revision Act 1953 \(c. 5\)](#)

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SECOND SCHEDULE Section 4.

CONSTITUTION, PROCEDURE, STAFF AND EXPENSES OF THE COMMISSION

F2

1—5.

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Textual Amendments

F2 [Sch. 2 paras. 1–5, 8, 11, 12](#) repealed by [S.I. 1959/1971](#) (1959 II, p. 2618)

6 The functions of the Commission, and of the officers and servants of the Commission, shall be exercised on behalf of the Crown.

7 The Commission may hold such inquiries as appear to them to be necessary or desirable for the purpose of the proper discharge of their functions.

 Before holding any such inquiry the Commission shall give such notice as appears to them best adapted for informing persons affected of the date on which and the place at which the inquiry will be held and at any such inquiry any person appearing to the person holding the inquiry to be affected may appear either in person or by counsel, solicitor or agent.

F3

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Textual Amendments

F3 [Sch. 2 paras. 1–5, 8, 11, 12](#) repealed by [S.I. 1959/1971](#) (1959 II, p. 2618)

9 The Commission may authorise, subject to such limitations or restrictions as they may determine, a committee appointed by them, or any person appointed by them for the purpose, to exercise in the name and on behalf of the Commission any of the Commission’s powers or to perform or discharge on their behalf any duty or liability of the Commission.

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10 Subject to the foregoing provisions of this Schedule, the Commission shall have power to make rules regulating the procedure of the Commission and the procedure at any inquiry under this Schedule.

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Modifications etc. (not altering text)

C1 [Para. 10](#) repealed except so far as it applies to inquiries under para. 7 by [S.I. 1959/1971](#) (1959 II, p. 2618)

^{F4}
11, 12.

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Textual Amendments

F4 [Sch. 2 paras. 1–5, 8, 11, 12](#) repealed by [S.I. 1959/1971](#) (1959 II, p. 2618)

THIRD SCHEDULE Sections 7, 38.

^{F5}**PART I**

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Textual Amendments

F5 [Ss. 2\(2\)\(3\), 6\(1\)\(2\), 8, 22, 23, 31\(6\), Sch. 3 Pt. I, Sch. 8 paras. 2–4, 6, 7](#) repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

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PART II

PROVISIONS AS TO STOCK TO BE ISSUED TO QUEEN ANNE’S BOUNTY

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Modifications etc. (not altering text)

C2 Functions of Queen Anne's Bounty now exercisable by Church Commissioners: [Church Commissioners Measure 1947 \(No. 2\), ss. 2, 18\(2\)](#)

^{F6}1—3.

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Textual Amendments

F6 [Sch. 3 Pt. II paras. 1–3](#) repealed by [Endowments and Glebe Measure 1976 No. 4, ss. 47\(4\), 48, Sch. 8](#) (Provinces of Canterbury and York)

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- 4 (1) Where any such rentcharge as aforesaid was immediately before its extinguishment charged with an annual money payment, the charge shall pass to the sum appropriated as aforesaid to the benefice:
Provided that, where any such charge is vested in the holder of any ecclesiastical office, Queen Anne's Bounty shall have power by Order to abate it either permanently or for such term as they may direct, if in their discretion they are satisfied that such abatement is desirable.
- (2) Queen Anne's Bounty shall have the like powers to abate any charge, being a charge so vested as aforesaid, on the general revenues of a benefice in cases in which the general revenues included income derived from tithe rentcharge extinguished by this Act.

Modifications etc. (not altering text)

C3 Para. 4 extended by [Queen Anne's Bounty Measure 1939 \(No. 1\)](#), s. 3

^{F7}FOURTH SCHEDULE

Textual Amendments

F7 [S. 14](#), [Sch.4](#) repealed by [Finance Act 1963 \(c. 25\)](#), [Sch. 13 Pt. IV](#)

^{F8}FIFTH SCHEDULE

Textual Amendments

F8 [Sch. 5](#) repealed by [Local Government Act 1958 \(c. 55\)](#), [Sch. 9 Pt. II](#)

SIXTH SCHEDULE

Section 30.

METHOD OF ASCERTAINMENT OF COMPENSATION FOR REDEMPTION OF CORN RENTS, &C.

Modifications etc. (not altering text)

C4 [Sch. 6](#) repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

The compensation for the redemption of a corn rent, rentcharge or money payment to which section thirty of this Act applies (in this Schedule referred to as a “rent” shall be such sum as, in the opinion of the Minister, is sufficient, after payment of the cost of investment, to produce,

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when invested in Government securities, a permanent annuity equal to the net annual value of the rent as hereinafter defined.

The net annual value of a rent shall be determined by the Minister as follows:—

1. The value of the rent as expressed in the Act or award by which it was created or in any instrument by which it has been apportioned after the coming into operation of that Act or award (hereinafter referred to as the “award value”) shall, unless the award value is a fixed amount not subject to variation, be increased or reduced to such sum as, in the opinion of the Minister, would have been the award value if that value had been based on the average price, as determined by the Minister, for the twenty-five years immediately before the date of the application for redemption, of the commodity or commodities by reference to the price of which the award value was subject to variation.

2. From the award value as so fixed, increased or reduced, as the case may be, there shall be deducted a sum equal to one-twentieth of that value in respect of the cost of collection and management, and a sum equal to the average amount per annum, if any, which was paid or payable by the owner of the rent in respect of rates and land tax during the three years immediately before the last mentioned date or, in a case where the award value is increased or reduced, would have been so paid or payable if the annual collectable value of the rent during those years had been equal to the award value as increased or reduced:

Provided that no deduction in respect of cost of collection and management shall be made in a case in which the consideration money for the redemption is to be discharged by an annuity.

3. The net sum remaining after the said deductions have been made shall be deemed to be the net annual value of the rent for the purposes of this Schedule.

SEVENTH SCHEDULE

Section 31.

LIABILITIES TO REPAIR CHANCEL, &C.

PART I

APPORTIONMENT OF LIABILITY

- 1 The Commission shall ascertain in relation to every chancel or other ecclesiastical building for the repair of which liability attached to the ownership of tithe rentcharge agreed or awarded on the original commutation of tithes under the Tithe Acts—
 - (a) the rentcharges in respect of which such liability attached and the aggregate amount of those rentcharges;
 - (b) which, if any, of those rentcharges was or were redeemed under the Tithe Acts or ceased before the appointed day to be subject to such liability, and the amount, or the aggregate amount, as the case may be, of any such rentcharges; and
 - (c) the identity and the aggregate amount (in this Part referred to as “the apportionable amount of rentcharge liability”) of the residue of those rentcharges.

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- 2 Where the Commission ascertain, in relation to any chancel or building, that the residue aforesaid comprises two or more rentcharges, they shall ascertain the amount of each of those rentcharges which—
- (a) was a rentcharge in respect of which stock is to be issued under this Act and which was not so vested as to fall within the next succeeding subparagraph;
 - (b) was a rentcharge in respect of which stock is to be issued under this Act and which was vested immediately before the appointed day for an interest in fee simple in possession in any of the corporations or bodies mentioned in the proviso to subsection (2) of section thirty-one of this Act;
 - (c) was so vested between the twenty-sixth day of February, nineteen hundred and thirty-six, and the appointed day as to render the provisions of section twenty-one of this Act applicable thereto; or
 - (d) was merged or extinguished under the Tithe Acts in land to which the provisions of section one of the ^{M1}Tithe Act, 1839, apply;
- and shall ascertain, as respects each of those rentcharges, the proportion (in this Part referred to in relation to that rentcharge as “the appropriate proportion”) which the amount thereof bears to the apportionable amount of rentcharge liability.

Marginal Citations

M1 1839 c. 62.

- 3 Where the Commission ascertain, in relation to any chancel or building, that the residue aforesaid comprises two or more rentcharges, then—
- ^{F9}(a)
 - (b) any such liability to repair related to any of those rentcharges as is mentioned in the proviso to subsection (2) of section thirty-one of this Act, or in subsection (3) or (4) of that section, shall be limited to the appropriate proportion of the cost of putting the chancel or building in proper repair.

Textual Amendments

F9 Ss. 2(1), 7, 31(7), Sch. 7 Pt. I para. 3(a), Pt. II, Pt. III para. 2 repealed by Finance Act 1989 (c. 26, SIF 63:2, 98:5, 99:3), s. 187(2), **Sch. 17**, Pt. XIV

- 4 References in the ^{M2}Chancel Repairs Act, 1932, to the cost of putting a chancel in repair shall, in relation to a liability limited under this Schedule to a proportion of such cost, be construed as references to that proportion of such cost.

Marginal Citations

M2 1932 c. 20.

- 5 Nothing in this Act shall prejudice the right of any person against whom proceedings are taken to enforce any such liability to repair related to any rentcharge as is mentioned in the proviso to subsection (2) of section thirty-one of this Act, or in subsection (3) or (4) of that section, to put in issue the question whether liability to repair attached to that rentcharge on the original commutation of tithes under the Tithe Acts or continued thereafter.

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PART II

^{F10}1—5.

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Textual Amendments
F10 Ss. 2(1), 7, 31(7), Sch. 7 Pt. I para. 3(a), Pt. II, Pt.III para. 2 repealed by Finance Act 1989 (c. 26, SIF 63:2, 98:5, 99:3), s. 187(2), **Sch. 17**, Pt. XIV

PART III

MODIFICATIONS AS TO WALES AND MONMOUTHSHIRE

1 For references to the Diocesan Authority or to Queen Anne’s Bounty there shall be substituted references to the Representative Body incorporated under section thirteen of the ^{M3}Welsh Church Act, 1914.

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Marginal Citations
M3 1914 c. 91.

^{F11}2

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Textual Amendments
F11 Ss. 2(1), 7, 31(7), Sch. 7 Pt. I para. 3(a), Pt. II, Pt.III para. 2 repealed by Finance Act 1989 (c. 26, SIF 63:2, 98:5, 99:3), s. 187(2), **Sch. 17**, Pt. XIV

POWERS OF QUEEN ANNE’S BOUNTY

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Modifications etc. (not altering text)
C5 Functions of Queen Anne's Bounty now exercisable by Church Commissioners: [Church Commissioners Measure 1947 \(No. 2\)](#), **ss. 2**, 18(2)

1 Power to make to persons entitled on the appointed day to receive the emoluments of benefices payments sufficient to make good any decrease occasioned by the provisions of this Act of their receipts in respect of the emoluments to which they were respectively then entitled, so long as they respectively remain entitled to receive those emoluments or any part thereof, and for that purpose to withhold from the appropriations to be made to benefices under Part II of the Third Schedule to this Act such amounts as, together with the amounts to be issued to Queen Anne’s Bounty under section twenty-five of this Act or such part thereof as Queen Anne’s Bounty

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may think fit to apply for that purpose, may be required as one common fund for making such payments.

Modifications etc. (not altering text)

C6 Para. 1 amended by Church Property (Miscellaneous Provisions) Measure 1960 (No. 1), s. 16(1)

F12

2—4.

Textual Amendments

F12 Ss. 2(2)(3), 6(1)(2), 8, 22, 23, 31(6), Sch. 3 Pt. I, Sch. 8 paras. 2—4, 6, 7 repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

5 Power to provide on such terms as Queen Anne’s Bounty think fit for the recoupment out of the emoluments of the benefices concerned of advances made by Queen Anne’s Bounty under paragraph 6 of the First Schedule to the ^{M4}Tithe Act, 1925, for the purpose of meeting expenses of collection of rentcharges.

Marginal Citations

M4 1925 c. 87.

F13

6,7.

Textual Amendments

F13 Ss. 2(2)(3), 6(1)(2), 8, 22, 23, 31(6), Sch. 3 Pt. I, Sch. 8 paras. 2—4, 6, 7 repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

8 Power at any time, and during any incumbency of the benefice concerned, to extend within the limits prescribed by law the term of repayment of any loan advanced by Queen Anne’s Bounty for the purposes of—
 (a) the ^{M5}Loans (Incumbents of Benefices) Amendment Act, 1918, and the Acts to be construed therewith; or
 (b) the Ecclesiastical Dilapidations Measures, 1923 to 1929;
where the revenues of the benefice charged with the loan were immediately before the appointed day derived wholly or in part from tithe rentcharge.

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Marginal Citations
M5 1918 c. 42.

F14NINTH SCHEDULE

Textual Amendments
F14 S. 48(3), Sch. 9 repealed by Statute Law Revision Act 1950 (14 Geo. 6 c. 6)

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