



# Tithe Act 1838

## 1838 CHAPTER 64 1 and 2 Vict

An Act to facilitate the merger of tithes in land.

[4th August 1838]

### Modifications etc. (not altering text)

- C1 Short title “The Tithe Act 1838” given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Act amended by [Tithe Act 1918 \(c. 54\)](#)
- C3 Act repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)
- C4 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)
- C5 Preamble recites [Tithe Act 1836 \(c. 71\)](#) and is omitted under authority of Statute Law Revision No. 2) Act 1890 (c. 51)
- C6 Words of enactment repealed by [Statute Law Revision \(No. 2\) Act 1888 \(c. 57\)](#) and [Statute Law Revision \(No. 2\) Act 1890 \(c. 51\)](#)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.] **Persons having the power of appointment over tithes may merge them in the land.**

It shall be lawful for any person or persons who shall, either alone or together, be seised of or have the power of acquiring or disposing of the fee simple in possession of any tithes, or rent-charge in lieu of tithes, by any deed or declaration under his or their hand and seal or hands and seals, to be made in such form as the tithe commissioners for England and Wales shall approve, and to be confirmed under their seal, to convey, appoint, or otherwise dispose of the same, so that the same may be absolutely merged and extinguished in the freehold and inheritance of the lands out of or on which the same shall have been issuing or charged; and every such deed or declaration as aforesaid shall be valid and effectual for the purpose aforesaid, although the same may not be executed or made in the manner or with the formalities or requisites which, if this Act had not been passed would have been essential to the validity of any instrument by which such person or persons could have acquired or disposed of the fee simple in possession of such tithes, or rent-charge in lieu of tithes.

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*Status: Point in time view as at 01/02/1991.*  
*Changes to legislation: There are currently no known outstanding effects for the Tithe Act 1838 (repealed 19.11.1998). (See end of Document for details)*

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**2 Deeds exempt from duty.**

No deed or declaration authorized by this Act for the merging of tithes shall be chargeable with any stamp duty.

**3 Where tithes and the lands charged therewith are settled to same uses, the tenant for life may cause them to merge in the land.**

In all cases where tithes, or rent-charge in lieu of tithes, and the lands out of which the same are payable, are both settled to the same uses, it shall be lawful for any person in possession of an estate for life in both such lands and tithes, or rent-charge in lieu of tithes, by any deed or declaration under his hand and seal, to be made in such form as the said commissioners shall approve, and to be confirmed under their seal, to release, assign, or otherwise dispose of such tithes or rent-charge, so that the same may be absolutely merged and extinguished in the freehold and inheritance of the lands out of which such tithes shall have been issuing or on which such rent-charge shall have been charged.

**4** <sup>F1</sup> .....

**Textual Amendments**  
**F1** S. 4 repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

**5 Meaning of words, &c.**

In the construction and for the purposes of this Act the several words “person,” “lands,” and “tithes” shall respectively mean and include whomsoever and whatsoever the same words would have meant and included if the enactment herein-before made had been contained in the said recited Act instead of this Act.

**6 Limits of Act.**

This Act shall extend only to England and Wales.

**7** <sup>F2</sup> .....

**Textual Amendments**  
**F2** S. 7 repealed by [Statute Law Revision \(No. 2\) Act, 1874 \(c. 96\)](#)

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Tithe Act 1838 (repealed 19.11.1998).