



Tithe Act 1836

1836 CHAPTER 71 6 and 7 Will 4

An Act for the commutation of tithes in England and Wales.

[13th August 1836]

Modifications etc. (not altering text)

- C1 Short title “The Tithe Act 1836” given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Act amended by [Tithe Act 1839 \(c. 62\)](#), [Tithe Act 1842 \(c. 54\)](#), [Tithe Act 1860 \(c. 93\)](#), [Tithe Act 1878 \(c. 42\)](#), [Tithe Act 1891 \(c. 8\)](#) and [Tithe Act 1918 \(c. 54\)](#)
- C3 Functions of Commissioners (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 \(1955 I, p. 1200\)](#)
- C4 Preamble omitted under authority of [Statute Law Revision \(No. 2\) Act 1890 \(c. 51\)](#)
- C5 Certain words of enactment repealed by [Statute Law Revision \(No. 2\) Act 1888 \(c. 57\)](#) and remainder omitted under authority of [Statute Law Revision Act 1948 \(c. 62\)](#), [s. 3](#)
- C6 [Poor Relief Act 1662](#) cited or referred to by its short title under authority of [Statute Law Revision Act 1893 \(c. 14\)](#), [s. 3](#)

1 F1

Textual Amendments

- F1 [Ss. 1, 4–9, 11, 25, 92, 97](#) repealed by [Statute Law Revision Act 1874 \(c. 35\)](#)

2 F2

Textual Amendments

- F2 [S. 2](#) repealed by [Board of Agriculture Act 1889 \(c. 30\)](#), [Sch. 2](#)

Status: Point in time view as at 01/02/1991.
Changes to legislation: *There are currently no known outstanding effects for the Tithe Act 1836. (See end of Document for details)*

3 F3

Textual Amendments
F3 Ss. 3, 10, 13–16, 30, 31, 68 repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

4—9. F4

Textual Amendments
F4 Ss. 1, 4–9, 11, 25, 92, 97 repealed by Statute Law Revision Act 1874 (c. 35)

10 F5

Textual Amendments
F5 Ss. 3, 10, 13–16, 30, 31, 68 repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

11 F6

Textual Amendments
F6 Ss. 1, 4–9, 11, 25, 92, 97 repealed by Statute Law Revision Act 1874 (c. 35)

12 **Meaning of the words “person,” “lands,” “tithes,” “parish,” “parochial,” “landowner,” “tithe owner,” as used in this Act.**

In the construction and for the purposes of this Act, unless there be something in the subject or context repugnant to such construction, the word “person” shall mean and include the King’s Majesty, and any body corporate, aggregate, or sole, as well as an individual; and any word importing the singular number only shall mean and include several persons or parties as well as one person or party, and several things as well as one thing respectively, and the converse; and any word importing the masculine gender only shall mean and include a female as well as a male; and the word “lands” shall mean and include all messuages, lands, tenements, and hereditaments; and the words “tithes” shall mean and include all uncommuted tithes, portions and parcels of tithes, and all moduses, compositions real, and prescriptive and customary payments; and the word “parish” and “parochial” shall mean and include and extend to every parish and every extra-parochial place, and every township or village, within which overseers of the poor are separately appointed under the provisions of the ^{M1}Poor Relief Act, 1662, and every district of which the tithes are payable under a separate appropriation or appropriation, or in a separate portion or parcel, or which the commissioners shall by any order direct to be considered as a separate district for the commutation of tithes; and the words “land owner” or “tithe owner” or “owner of lands” or “owner of tithes” shall mean and include every person who shall be in the actual possession or receipt

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of the rents or profits of any lands or tithes, (except any tenant for life or lives, or for years, holding under a lease or agreement for a lease on which a rent of not less than two thirds of the clear yearly value of the premises comprised therein shall have been reserved, and except any tenant for years whatsoever holding under a lease or agreement for a lease for a term which shall not have exceeded fourteen years from the commencement thereof,) and that without regard to the real amount of interest of such person; and in every case in which any tithes or lands shall have been leased or agreed to be leased to any person for life or lives, or for years, by any lease or agreement for a lease on which a rent less than two thirds of the clear yearly value of the premises comprised therein shall have been reserved, and of which the term shall have exceeded fourteen years from the commencement thereof, the person who shall for the time being be in the actual receipt of the rent reserved upon such lease or agreement for a lease shall, jointly with the person who shall be liable to the payment of such rent of such tithes or lands, be deemed for the purposes of this Act to be owner of such tithes or lands; and in every case in which any person shall be in possession or receipt of the rents or profits of any tithes or lands under any sequestration, extent, elegit, or other writ of execution, or as a receiver under any order of a court of equity, the person against whom such writ shall have issued, or who but for such order would have been in possession, shall, jointly with the person in possession by virtue of such writ or order, be deemed for the purposes of this Act to be the owner of such tithes or lands.

Modifications etc. (not altering text)

C7 Functions of overseers now generally exercisable in City of London by Common Council and elsewhere by rating authorities: City of London (Union of Parishes) Act 1907 (c. cxi, SIF 103:1), s. 11, London Government Act 1899 (c. 14), s. 11(1), Rating and Valuation Act 1925 (c. 90, SIF 103:1), s. 62(1), S. R. & O. 1927/55 (Rev. XIX, p. 599; 1927, p. 964), London Government Act 1963 (c. 33, SIF 81:1), s. 63(1) and General Rate Act 1967 (c. 9, SIF 103:1), s. 1(1)

Marginal Citations

M1 1662 c. 12.

13— F7
16.

Textual Amendments

F7 Ss. 3, 10, 13–16, 30, 31, 68 repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

17— F8
24.

Textual Amendments

F8 Ss. 17–24, 26–28, 32–55, 59–61, 63, 65, 79, 88, 89 repealed by Statute Law Revision Act 1890 (c. 33) and Tithe Act 1951 (c. 62), s. 10(1)(a)

25 F9

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Textual Amendments

F9 Ss. 1, 4–9, 11, 25, 92, 97 repealed by Statute Law Revision Act 1874 (c. 35)

26— **F10**
28.

Textual Amendments

F10 Ss. 17–24, 26–28, 32–55, 59–61, 63, 65, 79, 88, 89 repealed by Statute Law Revision Act 1890 (c. 33) and Tithe Act 1951 (c. 62), **s. 10(1)(a)**

29 **F11**

Textual Amendments

F11 Ss. 29, 67, repealed by Statute Law Revision Act 1890 (c. 33), Tithe Act 1951 (c. 62), **s. 10(1)(a)** and Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

30, 31. **F12**

Textual Amendments

F12 Ss. 3, 10, 13–16, 30, 31, 68 repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)

32— **F13**
55.

Textual Amendments

F13 Ss. 17–24, 26–28, 32–55, 59–61, 63, 65, 79, 88, 89 repealed by Statute Law Revision Act 1890 (c. 33) and Tithe Act 1951 (c. 62), **s. 10(1)(a)**

56 **F14**

Textual Amendments

F14 S. 56 repealed by Corn Returns Act 1882 (c. 37), **Sch.**

57 **F15**

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Textual Amendments

F15 Ss. 57, 62, 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)

[^{F16}**58** **Rent-charge may be specially apportioned.**

. . . ^{F17} no close of land shall be charged with any rent-charge or share of rent-charge on account of the tithes of any other lands, unless the value of such lands shall be at least three times the value of the whole rent-charge upon such lands.]

Textual Amendments

F16 S. 58 repealed (prosp.) by Corn Rents Act 1963 (c. 14), s. 3(4), **Sch.**

F17 Words repealed by Statute Law Revision Act 1890 (c. 33) and Tithe Act 1951 (c. 62), **s. 10(1)(a)**

59— ^{F18}
61.

Textual Amendments

F18 Ss. 17–24, 26–28, 32–55, 59–61, 63, 65, 79, 88, 89 repealed by Statute Law Revision Act 1890 (c. 33) and Tithe Act 1951 (c. 62), **s. 10(1)(a)**

62 ^{F19}

Textual Amendments

F19 Ss. 57, 62, 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)

63 ^{F20}

Textual Amendments

F20 Ss. 17–24, 26–28, 32–55, 59–61, 63, 65, 79, 88, 89 repealed by Statute Law Revision Act 1890 (c. 33) and Tithe Act 1951 (c. 62), **s. 10(1)(a)**

64 **Transcripts of the award to be sent to the registrar of the diocese and to the incumbent and churchwardens.**

Two copies of every confirmed instrument of apportionment, and of every confirmed agreement for giving land instead of any tithes or rent-charge, shall be made and sealed with the seal of the said commissioners, and one such copy shall be deposited in the registry of the diocese within which the parish is situated, to be there kept among the

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records of the said registry, and the other copy shall be deposited with the incumbent and church or chapel wardens of the parish for the time being, or such other fit persons as the commissioners shall approve, to be kept by them and their successors in office with the public books, writings, and papers of the parish, and all persons interested therein may have access to and be furnished with copies of or extracts from any such copy on giving reasonable notice to the person having custody of the same, . . . ^{F21}; and every recital or statement in or map or plan annexed to such confirmed apportionment or agreement for giving land, or any sealed copy thereof, shall be deemed satisfactory evidence of the matters therein recited or stated, or of the accuracy of such plan.

Textual Amendments
F21 Words repealed by [Ecclesiastical Fees Measure 1962 \(No. 1\)](#), s. 8(1), **Sch. Pt. I**

65 ^{F22}

Textual Amendments
F22 Ss. 17–24, 26–28, 32–55, 59–61, 63, 65, 79, 88, 89 repealed by [Statute Law Revision Act 1890 \(c. 33\)](#) and [Tithe Act 1951 \(c. 62\)](#), **s. 10(1)(a)**

66 Confirmed agreements &c. not to be questioned.

No confirmed agreement, award, or apportionment shall be impeached after the confirmation thereof by reason of any mistake or informality therein or in any proceeding relating thereunto.

67 ^{F23}

Textual Amendments
F23 Ss. 29, 67, repealed by [Statute Law Revision Act 1890 \(c. 33\)](#), [Tithe Act 1951 \(c. 62\)](#), **s. 10(1)(a)** and [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

68 ^{F24}

Textual Amendments
F24 Ss. 3, 10, 13–16, 30, 31, 68 repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

69 ^{F25}

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Textual Amendments

F25 S. 69 repealed by [Local Government Act 1966 \(c. 42\)](#), s. 38(1)(2), [Sch. 6 Pt. III](#)

70 F26

Textual Amendments

F26 S. 70 repealed by [Statute Law Revision Act 1891 \(c. 67\)](#)

71 Rent-charge to be subject to the same incumbrances and incidents as tithe before this Act. Proviso.

Any person having any interest in or claim to any tithes, or to any charge or incumbrance upon any tithes, before the passing of this Act, shall have the same right to or claim upon the rent-charge for which the same shall be commuted as he had to or upon the tithes, and shall be entitled to have the like remedies for recovering the same as if his right or claim to or upon the rent-charge had accrued after the commutation; provided that nothing herein contained shall give validity to any mortgage or other incumbrance which before the passing of this Act was invalid or could not be enforced; and every estate for life, or other greater estate, in any such rent-charge, shall be taken to be an estate of freehold; and every estate in any such rent-charge shall be subject to the same liabilities and incidents as the like estate in the tithes commuted for such rent-charge; and where any lands were exempted from tithe whilst in the occupation of the owner thereof by reason of being glebe or of having been heretofore parcel of the possessions of any privileged order, the same lands shall be in like manner exempted from the payment of the rent-charge apportioned on them whilst in the occupation of the owner thereof; and where by virtue of any Act or Acts of Parliament heretofore passed any tithes are authorized to be sold, exchanged, appropriated, or applied in any way, the rent-charges for which such tithes may be commuted under the provisions of this Act, or any part thereof, shall or may be saleable or exchangeable, appropriated and applied, to all intents and purposes, in like manner as such tithes, and the same powers of sale, exchange, and appropriation shall in all such cases extend to and may be exercised in respect of the said commutation rent-charges; and the money to arise by the sale of such rent-charges shall or may be invested, appropriated, and applied to the same purposes and in like manner as the money to arise by the sale of any such tithes might have been invested, appropriated, and applied under such particular Act or Acts, in case this Act had not been passed; and no such rent-charge shall merge or be extinguished in any estate of which the person for the time being entitled to such rent-charge may be seised or possessed in the lands on which the same shall be charged: [F27 Provided always, that it shall be lawful for any person seised in possession of an estate in fee simple or fee tail of any 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 the same, so that the same may be absolutely merged and extinguished in the freehold and inheritance of the lands on which the same shall have been charged.]

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Textual Amendments

F27 Words repealed (*prosp.*) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

[^{F28}72 **Apportionment may be altered by commissioners of land tax, if desired.**

If at any time subsequent to the confirmation of any such instrument of apportionment the owner of any lands charged with any such rent-charge shall be desirous that the apportionment thereof shall be altered, it shall be lawful for the commissioners of land tax for the county or place where the said lands are situate, or any three of them, to alter the apportionment in such manner and in such proportion and to the exclusion of such of the lands as the land owner, with the consent of two justices of the peace acting for the county, riding, division, or other jurisdiction in which the lands are situated, may direct; and such altered apportionment shall be made by an instrument in writing under the hands and seals of the said commissioners of land tax and of the said land owner and justices, of the like form and tenor as to the said lands as the original apportionment, and bearing date the day of its execution by the said commissioners of land tax, subject to the provision herein-before contained with respect to the value of lands on which any rent-charge may be charged on account of the tithes of any other lands; and every such altered apportionment shall be as valid as if made and confirmed by the tithe commissioners as aforesaid, and shall be taken to be an amendment of the original apportionment; and in every such case two counterparts of the instrument of altered apportionment, under the hands and seals of the said commissioners of land tax and justices and land owner, shall be sent, one to the registrar of the diocese, and one to the incumbent and church or chapel wardens, or other person having the custody of the other copy of the original instrument of apportionment; and one counterpart shall be annexed to the copy of the instrument of apportionment in the custody of the registrar and such other person respectively, and taken to be an amendment thereof; and thenceforward such lands shall be charged only according to such altered apportionment; and all expenses of such alteration shall be borne by the land owner desiring the same.]

Textual Amendments

F28 [S. 72](#) repealed (*prosp.*) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#) ; amended by [Tithe Act 1842 \(c. 54\)](#), [s. 14](#)

73 **Expenses of witnesses to be paid under the direction of the commissioners.**

The commissioners or assistant commissioner, in any case where they or he may see fit, may order such expenses of witnesses, and of the production of any books, deeds, contracts, agreements, accounts, or writings, terriers, maps, plans, and surveys, or copies thereof, and all other expenses (except the salary or allowance to any commissioner or assistant commissioner) incurred in the settlement of any suit or difference, or in the hearing and determining any objection to any award [^{F29}or apportionment] before the said commissioners or any assistant commissioner, to be paid by such parties interested in the production thereof respectively or in the event of such suit, difference, or objection, and in such proportions, as the commissioners or assistant commissioner shall think fit and reasonable.

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Textual Amendments

F29 Words repealed (*prosp.*) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

74 Expenses of award to be paid by the land owners and tithe owners as the commissioners may direct.

The allowances to and expenses of land surveyors and tithe valuers necessary for making any award, and all other expenses of or incident to making the said award, except the salary or allowance to any commissioner or assistant commissioner, and except any expenses which the commissioners or any assistant commissioner, or any court or arbitrator, may be authorized to order and may have ordered to be otherwise paid, shall be borne and paid by the land owners and tithe owners interested in the said award, in such proportion, time, and manner as the commissioners or assistant commissioner shall direct.

[^{F30}75 Expenses of apportionment to be borne rateably by the land owners.

All the expenses of or incident to making any apportionment (except the salary or allowance to any commissioner or assistant commissioner, and except any expense which the commissioners or assistant commissioner may be authorized and may have ordered to be otherwise paid,) shall be borne and paid by the owners of lands included in the apportionment in rateable proportion to the sum charged on the said lands in lieu of tithes by such apportionment.]

Textual Amendments

F30 [S. 75](#) repealed (*prosp.*) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

76 Expenses may be recoverable by warrant of distress.

If any difference shall arise touching the said expenses, or the share thereof to be paid by any person, it shall be lawful for the commissioners or some assistant commissioner to certify under their or his hand the amount to be paid by such person; and in case any person shall neglect or refuse to pay his share so certified to be payable by him, and upon the production of such certificate before any two justices of the peace for the county or other jurisdiction wherein the lands mentioned in the agreement or award [^{F31}or apportionment] are situate, such justices, upon the nonpayment thereof, are hereby required, by warrant under their hands and seals, to cause the same and the costs of the distress to be levied by distress and sale of the goods of the person liable to pay the same, and to render the surplus (if any), after deducting the charges of the distress and sale, to the person distrained upon.

Textual Amendments

F31 Words repealed (*prosp.*) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

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[^{F32F33}**77 Owners of particular estates may charge the costs on the estate for twenty years.**

Every owner of an estate in land or tithes less in the whole than an immediate estate of fee simple or fee tail, or which shall be settled upon any uses or trusts, may, with the consent of the commissioners, and in such manner as they may direct, charge so much of the expenses of commutation as is to be defrayed by him, or any part thereof, and the interest thereon after the rate of four pounds by the hundred, upon the lands whereof the tithes are commuted, or upon the rent-charge to be received by him instead of such tithes respectively, but so nevertheless that the charge upon such lands or rent-charge respectively shall be lessened in every year following such commutation by one twentieth part at least of the whole original charge thereon.]

Textual Amendments

- F32** S. 77 repealed (prosp.) by Corn rents Act 1963 (c. 14), s. 3(4), Sch.
- F33** S. 77 repealed with saving by Tithe Act 1936 (c. 43), ss. 1,48(3), Sch. 9

[^{F34F35}**78 Costs of ecclesiastical tithe owners may be charged on the benefice for twenty years.**

Every ecclesiastical beneficed person who shall commute the tithes of his benefice under this Act may advance or borrow the sum necessary to defray so much of the expenses of commutation as is to be defrayed by him, or any part thereof, and as a security for repayment may charge or assign the rent-charge to be received instead of such tithes for twenty years, or until the principal sum advanced or borrowed, and the interest thereon after the rate of four pounds by the hundred, and the expenses of such charge or assignment, shall be sooner paid; and every incumbent successively shall pay the interest of the sum advanced or borrowed, or of so much thereof as shall then remain unpaid, as the same shall become due, or within one calendar month next following, and also an instalment at the rate of five pounds for every hundred pounds of the principal sum advanced or borrowed, and in default of such payment the ordinary may sequester the profits of the benefice until such payments shall be made, provided that the sum to be so advanced or borrowed shall be ascertained and certified under the hand of any commissioner or assistant commissioner, and shall be by him stated to have been the amount of such expenses properly incurred by such ecclesiastical beneficed person in relation to such commutation.]

Textual Amendments

- F34** S. 77 repealed with saving by Tithe Act 1936 (c. 43), ss. 1, 48(3), Sch. 9
- F35** S. 77 repealed (prosp.) by Corn Rents Act 1963 (c. 14), s. 3(4), Sch.

79 ^{F36}

Textual Amendments

- F36** Ss. 17–24, 26–28, 32–55, 59–61, 63, 65, 79, 88, 89 repealed by Statute Law Revision Act 1890 (c. 33) and Tithe Act 1951 (c. 62), s. 10(1)(a)

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F37 80 Tenant paying rent-charge to be allowed the same in account with his landlord.

Any tenant or occupier at the time of such commutation who shall have signified his dissent from being bound to pay any such rent-charge as aforesaid, or who shall hold his lands under a lease or agreement providing that the same shall be holden and enjoyed by him free of tithes, and every tenant or occupier who shall occupy any lands by any lease or agreement made subsequently to such commutation, and who shall pay any such rent-charge, shall be entitled to deduct the amount thereof from the rent payable by him to his landlord, and shall be allowed the same in account with the said landlord.

Textual Amendments

F37 S. 80 repealed with saving by [Tithe Act 1936 \(c. 43\)](#), ss. 1, 48(3), [Sch. 9](#)

81 When rent-charge is in arrear for twenty-one days after half-yearly days of payment, the person entitled thereto may distrain.

In case the said rent-charge shall at any time be in arrear and unpaid for the space of twenty-one days next after any half-yearly day of payment, it shall be lawful for the person entitled to the same, after having given or left ten days notice in writing at the usual or last known residence of the tenant in possession, to distrain upon the lands liable to the payment thereof, or on any part thereof, for all arrears of the said rent-charge, and to dispose of the distress when taken, and otherwise to act and demean himself in relation thereto as any landlord may for arrears of rent reserved on a common lease for years; provided that not more than two years arrears shall at any time be recoverable by distress.

82 When rent-charges are in arrear for forty days after half-yearly days of payment, and no sufficient distress on the premises, writ to be issued directing sheriff to summon jury to assess arrears.

In case the said rent-charge shall be in arrear and unpaid for the space of forty days next after any half-yearly day of payment, and there shall be no sufficient distress on the premises liable to the payment thereof, it shall be lawful for any judge of his Majesty's courts of record at Westminster, upon affidavit of the facts, to order a writ to be issued, directed to the sheriff of the county in which the lands chargeable with the rent-charge are situated, requiring the said sheriff to summon a jury to assess the arrears of rent-charge remaining unpaid, and to return the inquisition thereupon taken to some one of his Majesty's courts of law at Westminster, on a day therein to be named, either in term time or vacation; a copy of which writ, and notice of the time and place of executing the same, shall be given to the owner of the land, or left at his last known place of abode, or with his known agent, ten days previous to the execution thereof; and the sheriff is hereby required to execute such writ according to the exigency thereof; and the costs of such inquisition shall be taxed by the proper officer of the court; and thereupon the owner of the rent-charge may sue out a writ of habere facias possessionem, directed to the sheriff, commanding him to cause the owner of the rent-charge to have possession of the lands chargeable therewith until the arrears of rent-charge found to be due, and the said costs, and also the costs of such writ and of executing the same, and of cultivating and keeping possession of the lands, shall be fully satisfied: Provided always, that not more than two years arrears over and above the time of such possession shall be at any time recoverable.

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83 Account how to be rendered.

It shall be lawful for the court out of which such writ shall have issued, or any judge at chambers, to order the owner of the rent-charge who shall be in possession by virtue of such writ from time to time to render an account of the rents and produce of the lands and of the receipts and payments in respect of the same, and to pay over the surplus (if any) to the person for the time being entitled thereunto, after satisfaction of such arrears of rent-charge and all costs and expenses as aforesaid, and thereupon to order a writ of supersedeas to issue to the said writ of habere facias possessionem, and also by rule or order of such court or judge from time to time to give such summary relief to the parties as to the said court or judge shall seem fit.

84 F38

Textual Amendments
F38 S. 84 repealed by [Tithe Act 1891 \(c. 8\), s. 11](#)

85 Powers of distress and entry to extend to all lands within the parish occupied by the owner or under the same landlord or holding.

Whenever any rent-charge payable under the provisions of this Act shall be in arrear, notwithstanding any apportionment which may have been made of any such rent-charge, every part of the land situate in the parish in which such rent-charge shall so be in arrear, and which shall be occupied by the same person who shall be the occupier of the lands on which such rent-charge so in arrear shall have been charged, whether such land shall be occupied by the person occupying the same as the owner thereof, or as tenant thereof, holding under the same landlord under whom he occupies the land on which such rent-charge so in arrear shall have been charged, shall be liable to be distrained upon or entered upon as aforesaid for the purpose of satisfying any arrears of such rent-charge, whether chargeable on the lands on which such distress is taken or such entry made, or upon any other part of the lands so occupied or holden: Provided always, that no land shall be liable to be distrained or entered upon for the purpose of satisfying any such rent-charge charged upon lands which shall have been washed away by the sea, or otherwise destroyed by any natural casualty.

^{F39}**86 4 & 5 Will. 4 c. 22. to extend to rent-charges under this Act.**

The several provisions of an Act passed in the fourth and fifth years of his present Majesty, intituled “An Act to amend an Act of the “eleventh year of King George the Second, respecting the apportionment “of rents, annuities, and other periodical payments,” shall extend to all rent-charges payable under this Act.

Textual Amendments
F39 S. 86 repealed with saving by [Tithe Act 1936 \(c. 43\), ss. 1, 48\(3\), Sch. 9](#)

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87 Provision for the sale of buildings and the sites thereof rendered useless or unnecessary by the commutation of tithes.

If any barns or buildings belonging to any tithe owner having a limited estate or interest therein, which shall have been generally used for the housing of tithes paid in kind, shall be rendered in the whole or in part useless by reason of any commutation of tithes under this Act, it shall be lawful for every such tithe owner (with the consent, nevertheless, of the commissioners, and subject to such directions as they may give, to be signified under their hands and seal,) to pull down any such barns or buildings or any part thereof, and to sell and dispose of the materials, or to sell and dispose of all or any of such barns or buildings, and the site thereof, and either with or without any farm buildings or homesteads thereunto belonging, in such manner as the commissioners may direct; and upon payment of the consideration money it shall be lawful for every such tithe owner (with such consent as aforesaid) to convey and deliver the premises sold as aforesaid to the purchaser thereof, or to such uses and in such manner as such purchaser shall direct; and the consideration money in each case shall be paid to such tithe owner, and his receipt shall be a good discharge to the purchaser; and such tithe owner shall lay out and invest the consideration money in such manner and for such trusts as the commissioners shall direct for the benefit of the persons entitled to the said rent-charge.

88, 89. F40

Textual Amendments

F40 Ss. 17–24, 26–28, 32–55, 59–61, 63, 65, 79, 88, 89 repealed by [Statute Law Revision Act 1890 \(c. 33\)](#) and [Tithe Act 1951 \(c. 62\), s. 10\(1\)\(a\)](#)

[^{F41}90 Act not to extend to Easter offerings, &c. or to payments instead of tithes in London, &c.

Nothing in this Act contained, unless by special provision to be inserted in some parochial agreement and specially approved by the commissioners, in which case the same shall be valid, shall extend to any Easter offerings, mortuaries, or surplice fees, or to the tithes of fish or of fishing, or to any personal tithes other than the tithes of mills, or any mineral tithes, or to any payment instead of tithes arising or growing due within the city of London, or to any permanent rent-charge or other rent payment in lieu of tithes, calculated according to any rate or proportion in the pound on the rent or value of any houses or lands in any city or town under any custom or private Act of Parliament, or to any lands or tenements the tithes whereof shall have been already perpetually commuted or extinguished under any Act of Parliament heretofore made.]

Textual Amendments

F41 [S. 90](#) repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\), s. 3\(4\), Sch.](#)

^{F42}91 Advertisements, contracts, and awards not to be liable to stamp duty.

No advertisement inserted by direction of the commissioners or any assistant commissioner, or by any tithe owner or land owner, in the London Gazette, or in any

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newspaper, for the purpose of carrying into effect any provision of this Act, and no agreement, award, or power of attorney made or confirmed or used under this Act, shall be chargeable with any stamp duty.

Textual Amendments

F42 S. 91 repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

92 F43

Textual Amendments

F43 Ss. 1, 4–9, 11, 25, 92, 97 repealed by [Statute Law Revision Act 1874 \(c. 35\)](#)

93 F44

Textual Amendments

F44 S. 93 repealed by [Perjury Act 1911 \(c. 6\)](#), [Sch.](#) and [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

94 F45

Textual Amendments

F45 S. 94 repealed by [Public Authorities Protection Act 1893 \(c. 61\)](#), s. 2

[^{F46}95 **Proceedings not to be quashed for want of form, nor to be removed by certiorari.**

No order, adjudication, or proceeding made or had by or before the commissioners or any assistant commissioner under the authority of this Act, or any proceeding to be had touching any offender against this Act, shall be quashed for want of form, or be removed or removable by certiorari, or any other writ or process, into any of this Majesty’s courts of record at Westminster or elsewhere.]

Textual Amendments

F46 S. 95 repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

96 **Limits of Act.**

This Act shall extend only to England and Wales.

97 F47

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Textual Amendments

F47 Ss. 1, 4–9, 11, 25, 92, 97 repealed by Statute Law Revision Act 1874 (c. 35)

Status:

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Changes to legislation:

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