



# Tithe Act 1918

## 1918 CHAPTER 54

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

[21st November 1918]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

### **1 Method of computation of tithe rentcharge.**

- (1) The sum which on or before the first day of January, nineteen hundred and twenty-six, becomes payable under the Tithe Acts, 1836 to 1891, in respect of any tithe rentcharge, shall be the sum payable in respect of that rentcharge as ascertained by the septennial average prices published under the Corn Returns Act, 1882, in the month of January, nineteen hundred and eighteen.
- (2) The Board of Agriculture and Fisheries shall, after the twenty-fifth day of December in the year nineteen hundred and twenty-five, and in each succeeding year, compute in the same manner as the septennial average is directed to be computed under the Corn Returns Act, 1882, and shall publish in the London Gazette in the month of January following the average price of each sort of British corn for the preceding fifteen years, and the sum payable under the Tithe Acts, 1836 to 1891, in respect of any tithe rentcharge payable after the first day of January, nineteen hundred and twenty-six, shall be ascertained by the average prices so computed for the preceding fifteen years in substitution for the septennial average referred to in the Corn Returns Act, 1882.

### **2 Regulation of pension to retired incumbent.**

A pension to a retired incumbent of a benefice, whether awarded before or after the passing of this Act, which under the Incumbents Resignation Act, 1871, Amendment Act, 1887, is variable shall from time to time vary with and be regulated by the average prices by which under this Act the sum payable in respect of any tithe rentcharge is ascertained.

### **3 Compulsory redemption of rentcharges exceeding**

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 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.

### **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, and, in default of such agreement, on the application of the owner of the land or any part thereof, the Board of Agriculture and Fisheries for the purpose of the redemption of a rentcharge for the redemption of which an application is made on or before the first day of January nineteen hundred and twenty-one may, if they think fit, determine, 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 after payment of the first instalment of the annuity 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 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) This section shall not apply as respects any tithe rentcharge with respect to the redemption of which proceedings are pending at the passing of this Act.

## **5 Provision of money for redemption by limited owners.**

- (1) So much of section eleven of the Tithe 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.

## **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 Land Charges Registration and Searches Act, 1888.

## **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 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.

## **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 tinder 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.

**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 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.

**10 Corn rents, &c.**

- (1) The powers of the Board of Agriculture and Fisheries under the Tithe Act, 1860, to convert corn rents into tithe rentcharges may be exercised at any time on the application in writing, of the owners of land liable to the payment of the major part in value of corn rents or of the persons to whom the major part in value of the corn rents are payable.
- (2) The tithe rentcharge to be awarded on the conversion of any corn rents shall be such as, in the opinion of the Board, is equal in capital value to the corn rents converted.
- (3) The provisions of this Act which relate to redemption of tithe rentcharge, except the First Schedule, shall apply to corn rents, rentcharges, and money payments (other than rentcharges payable under the Extraordinary Tithe Redemption Act, 1886) which are liable to redemption under the Tithe Acts, 1836 to 1891.

**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 Act, 1891.
- (3) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

## SCHEDULES.

### FIRST SCHEDULE

Sections 4, 10(3).

#### METHOD PRESCRIBED FOR ASCERTAINMENT OF COMPENSATION FOR REDEMPTION OF A TITHE RENTCHARGE

- 1 The Board of Agriculture and Fisheries shall estimate the annual sum payable in perpetuity which is equal to the variable rentcharge payable under the Tithe Acts, 1836 to 1891, as amended by this Act, and the sum so estimated is in this Schedule referred to as the gross annual value.
- 2 The compensation for redemption shall be such sum as in the opinion of the Board is sufficient, after payment of the cost of investment, to produce when invested in Government securities a permanent annuity equal to the gross annual value after deducting from that value the average amount paid or payable by the tithe owner in respect of the rentcharge for the three years immediately preceding the date of the application to redeem on account of rates and land tax, and such sum not exceeding two and a half per cent. of the gross annual value as in the opinion of the Board represents the necessary cost of collection of the rentcharge.
- 3 For the purpose of the redemption of a rentcharge for the redemption of which an application is made on or before the first day of January, nineteen hundred and twenty-one, the gross annual value of the rentcharge shall be the original commuted amount thereof, and the compensation shall be twenty-one times that amount after such deductions therefrom as aforesaid.

### SECOND SCHEDULE

Section 11(3).

#### ENACTMENTS REPEALED

Session and Chapter.	Short Title.	Extent of Repeal.
<a href="#">9 &amp; 10 Vict. c. 73.</a>	The Tithe Act, 1846	In section eleven, the words " after the yearly rate of four " pounds by the hundred" and the words " but so, never the less that the charge upon " such land shall be lessened " in every year after the redemption of such rentcharge " by one-twentieth part at " least of the whole original " charge thereon."
<a href="#">23 &amp; 24 Vict. c. 93.</a>	The Tithe Act, 1860	In section one, the words from " at which the said corn rents " might be subjected "

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*Status: This is the original version (as it was originally enacted).*

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Session and Chapter.	Short Title.	Extent of Repeal.
41 & 42 Vict. c. 42.	The Tithe Act, 1878	to " and " of the persons to whom a " major part in value of such " rents are payable."
48 & 49 Vict. c. 32.	The Tithe Rentcharge Redemption Act, 1885.	Section three Section four. In section three from " Provided always" to the end, of the section.