



Tithe Act 1936

1936 CHAPTER 43

PART I

EXTINGUISHMENT OF TITHE RENTCHARGE, COMPENSATION OF OWNERS THEREOF AND LIABILITIES OF LANDOWNERS.

Stock.

7 Issue of stock and provision as to beneficial interests therein.

- (1) Stock to be issued for compensation in respect of a tithe rentcharge shall be issued to the person specified in that behalf in Part I of the Third Schedule to this Act, and shall be held and disposed of for the like purposes as if the stock had been an investment of consideration money paid for the redemption of the rentcharge under the Tithe Acts, and, in the case of stock issued to the proper officer of the court, according to the orders of the court :

Provided that the foregoing provisions of this subsection shall have effect subject, in the case of stock to be issued to Queen Anne's Bounty, to the provisions of Part II of the Third Schedule to this Act, and subject to the provisions of this Act relating to the issue of stock in certain cases in respect of liabilities to repair chancels of churches or other ecclesiastical buildings.

- (2) When the Commission have satisfied themselves that a tithe rentcharge has been extinguished by this Act, and have determined the amount of the stock to be issued in respect thereof, and the person entitled to receive the stock, they shall transmit to the Bank of England a certificate specifying the amount of the stock to be issued and the name and address of the person entitled to receive it, and stock of that amount shall be issued to that person in accordance with the provisions of Part II of this Act.

8 Transitional provisions as to interest on, and issue of, stock.

- (1) Interest in respect of stock shall, subject to the provisions of this Act, commence to accrue on the first day of October, nineteen hundred and thirty-six.

- (2) When as regards any tithe rentcharge the right to an issue of stock in respect thereof, and the minimum amount of the stock to be issued, have been established to the satisfaction of the Commission with reasonable certainty, the Commission shall thereupon pay to the person appearing to them to be the person who will be entitled to receive the stock an amount equal to the interest accrued on that amount of stock up to the day preceding the interest date then last, and shall on each interest date thereafter pay to that person an amount equal to the interest in respect of so much of that amount of stock as remains unissued accrued between the interest date then last and the day preceding the date on which the payment is to be made.

Interest paid under this subsection is in this Act referred to as "provisional interest."

- (3) In a case in which the Commission are authorised to pay provisional interest, they may, if the person to whom such interest would be payable so requests, transmit to the Bank of England a certificate specifying an amount of stock equal to the amount in respect of which they are authorised to pay provisional interest less such deduction, not being less than ten per cent., as they think fit, and the name and address of the person appearing to the Commission to be entitled to receive it, with a view to the immediate issue of stock of that reduced amount to that person, and stock of that amount shall be issued to that person in accordance with the provisions of Part II of this Act:

Provided that, before transmitting a certificate under this subsection, the Commission shall obtain from the person to be therein specified such security or indemnity as appears to the Treasury to be sufficient to provide against loss in the event of it appearing that that person was not in fact entitled to the amount of stock specified.

- (4) On the date of the issue of any stock the Commission shall pay to the person to whom it is issued any interest accrued thereon up to the day preceding the interest date then last which has not been paid to him as provisional interest.
- (5) If any interest is paid under this section in respect of any stock to a person other than the person entitled to receive that stock, or to the last mentioned person in excess of the interest accrued thereon for the period for which the interest was paid, the Commission shall be entitled to recover the amount so paid, or the amount of the excess, as the case may be, as money had and received to the use of the Commission, and, in the case of an amount paid in excess to the person entitled to receive any stock, to a charge in respect of that stock for that amount, enforceable against the person to whom the stock is issued in like manner as if the rentcharge in respect of which the stock is issued had been subject immediately before the appointed day to a mortgage to secure the amount charged, with priority over all other interests so enforceable.
- (6) Nothing in this section shall affect the Bank of England, or a person purchasing in good faith and for valuable consideration stock in respect of which any such charge as aforesaid exists, with notice of any such charge.