



# Tithe Act 1936

1936 CHAPTER 43 26 Geo 5 and 1 Edw 8

## PART III

### MISCELLANEOUS AND GENERAL

#### *General*

**39 Powers for determination of questions in performance of functions under this Act.**

F1 .....

**Textual Amendments**

F1 Ss. 39-42 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), s. 1\(1\)](#), {Sch. 1 Pt. 6 Group 3}

**40 Exercise by the Commission of certain powers conferred by the Tithe Acts.**

F2 .....

**Textual Amendments**

F2 Ss. 39-42 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), s. 1\(1\)](#), {Sch. 1 Pt. 6 Group 3}

**41 Power to enter and inspect land.**

F3 .....

*Changes to legislation: There are currently no known outstanding effects for the Tithe Act 1936, Cross Heading: General. (See end of Document for details)*

**Textual Amendments**

**F3** Ss. 39-42 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 6 Group 3}

**42 Service and proof of documents.**

**F4** .....

**Textual Amendments**

**F4** Ss. 39-42 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 6 Group 3}

**F5** **43** .....

**Textual Amendments**

**F5** Ss. 12(2)–(6), 18–20, 39(4), 42(2), 43, 45 repealed by Tithe Act 1951 (c. 62), Sch. 2

**44 Treasury authorisation.**

**F6** .....

**Textual Amendments**

**F6** S. 44 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 6 Group 3}

**F7** **45** .....

**Textual Amendments**

**F7** Ss. 12(2)–(6), 18–20, 39(4), 42(2), 43, 45 repealed by Tithe Act 1951 (c. 62), Sch. 2

**F8** **46** .....

**Textual Amendments**

**F8** S. 46 repealed by Statute Law Revision Act 1964 (c. 79)

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## 47 Interpretation.

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

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“benefice” includes all rectories with cure of souls, vicarages, perpetual curacies, endowed public chapels and parochial chapelries, and chapelries or districts belonging or reputed to belong or annexed or reputed to be annexed to any church or chapel, and districts formed for ecclesiastical purposes by virtue of statutory authority, and includes benefices in the patronage of the Crown or of the Duchy of Cornwall;

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F11  
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“ecclesiastical corporation” has the meaning assigned to it by the <sup>M1</sup>Episcopal and Capitular Estates Act, 1851;

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“extraordinary tithe rentcharge” means a rentcharge payable under the <sup>M2</sup>Extraordinary Tithes Acts, 1886 <sup>M3</sup> and 1897;

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“instrument of apportionment” means an instrument of apportionment made and confirmed, or an instrument of altered apportionment made, under the Tithe Acts, and includes a certificate of capital value sealed under the Extraordinary Tithes Acts, 1886 and 1897, and a map annexed to any such instrument or certificate or detached therefrom under section twenty-six of the Tithe Act, 1860;

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“re-apportioned rentcharge” means a tithe rentcharge which has been re-apportioned by the authority for the time being exercising jurisdiction in that behalf under the Tithe Acts, or which has, before the first day of April, nineteen hundred and thirty-three, been re-apportioned, as between lands identified by numers in an instrument of apportionment, by the owners of the rentcharge and of the lands and has been recovered on the basis of such re-apportionment;

“stock” means redemption stock;

“Tithe Acts” means the Tithe Acts, 1836 to 1925;

“tithe rentcharge” means tithe rentcharge issuing out of lands and payable in pursuance of the Tithe Acts, and includes a rentcharge into which a corn rent was converted under those Acts, and also (except in such portions of this Act as do not have effect in relation to extraordinary tithe rentcharge) extraordinary tithe rentcharge, but does not include a rentcharge payable under the <sup>M4</sup>Tithe Act, 1860, in respect of the tithes on any gated or stinted pasture, nor a sum or rate payable for each head of cattle or stock turned on land subject to common rights or held or enjoyed in common.

- (2) In this Act, unless the context otherwise requires, in relation to a re-apportioned rentcharge, references to a tithe rentcharge shall be construed as references to each of the rentcharges resulting from the re-apportionment, and references to the land out of which a tithe rentcharge issued shall be construed as references to the lands respectively on which those rentcharges were reappportioned.

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*Changes to legislation: There are currently no known outstanding effects for the Tithe Act 1936, Cross Heading: General. (See end of Document for details)*

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(3) References in this Act to the amount of a tithe rentcharge shall be construed as references to the apportioned or par amount thereof.

(4) <sup>F14</sup> .....

#### Textual Amendments

- F9** Definitions repealed by Finance Act 1977 (c. 36, SIF 98:5), s. 59(5), **Sch. 9 Pt. V**
- F10** Definitions repealed by Tithe Act 1951 (c. 62), **Sch. 2**
- F11** S. 47(1): definitions of "contingent rentcharge", "district" and "prescribed" repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 6 Group 3}
- F12** Definition repealed by Statute Law Revision Act 1953 (2 & 3 Eliz. 2 c. 5)
- F13** Definition repealed by Finance Act 1989 (c. 26, SIF 63:2, 98:5, 99:3), s. 187(2), **Sch. 17 Pt. XIV**
- F14** S. 47(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 6 Group 3}

#### Marginal Citations

- M1** 1851 c. 104.
- M2** 1886 c. 54.
- M3** 1897 c. 23.
- M4** 1860 c. 93.

<sup>X1</sup>**48** †**Short title, construction, extent and repeal.**

(1) This Act may be cited as the Tithe Act, 1936, and shall be construed with the Tithe Acts, 1836 to 1925, and those Acts and this Act may be cited together as the Tithe Acts, 1836 to 1936.

(2) This Act shall extend to England and Wales only.

<sup>F15</sup>(3) .....

#### Editorial Information

- X1** A dagger appended to a marginal note means that it is no longer accurate

#### Textual Amendments

- F15** S. 48(3), **Sch. 9** repealed by Statute Law Revision Act 1950 (14 Geo. 6 c. 6)

**Changes to legislation:**

There are currently no known outstanding effects for the Tithe Act 1936, Cross Heading:  
General.