

ELIZABETH II



1963 CHAPTER 14

An Act to make further provision for the apportionment and redemption of corn rents and other payments wholly or partly payable in lieu of tithes and for the extinguishment thereof in certain cases; to transfer to the Treasury the functions of the Minister of Agriculture, Fisheries and Food under subsection (2) of section 30 of the Tithe Act 1936; and for purposes connected with the matters aforesaid. [15th May 1963]

BE IT ENACTED by the Queen'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.—(1) The Commissioners of Inland Revenue (hereinafter referred to as "the Commissioners") may by a scheme made by them make provision for the apportionment and redemption of corn rents and other payments for which provision was made by section 30 (1) of the Tithe Act 1936; and a scheme under this section (hereinafter referred to as "a scheme") shall have effect in lieu of the said section 30 (1).

Power to make scheme for apportionment, redemption, etc., of corn rents.
26 Geo. 5 & 1 Edw. 8. c. 43.

(2) A scheme may apply to such additional payments, being payments which by virtue of an enactment or by custom are charged on or otherwise payable in relation to land wholly or partly in lieu of tithes, as the Commissioners think fit.

(3) As respects payments such as are mentioned in subsection (1) or (2) of this section (hereinafter referred to as "rents") a scheme may include provision for the extinguishment thereof in cases where—

- (a) a rent has been redeemed, or

(b) a person is entitled in the same capacity both to the rent and to the land in respect of which it is payable, or

(c) all persons having an interest either in the rent or the land in respect of which it is payable agree to its extinguishment.

(4) A scheme, in regulating the redemption of rents, shall provide that a rent is not to be redeemed otherwise than on the application or with the consent of the person who, under the scheme, would be liable to defray the consideration money:

Provided that the scheme may enable the consent of that person to be dispensed with where the amount payable by him or his predecessor in title in respect of the rent in the calendar year immediately preceding the year in which redemption is proposed did not exceed forty shillings, or where the land in respect of which the rent is payable is, or is about to be, divided into plots.

(5) A scheme may in particular (but without prejudice to the generality of this section)—

(a) include provisions reproducing, with such modifications as the Commissioners think fit, the effect of any of those enactments comprised in the Tithe Acts 1836 to 1925 which were applied to corn rents and other payments by section 30 (1) of the Tithe Act 1936;

(b) apply to matters arising in connection with or in consequence of the redemption of a rent any enactment having effect in relation to matters arising in connection with or in consequence of the redemption of tithe rentcharge (as defined by section 47 of the Tithe Act 1936);

14 Geo. 6. c. 27.

(c) apply provisions of the Arbitration Act 1950, with or without modification, for the purposes of proceedings under the scheme;

(d) provide for the payment of fees to the Commissioners in connection with proceedings under the scheme.

(6) A scheme may be revoked or amended by a subsequent scheme.

(7) Any power conferred by this section to make a scheme shall be exercisable by statutory instrument; and a statutory instrument containing a scheme shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Transfer to Treasury of certain functions as to extinguishment of corn rents.

2. Section 30 (2) of the Tithe Act 1936 (which empowers the Minister of Agriculture, Fisheries and Food to provide for the extinguishment of corn rents and other payments either generally or in particular cases) shall have effect as if for references therein to the said Minister there were substituted references to the Treasury, and as if references therein which have effect as references to the Commissioners were omitted.

3.—(1) This Act may be cited as the Corn Rents Act 1963.

Short title,
extent, repeal
and savings.

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

(3) This Act binds the Crown.

(4) With effect from the coming into operation of the first scheme under this Act, the enactments mentioned in the Schedule to this Act, being enactments superseded by this Act or otherwise spent or obsolete, are, so far as not repealed by any other enactment, hereby repealed to the extent specified in the third column of that Schedule.

(5) In section 191 (12) of the Law of Property Act 1925 (by 15 & 16 Geo. 5. which payments redeemable under the Tithe Acts 1836 to 1918 c. 20. are precluded from being redeemed or apportioned under that section) for the words “the Tithe Acts 1836 to 1918” there shall be substituted, with effect from the coming into operation of the first scheme under this Act, the words “the Corn Rents Act 1963”.

(6) Proceedings under section 30 (1) of the Tithe Act 1936 in progress at the coming into operation of the first scheme under this Act may be continued and completed as if this Act had not passed.

(7) Nothing in this Act shall affect the operation of the Vicar’s 40 & 41 Vict. Rate in Halifax Act 1877 or the Kendal Corn Rent Act 1932. c. iii.
22 & 23 Geo. 5.
c. lxiv.

SCHEDULE
ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
6 & 7 Will. 4. c. 71.	The Tithe Act 1836.	Section 58. In section 71, the words from "Provided always" to the end. Section 72. In section 73, the words "or apportionment". Section 75. In section 76, the words "or apportionment". Sections 77, 78, 90, 91 and 95. The whole Act.
1 & 2 Vict. c. 64.	The Tithe Act 1838.	The whole Act, except sections 1, 15 and 37.
2 & 3 Vict. c. 62.	The Tithe Act 1839.	The whole Act.
3 & 4 Vict. c. 15.	The Tithe Act 1840.	Section 5. Sections 13 to 16. In section 20, the words from "and all provisions in the said Acts" to the end.
5 & 6 Vict. c. 54.	The Tithe Act 1842.	The whole Act, except sections 9 and 23.
9 & 10 Vict. c. 73.	The Tithe Act 1846.	Sections 10 to 17. Sections 20 to 23. Sections 31 and 32. Sections 35 to 39. In section 40, the words from "and may also award a rent-charge" to the end. Section 41.
23 & 24 Vict. c. 93.	The Tithe Act 1860.	The whole Act, so far as it applies in relation to any other Act comprised in the Tithe Acts 1836 to 1951.
31 & 32 Vict. c. 89.	The Inclosure, &c., Expenses Act 1868.	The whole Act.
41 & 42 Vict. c. 42.	The Tithe Act 1878.	The whole Act, except sections 4 (2) and 11 (1).
48 & 49 Vict. c. 32.	The Tithe Rentcharge Redemption Act 1885.	Sections 5, 8, 10 (2), 18, 19, 21 and 22.
8 & 9 Geo. 5. c. 54.	The Tithe Act 1918.	Sections 30 (1) and 32 (1). Schedule 6.
15 & 16 Geo. 5. c. 87.	The Tithe Act 1925.	Section 8 (1). Section 10 (1), (2), (7) and (8). Section 12 (3) and (4). Schedule 2.
26 Geo. 5 & 1 Edw. 8. c. 43.	The Tithe Act 1936.	
14 & 15 Geo. 6. c. 62.	The Tithe Act 1951.	

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