



Rentcharges Act 1977

1977 CHAPTER 30

Prohibition and extinguishment

3 Extinguishment of rentcharges

- (1) Subject to this section, every rentcharge shall (if it has not then ceased to have effect) be extinguished at the expiry of the period of 60 years beginning—
 - (a) with the passing of this Act, or
 - (b) with the date on which the rentcharge first became payable,whichever is the later ; and accordingly the land on which it was charged or out of which it issued shall, at the expiration of that period, be discharged and freed from the rentcharge.
- (2) The extinguishment of a rentcharge under this section shall not affect the exercise by any person of any right or remedy for the recovery of any rent which accrues before the rentcharge is so extinguished.
- (3) This section shall not have the effect of extinguishing any rentcharge—
 - (a) which is, by virtue of any enactment or agreement or by custom, charged on or otherwise payable in relation to land wholly or partly in lieu of tithes ; or
 - (b) which is of a kind referred to in subsection (3) of section 2 above (disregarding subsection (5) of that section).
- (4) Subsection (1) above shall not apply to a variable rentcharge ; but where such a rentcharge ceases to be variable, subsection (1) above shall apply as if the date on which the rentcharge first became payable were the date on which it ceased to be variable.
- (5) For the purposes of subsection (4) above, a rentcharge shall (at any time) be treated as variable if at any time thereafter the amount of the rentcharge will, or may, vary in accordance with the provisions of the instrument under which it is payable.