



# Tithe Act 1860

1860 CHAPTER 93 23 and 24 Vict

**U.K.**

An Act to amend and further extend the Acts for the commutation of tithes in England and Wales. [13th August 1860]

## Modifications etc. (not altering text)

- C1 Short title “The Tithe Act 1860” given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Functions of Commissioners (Tithe Commissioners to England and Wales) now exercisable by Minister of Agriculture, Fisheries and Food: [Settled Land Act 1882 \(c. 38\)](#), [s. 48\(1\)](#), [Board of Agriculture Act 1889 \(c. 30\)](#), [s. 2\(1\)\(b\)](#), [Sch. 1](#), [Ministry of Agriculture and Fisheries Act 1919 \(c. 91\)](#), [s. 1](#) and [S.I. 1955/554 \(1955 I, p. 1200\)](#)
- C3 Preamble recites Tithe Act 1836 and the Acts amending that Act and is omitted under authority of [Statute Law Revision Act 1892 \(c. 19\)](#)
- C4 Words of enactment repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

1, 2. ....<sup>F1</sup> **U.K.**

## Textual Amendments

- F1 [Ss. 1, 2](#) repealed by [Tithe Act 1936 \(c. 43\)](#), [ss. 1, 48\(3\)](#), [Sch. 9](#) and [Statute Law Revision Act 1953 \(c. 5\)](#)

3 ....<sup>F2</sup> **U.K.**

## Textual Amendments

- F2 [S. 3](#) repealed by [Tithe Act 1918 \(c. 54\)](#)

*Status: Point in time view as at 01/02/1991.*  
*Changes to legislation: There are currently no known outstanding effects for the Tithe Act 1860. (See end of Document for details)*

4—9. ....<sup>F3</sup> **U.K.**

**Textual Amendments**

**F3** Ss. 4–9, 42, 43, Sch. repealed by Tithe Act 1936 (c. 43), ss. 1, 48(3), **Sch. 9** and Statute Law Revision Act 1953 (2 & 3 Eliz. c. 5)

[<sup>F4</sup>10] **Where consents not given, draft of proposed altered apportionment to be deposited for inspection. **U.K.****

In any case of altered apportionment in which the consent of the whole of the landowners interested in such alteration shall not be signified thereto, the Commissioners shall, in lieu of the service of notice required by the said Acts, cause a draft of the proposed altered apportionment to be deposited for inspection, in the same manner as by the Tithe<sup>M1</sup> Act, 1836, is required in reference to an instrument of apportionment, and shall cause notice to be given of such deposit in such manner as to them shall seem fit, and shall by such notice specify the time (being not less than twenty-one days) within which objections in writing to such proposed altered apportionment may be signified to the Commissioners; and in case any notice of objection shall be given within the time limited as aforesaid, the Commissioners shall appoint a time and place for hearing such objection, and shall, by themselves or by an assistant commissioner, take such objection into their consideration; and if there be no notice of objection, or when the said Commissioners or assistant commissioner shall have heard and determined every such objection, the Commissioners shall confirm such altered apportionment, with or without amendments, as they shall see fit.]

**Textual Amendments**

**F4** S. 10 repealed (prosp.) by Corn Rents Act 1963 (c. 14), s. 3(4), **Sch.**

**Marginal Citations**

**M1** 1836 c. 71

[<sup>F5</sup>11] **Rentcharge may be re-apportioned and redistributed on the same or on other lands. **U.K.****

With the consent of the owner or owners of any lands charged with rentcharge under any instrument of apportionment, whether payable to one or more owners of rentcharge, and without regard to the mode in which the same rentcharge is apportioned by the said instrument, the Commissioners may by an altered apportionment reapportion and redistribute the same rentcharge over and amongst the said lands or any part thereof, and to the exclusion of any of such lands; but no rentcharge shall be charged upon any land to the exclusion of other land of the same owner, unless the land so charged with rentcharge is held for an estate in fee simple or fee tail in possession, or unless the same and the land so excluded are settled to the same uses.]

**Textual Amendments**

**F5** S. 11 repealed (prosp.) by Corn Rents Act 1963 (c. 14), s. 3(4), **Sch.**

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**Modifications etc. (not altering text)**

C5 S. 11 excluded by [Tithe Act 1925 \(c. 87\), s. 18\(2\)](#).

[<sup>F6</sup>12 **Where fences removed rentcharge may be apportioned on land tithe-free jointly with other land.** **U.K.**

Where, through the removal or alteration of fences between land charged with rentcharge under any instrument of apportionment and land upon which no rentcharge is now charged, or which is tithe-free, it becomes impossible or difficult to distinguish the limits of the land so charged with rentcharge, the Commissioners may, with the consent of the owner of the said lands, include the whole of such lands in any instrument of altered apportionment to be made by the said Commissioners, and may apportion the rentcharge as well on the said land not heretofore charged as on the said land heretofore liable to the payment thereof, or on any part thereof; provided, that the whole of the lands on which such rentcharge is apportioned are held for an estate in fee simple or fee tail in possession, or are settled to the same uses.]

**Textual Amendments**

F6 S. 12 repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\), s. 3\(4\), Sch.](#)

[<sup>F7</sup>13 **Land not to be charged to different owner without consent.** **U.K.**

No land shall be charged with rentcharge payable to a different owner than the rentcharge previously charged thereon was payable to, without the consent in writing of the owner of the rentcharge so proposed to be charged, except in cases of altered apportionment after inclosure.]

**Textual Amendments**

F7 S. 13 repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\), s. 3\(4\), Sch.](#)

[<sup>F8</sup>14 **Where consent of land owner not required.** **U.K.**

It shall not be necessary to obtain the consent of any landowner to an altered apportionment whose lands are not charged with rentcharge by such altered apportionment.]

**Textual Amendments**

F8 S. 14 repealed (prosp.) by [Corn Rents Act 1963 9c. 14\), s. 3\(4\), Sch.](#)

[<sup>F9</sup>15 **Power to Commissioners to alter apportionment where successive alterations have made it inconvenient or difficult, but not to alter amount, &c.** **U.K.**

Whenever it shall appear to the Commissioners that any instrument of apportionment shall have been altered by successive instruments of altered apportionment, so as in the judgment of the Commissioners to render the collection of the rentcharge upon

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the lands included in such apportionment and altered apportionments unreasonably inconvenient or difficult, the Commissioners may, upon the application of the person or persons entitled to such rentcharge or any part thereof, and without notice to or the consent of any owner of such lands, make a further instrument of altered apportionment as regards the whole of the said lands, or such portions thereof as to them shall seem fit, but without making any alteration in the amount charged on the lands of any particular owner; and the altered apportionment so made by the Commissioners shall be taken to be an amendment of and in substitution for so much of the said original apportionment and altered apportionments as relates to the lands included in the said lastly made altered apportionment.]

#### Textual Amendments

**F9** S. 15 repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

#### [<sup>F10</sup>16 **Power to Commissioners to alter apportionment where boundaries of parishes have been altered.** [U.K.](#)

Whenever any new boundaries of parishes shall have been or shall be set out upon any inclosure or otherwise, and it shall appear to the Commissioners that the apportionment of the rentcharge in such parishes is thereby rendered inconvenient, the Commissioners may make and confirm an altered instrument of apportionment adapted to the altered distribution of the lands in such parishes or any of them, and to the new boundaries which shall have been so set out, or otherwise the Commissioners may, by an order under their hands and seal, declare the lands which shall be affected by such alteration of boundaries, either with or without any other lands comprised in such inclosure, and whether such lands are situate in one or more parishes, to be a separate district for the purposes herein-after mentioned, and may make and confirm an altered instrument of apportionment adapted to the altered distribution of such lands, with reference to the owners both of the lands and rentcharge in such district; and the Commissioners may determine that the amount of rentcharge payable to each of the owners of rentcharge in such district shall be fixed and apportioned upon such particular lands as to them shall seem convenient, so that no lands are charged with more than their due proportion of rentcharge; and every such determination shall be binding and conclusive, and such altered apportionment, when confirmed, shall be annexed to the original apportionment for that parish from which the greatest amount of rentcharge is payable under the altered apportionment, and counterparts thereof shall be annexed to the original apportionment for each of the other parishes comprised in such district, and copies thereof shall be deposited in respect of each several parish comprised in the district, in conformity with the provisions of the said recited Acts.]

#### Textual Amendments

**F10** S. 16 repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

#### [<sup>F11</sup>17 **Powers for altering apportionments or awards.** [U.K.](#)

All the powers given by the said recited Acts or by this Act in relation to the alteration of instruments of apportionment shall extend to all altered apportionments and to awards of rentcharge in lieu of corn rents, and to awards under local Acts by which

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any rentcharge is awarded in lieu of tithes, glebe or commonable or other rights or easements.]

**Textual Amendments**

F11 S. 17 repealed (prosp.), by Corn Rents Act 1963 (c. 14), s. 3(4), Sch.

**Modifications etc. (not altering text)**

C6 S. 17 extended by Tithe Act 1925 (c. 87), s. 18(3)

18 .....<sup>F12</sup> **U.K.**

**Textual Amendments**

F12 Ss. 18, 25 repealed by Tithe Act 1951 (c. 62), Sch. 2

19 **Gross rent charge may be apportioned on gated or stinted pastures.** **U.K.**

Where a gross rentcharge has been made payable in respect of the tithes of any gated or stinted pasture, and such gates or stints are rated to the relief of the poor, the Commissioners may by the instrument of apportionment to be made of such rentcharge, or by a supplemental award and apportionment, where an apportionment shall have been already made, upon the application in writing of the person entitled to such rentcharge, or of any owner of a gate or stint, apportion such gross rentcharge pro rata upon the gates or stints: and after such apportionment or supplemental award and apportionment the owner of such rentcharge shall have the same powers for the recovery of any arrears thereof, by distress on the goods and chattels of the person rated to the relief of the poor in respect of the gates or stints the rentcharge upon which is in arrear, as are given by the said recited Acts for the recovery of rentcharge in arrear, and such powers of distress may be exercised upon the goods and chattels of such person, whether found upon the said pasture or elsewhere.

[<sup>F13</sup>20 **Rentcharge on commons may be commuted for a part of the land, or redeemed.** **U.K.**

In every other case in which a gross rentcharge is charged upon any land subject to common rights, or held or enjoyed in common during the whole of the year, the Commissioners shall, upon the application in writing of the person entitled to such rentcharge, or of any person liable to pay the same or any part thereof, convene a meeting of the owners of such land and persons liable to pay such rentcharge, of which twenty-one days notice shall be given in such manner as to the Commissioners shall seem fit; and the majority in value of the persons attending such meeting may determine whether such rentcharge shall be commuted for an equivalent part of the land on which it is chargeable, or be redeemed for a sum equal to twenty-five times the amount of such rentcharge, to be paid by a time to be limited by the Commissioners, and may further determine, if the rentcharge is to be redeemed, whether the redemption money shall be raised by rate on the persons liable to such rentcharge, or by sale of a portion of such land: Provided always, that, if no determination be come to at such meeting, the Commissioners may proceed to commute the rentcharge for land as herein-after provided.]

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**Textual Amendments**

**F13** S. 20 repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

[<sup>F14</sup>**21** **If rentcharge is commuted for land, Commissioners to set it out, &c.** **U.K.**

If the rentcharge is to be commuted for land, the Commissioners shall define and set out the land to be so given, and shall vest the same in the owner of the rentcharge by an award, to be made by them in like manner as awards of exchange of glebe for other land are made under the said recited Acts, and subject to all the like incidents.]

**Textual Amendments**

**F14** S. 21 repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

[<sup>F15</sup>**22** **Commissioners to set out land to be sold for purposes of redemption.** **U.K.**

If the rentcharge is to be redeemed for a sum to be raised by the sale of a portion of the land liable to such rentcharge, the Commissioners may define and set out such part of the land as may be sufficient in value to meet the redemption money and the expenses of sale, and may sell and dispose of the same by public auction or private contract, as they may think expedient.]

**Textual Amendments**

**F15** S. 22 repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

[<sup>F16</sup>**23** **Conveyance of land sold to be executed by Commissioners.** **U.K.**

Upon every such sale the Commissioners shall sign and deliver to each purchaser a receipt for his purchase money, which shall be a sufficient discharge for the same; and upon receipt of the whole purchase money for any of the lands which shall be sold as aforesaid the Commissioners shall convey such lands and the fee simple and inheritance thereof in possession by conveyance under their hands and seal to such uses and in such manner as such purchasers shall direct; and after such conveyance the premises conveyed shall be freehold of inheritance, and shall be held to the uses and in manner expressed in such conveyance; and any such conveyance may be to the effect set forth in the schedule to this Act, and shall be evidence of the regularity of the sale in pursuance of which such conveyance shall be made.]

**Textual Amendments**

**F16** S. 23 repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

**24** **Recovery by distress where rate per head is in arrear.** **U.K.**

Wherever a sum or rate per head shall be in arrear, the arrears shall be recoverable by distress and impounding of any cattle, stock, goods, or chattels belonging to the person

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in respect of whose cattle or stock such sum or rate per head is in arrear, wherever the same may be found.

25 .....<sup>F17</sup> **U.K.**

**Textual Amendments**

**F17** Ss. 18, 25 repealed by [Tithe Act 1951 \(c. 62\), Sch. 2](#)

26 **Power to Commissioners to order maps to be detached from instruments of apportionments.** **U.K.**

Where by reason of the size of the map annexed to any instrument of apportionment, or other circumstances, the Commissioners shall be of opinion that it is expedient that such map should be detached and held separate from the said instrument, the Commissioners may by an order under their hands direct that the said map shall be so detached, and they may make the like order upon the application of the incumbent and church-wardens of any parish or either of them, or the registrar of any diocese, in reference to the sealed copy of any instrument of apportionment belonging to any such parish, or held in the custody of such registrar, and thereupon every map so detached shall have the same force and effect and be referred to as if the same were annexed to the said apportionment, or the sealed copies thereof.

**Modifications etc. (not altering text)**

**C7** [S. 26](#) amended by [Tithe Act 1936 \(c. 43\), ss. 1, 40\(2\)](#) and retrospectively by [Tithe Act 1951 \(c. 62\), s. 10\(3\)](#)

27 **Provision for restoration of damaged instrument of apportionment.** **U.K.**

In any case in which an instrument of apportionment or any part thereof shall have been damaged or defaced, the Commissioners may by an order under their hands require the sealed copy thereof which shall be deposited in the parish or registry of the diocese to be delivered up to them, for a time to be limited by such order, for the purpose of enabling them to restore such portions of the said instrument as shall have been so damaged or defaced, or of making an entire copy of the said instrument, which instrument so restored, or entire copy so made by them, being certified under their hands and seal, shall be of the same force and have the same effect as the said confirmed instrument of apportionment.

28 .....<sup>F18</sup> **U.K.**

**Textual Amendments**

**F18** Ss. 28, 33 repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

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**29 Expenses of recovering rentcharge. U.K.**

If a rentcharge shall at any time be in arrear and unpaid, and in order to enforce payment thereof it shall become necessary for the person entitled to the same to give notice of his intention to distrain upon the lands liable to the payment thereof for the arrears of the said rentcharge, according to the provisions of the said recited Acts, the owner of the rentcharge shall in all cases be entitled to two shillings and sixpence for and in respect of each notice which shall have been so issued, and such sum shall be deemed and taken to be part of the rentcharge which is in arrear and unpaid, and shall be recoverable accordingly, in like manner as the said arrears of rentcharge are recoverable.

**30 Notice of intention to distrain may be sent by post. U.K.**

Notice of intention to distrain may be given in the manner provided by the said recited Acts, or by sending it by the post in a registered letter to the office or usual place of abode of the person to whom the same is addressed.

**[<sup>F19</sup>31 Commissioners may order a rentcharge not exceeding 15*l.* to be redeemed before apportionment. U.K.**

Where, under any agreement or award which has been or hereafter shall be confirmed by the Commissioners, the amount of the rentcharge agreed or awarded to be paid instead of the tithes of any parish, and which shall not have been apportioned, shall not exceed the sum of fifteen pounds, the Commissioners may, if they shall see fit, (and without the consents of the owner or owners of the lands chargeable with the said rentcharge, or of the person or persons for the time being entitled to the receipt thereof,) by an order under their hands and seal, direct that such rentcharge shall be redeemed by the payment by the owners of the lands chargeable therewith, within such time as the Commissioners shall by such order direct and appoint, of a sum equal to twenty-five times the amount of such rentcharge.]

**Textual Amendments**

**F19** S. 31 repealed with saving by [Tithe Act 1936 \(c. 43\)](#), ss 1, 48(3), [Sch.9](#); repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

**[<sup>F20</sup>32 Where land divided, Commissioners may order rentcharge to be redeemed after apportionment. U.K.**

Whenever lands charged with rentcharge under any instrument of apportionment or altered apportionment shall be divided for building or other purposes into numerous plots, and it shall appear to the Commissioners that no further apportionment of the said rentcharge can conveniently be made, the Commissioners may, if they shall see fit, upon the application of any one owner of the said lands, and without the consent of any other owner, or of the person for the time being entitled to the receipt of the said rentcharge, and without limitation as to the amount thereof, by an order under their hands and seal direct that such rentcharge shall be redeemed by the payment by the owners of the lands chargeable therewith, within such time as the Commissioners shall by such order direct and appoint, of a sum equal to twenty-five times the amount of such rent-charge.]



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**Textual Amendments**

**F20** S. 32 repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

**33** ..... <sup>F21</sup> **U.K.**

**Textual Amendments**

**F21** Ss. 28, 33 repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

**34 Rentcharges where land chargeable for more than one parish. **U.K.****

Where any land had been made chargeable with rentcharges in lieu of tithes for more than one parish, the Commissioners, on being satisfied thereof, may determine in respect of which parish the rentcharge ought to have been charged, and may, by order, direct such rentcharge to be paid in respect of such parish only.

**Modifications etc. (not altering text)**

**C8** S. 34 amended by [Tithe Act 1936 \(c. 43\)](#), ss. 1, 40(1)

[<sup>F22</sup>**35 Commissioners shall give notice of intention to order compulsory redemption. **U.K.****

Before the Commissioners shall order the compulsory redemption of any rentcharge, they shall cause notice to be given of their intention in such manner as to them shall seem fit, and shall by such notice specify the time (being not less than twenty-one days) within which objections in writing to such proposed order may be signified to them; and in case any notice of objections shall be given within the time limited as aforesaid, the Commissioners shall, by themselves or an assistant commissioner, take such objections into their consideration.]

**Textual Amendments**

**F22** S. 35 repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

[<sup>F23</sup>**36 Remedy in case persons refuse to receive redemption money. **U.K.****

If the person absolutely entitled to the redemption money refuses to receive the same, or if the rentcharge be subject to incumbrances, and the Commissioners shall consider that the incumbrances should be protected, such redemption money shall be dealt with as is provided in cases where the owner of the rentcharge is only entitled thereto for a limited estate.]

**Textual Amendments**

**F23** S. 36 repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

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[<sup>F24</sup>37] **Trustees may be appointed to receive sums not exceeding 200*l.* payable corporation. U.K.**

Where the money to be paid for the redemption of any rentcharge does not exceed two hundred pounds, and the person for the time being entitled to such rentcharge shall be a corporation not authorized to make an absolute sale of such rentcharge otherwise than under the provisions of the said recited Acts, the redemption money may be paid into the hands of trustees to be nominated by the Commissioners by order under their hands and seal; and the money when so paid shall be applied by the trustees, with the consent of the Commissioners, to the purposes to which money to be paid for the redemption of any rentcharge [<sup>F25</sup>into the Supreme Court] is by the said recited Acts directed to be applied; and upon every vacancy in the office of such trustees some other person shall be appointed by the said Commissioners in like manner.]

**Textual Amendments**

**F24** S. 37 repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

**F25** Words substituted by [Administration of Justice Act 1965 \(c. 2\)](#), [Sch. 1](#)

[<sup>F26</sup>38] **Provisions of recited Acts applicable to redemptions under this Act. U.K.**

The provisions of the said recited Acts respecting the redemption of rentcharge (except as otherwise by this Act is provided) shall be applicable to all cases of redemption of rentcharge effected under this Act.]

**Textual Amendments**

**F26** S. 38 repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

[<sup>F27</sup>39] **Expenses and redemption money, how to be raised. U.K.**

For the purpose of making any altered apportionment, supplemental award and apportionment, or award of rentcharge in lieu of corn rents, or for the purpose of collecting any redemption money which may have been fixed as herein-before provided, and not paid by the time in that behalf limited, and of assessing the same redemption money, and all expenses of or incidental to any such altered apportionment, supplemental award and apportionment, or award, or of any such redemption (including, if the Commissioners shall see fit, the expense of the assistant commissioner's attendance at any meetings which may be necessary in the matter of any such altered apportionment, supplemental award and apportionment, or award, or of any such redemption), between the owners of the lands liable to the rentcharge to be re-apportioned or redeemed, or to the rentcharge awarded in lieu of corn rents, or persons to whom the said corn rents were payable, the Commissioners or an assistant commissioner may employ such land surveyors and tithe valuers or other persons as to them shall seem fit; and all the powers and provisions of the said recited Acts concerning the valuers appointed for the purposes of an original apportionment of rentcharge, and concerning the assessment and recovery of the expenses of an original award of rentcharge or apportionment, so far as in the discretion of the Commissioners shall seem fit, shall be and the same are hereby made applicable to the land surveyors, tithe valuers, or other persons so employed, and to the assessment, collection, and recovery of any such redemption money, and of all expenses incidental to any such

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altered apportionment, supplemental award and apportionment, or award, or to any such redemption; but the Commissioners shall, before they proceed to collect any such redemption money or expenses, cause a schedule showing the total amount thereof, and the share thereof to be borne by each person interested, to be deposited for inspection, in the same manner as by the said recited Acts is required in reference to an instrument of apportionment, and shall cause notice to be given of such deposit in such manner as to them shall seem fit, and shall by such notice specify the time (being not less than twenty-one days) within which objections in writing to such proposed apportionment of the redemption money and expenses may be signified to the Commissioners; and in case any notice of objections shall be given within the time limited as aforesaid, the Commissioners shall, by themselves or by an assistant commissioner, take such objections into their consideration; and if there be no such objections, or when the said Commissioners or assistant commissioner shall have heard and determined all such objections, the Commissioners shall proceed to collect the said redemption money and expenses as herein-before provided.]

#### Textual Amendments

**F27** S. 39 repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

#### 40 Informal arrangements may be confirmed. **U.K.**

Whenever land or money payments, or both, have been given to the titheowners of any parish, and are now holden by them, instead of tithes or glebe or commonable or other rights or easements, and it shall appear that such land or money payments, or both, shall have been so given by virtue of any Act of Parliament the provisions of which have not been fully carried out, or by virtue of any arrangement which is not of legal validity, the Commissioners may, if it shall appear just and expedient, having regard to all the circumstances of or incident to the case, by an award confirm the titheowner in possession of the said land or money, or both, and may confirm and render valid any such arrangement, [<sup>F28</sup>and may also award a rentcharge, subject to the provisions of the said recited Acts, when and in such cases as to them shall seem fit; and, subject to such confirmation and award, the Commissioners may extinguish the right of the titheowners to the perception of the said tithes, or his title to the said glebe rights or easements, or to the receipt of any rentcharge instead thereof, other than the rentcharge, if any, awarded over and above the lands or money, or both, so confirmed to them].

#### Textual Amendments

**F28** Words repealed (*prosp.*) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), [Sch.](#)

#### [<sup>F29</sup>41 Copyhold and other lands may be exchanged for glebe. **U.K.**

So much of the said recited Acts as provides that the land given to any spiritual person in exchange for glebe of any benefice shall be free from incumbrances; . . . <sup>F30</sup> shall be repealed; and all conditions, charges, incumbrances, and every other incident affecting the land so given shall upon such an exchange be transferred to the said glebe taken in exchange for the same land; . . . <sup>F30</sup>]

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**Changes to legislation:** *There are currently no known outstanding effects for the Tithe Act 1860. (See end of Document for details)*

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**Textual Amendments**

**F29** S. 41 repealed (prosp.) by [Corn Rents Act 1963 \(c. 14\)](#), s. 3(4), **Sch.**

**F30** Words repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

**42** ..... <sup>F31</sup> **U.K.**

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**Textual Amendments**

**F31** Ss. 4–9, 42, 43, **Sch.** repealed by [Tithe Act 1936 \(c. 43\)](#), ss. 1, 48(3), **Sch. 9** and [Statute Law Revision Act 1953 \(2 & 3 Eliz. c. 5\)](#)

**43** ..... <sup>F32</sup> **U.K.**

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**Textual Amendments**

**F32** Ss. 4–9, 42, 43, **Sch.** repealed by [Tithe Act 1936 \(c. 43\)](#), ss. 1, 48(3), **Sch. 9** and [Statute Law Revision Act 1953 \(2 & 3 Eliz. c. 5\)](#)

**44** **Recited Acts and this to be as one.** **U.K.**

This Act shall be taken and construed as part of the Tithe <sup>M2</sup>Act, 1836, as amended and extended by the several Acts passed for the amendment thereof, and by this Act.

.....

**Marginal Citations**

**M2** 1836 c. 71.

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Tithe Act 1860. (See end of Document for details)*

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F33F33 SCHEDULE U.K.

**Textual Amendments**

**F33** Ss. 4–9, 42, 43, Sch. repealed by Tithe Act 1936 (c. 43), ss. 1, 48(3), **Sch. 9** and Statute Law Revision Act 1953 (2 & 3 Eliz. c. 5)

.....  
F33

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Tithe Act 1860.