

1966 No. 1600

TITHES

The Tithe Apportionments (Transfer of Custody) Order 1966*Laid before Parliament in draft**Made - - - - - 21st December 1966**Coming into Operation 1st January 1967*

At the Court at Buckingham Palace, the 21st day of December 1966.

Present,

The Queen's Most Excellent Majesty in Council

Whereas by section 11 of the Tithe Act 1951^(a) Her Majesty is empowered by Order in Council to provide for the transfer to any other Government Department of all or any of the functions of the Tithe Redemption Commission and to make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to the Order:

And whereas by the Tithe Redemption Commission (Transfer of Functions and Dissolution) Order 1959^(b) made under the said section 11 the functions of the Tithe Redemption Commission were transferred to the Commissioners of Inland Revenue:

And whereas by subsection (4) of the said section 11 any Order made under the said section 11 may be varied by a subsequent Order made in the like manner and subject to the like conditions:

And whereas a draft of this Order has lain before Parliament for a period of forty days in accordance with subsection (3) of the said section 11 and subsection (1) of section 6 of the Statutory Instruments Act 1946^(c), and neither House of Parliament has resolved that the draft be not submitted to Her Majesty:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, in pursuance of the powers conferred by section 11 of the Tithe Act 1951 is pleased to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Tithe Apportionments (Transfer of Custody) Order 1966.

(2) The Interpretation Act 1889^(d) shall apply in relation to the interpretation of this Order as it applies in relation to the interpretation of an Act of Parliament.

^(a) 14 & 15 Geo. 6. c. 62.
^(c) 9 & 10 Geo. 6. c. 36.

^(b) S.I. 1959/1971 (1959 II, p. 2618).
^(d) 52 & 53 Vict. c. 63.

(3) In this Order—

- (a) "The Commissioners" means the Commissioners of Inland Revenue;
- (b) "Instrument of apportionment" means an instrument of apportionment made and confirmed, or an instrument of altered apportionment made, under the Tithe Acts 1836 to 1925 and a map annexed to any such instrument or detached therefrom under section 26 of the Tithe Act 1860(a), but does not include a certificate of capital value sealed under the Extraordinary Tithe Acts 1886(b) and 1897(c) or a map annexed to such a certificate or detached from it under the said section 26.
- (4) This Order shall come into operation on 1st January 1967.

2. As soon as may be after the coming into operation of this Order the Commissioners shall transfer to the Public Record Office all instruments of apportionment in their custody.

3. As and from the time of transfer of each instrument of apportionment all the functions of the Commissioners in relation to that instrument (including in particular the functions under subsection (5) of section 10 of the Tithe Act 1951 concerning custody and under subsection (2) of section 7 of that Act concerning inspection and provision of copies or extracts) shall be transferred to the Public Record Office and the said subsection (2) and also subsection (3) of the said section 7 (which relates to the admissibility in evidence of certified copies or extracts) shall apply in relation to that instrument as though for references to the Commission therein there were substituted references to the Public Record Office and for the reference in subsection (2) to such reasonable fee as might be prescribed there were substituted a reference to such fee as shall have been prescribed by the Lord Chancellor pursuant to subsection (5) of section 2 of the Public Records Act 1958(d).

N. E. Leigh.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order transfers from the Commissioners of Inland Revenue to the Public Record Office the custody of instruments of apportionment of tithe rentcharge and the relative maps, and makes consequential provision for the furnishing and certification of copies and extracts, and the relative fees.

The Order does not affect the local sealed copies of such instruments and maps, nor does it affect registers of redemption annuities, or records of determinations and orders of apportionment made in relation to such annuities. Documents relating to extraordinary tithe rentcharge are also unaffected.

(a) 23 & 24 Vict. c. 93.

(b) 49 & 50 Vict. c. 54.

(c) 60 & 61 Vict. c. 23.

(d) 6 & 7 Eliz. 2, c. 51.