

ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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CAP. XLII.

An Act for facilitating the Annexation of Tithes to District Churches. [19th *June* 1865.]

WHEREAS by the Act of the Session of the First and Second Years of His Majesty King *William* the Fourth, Chapter Forty-five, Section Twenty-one, it is amongst other things provided that it shall be lawful for any Rector or Vicar for the Time being of any Rectory or Vicarage, by a Deed duly executed by him, to annex to any Chapel of Ease or Parochial Chapel to any District Church or Chapel, or any Chapel having a District assigned thereto, whether already built or hereafter to be built (such Chapel of Ease or other Chapel or Church, with the District or Place to which the same belongs, being situate within the Limits or within the original Limits of the said Rectory or Vicarage), any Part or Parts of the Tithes or other annual Revenues belonging to such Rectory or Vicarage: Provided that every such Annexation be made with such Consents as are therein mentioned: And whereas it is expedient to extend the Powers of annexing Tithes to District Churches: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual 1 & 2 W. 4. c. 45.

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act.

1. This Act may be cited for all Purposes as "The District Church Tithes Act, 1865."

Definition of Terms.

2. For the Purposes of this Act "District Church" shall include any Chapel of Ease or Parochial Chapel, or any District Church or Chapel or any Church or Chapel having a District assigned thereto, whether already built or hereafter to be built, and the Church of any Parish formed or to be formed under the new Parishes Acts, 1843, 1844, and 1856, or any of such Acts; and "District" shall include any such Parish as last aforesaid, or any ancient or consolidated Chapelry, or any Parish or District formed under any of the Church Building Acts, or any other General or Local Act; and "Tithes" shall include "Commutation Rentcharges, and all Moduses, Compositions, prescriptive and other Payments or Redemption Money in lieu of Tithes," or any Part or Parts thereof respectively, and any Land for which such Tithes or other Payments in lieu thereof may have been commuted.

Power to Rectors or Vicars to sell Tithes to District Church.

3. The Rector or Vicar for the Time being of any Rectory or Vicarage may agree with the Incumbent of any District Church, either wholly or in part, situate within the Limits or original Limits of the said Rectory or Vicarage, to annex to such District Church the Tithes or Part of the Tithes belonging to such Rectory or Vicarage, and arising in respect of Property situate within the District belonging to such District Church, in consideration of a sufficient Compensation being made to the said Rector or Vicar and his Successors for the Loss of the said Tithes out of the Endowments of the said District Church, or by some other Means.

Assents required to Agreement.

4. No Agreement shall be valid on the Part of a Rector or Vicar under this Act unless it be assented to, firstly, by the Archbishop or Bishop of the Diocese within which his Rectory or Vicarage is situate, or if it be situate within a peculiar Jurisdiction belonging to an Archbishop or Bishop by such last-mentioned Archbishop or Bishop, and, secondly, by the Patron of the Rectory or Vicarage; and no Agreement shall be valid on the Part of the Incumbent of a District Church except with the Consent of the Patron of such Church, and with the Approval of the Ecclesiastical Commissioners for *England* where the Compensation to be made to the Rector or Vicar is payable out of Funds in the Hands of the said Commissioners, and of the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of Poor Clergy where the Compensation

Compensation to be made is payable out of Funds in the Hands or subject to the Control of the said Governors.

Form of Agreement.

5. Any Agreement under this Act between a Rector and Vicar on the one Part and an Incumbent of a District Church on the other shall be in Writing under their respective Hands.

Assents how testified.

6. Any Assents required by this Act may be testified by the assenting Party executing the Agreement between the Rector or Vicar and the Incumbent of the District Church, and the Provisions of the above-mentioned Act, and of the Act of the Session of the Seventeenth and Eighteenth Years of Her Majesty, Chapter Eighty-four, as to Patrons of Benefices shall apply to the Assent of Patrons under this Act.

Persons and Bodies Corporate empowered to give Lands or Goods for the Purposes of this Act.

7. The Provisions of the Twenty-second Section of the Act of the Session of the Sixth and Seventh Years of the Reign of Her present Majesty, Chapter Thirty-seven, enabling Persons and Bodies Corporate to give Lands or Goods for the Purposes of that Act, shall extend to authorize them to give in manner therein mentioned Lands or Goods for the Purposes of purchasing any Tithes, or to give any Tithes with a view to the Annexation of such Tithes to a District Church.

Agreement to be carried into effect by Order in Council.

8. Any Agreement made in pursuance of this Act shall be carried into effect by the Ecclesiastical Commissioners for *England*, and any Order made by Her Majesty in Council ratifying such Agreement, and transferring on the one Side the Tithes proposed to be transferred to the Incumbent of the District Church, and on the other securing to the Rector or Vicar the Compensation agreed upon, shall be valid to vest in the said Incumbent and his Successors such Tithes, and to secure to the said Rector or Vicar such Compensation; and when the Approval of the Governors of the Bounty of Queen *Anne* is required such Approval may be certified by any Instrument under their Corporate Seal, and when the Approval of the said Ecclesiastical Commissioners is required it shall be implied by such Order in Council as aforesaid being passed.

Where Tithes belong to Incumbent of District Church Ecclesiastical Commissioners may declare Church to

9. Where Tithes of any Kind or Amount belong to or shall to the Satisfaction of the Ecclesiastical Commissioners be transferred to the Incumbent of the Church of any Parish, Chapelry, or District, provided such Tithes arise within such Parish, Chapelry, or District, or where any Annuity shall be granted by the Ecclesiastical Commissioners to any Incumbent in consideration of Tithes arising within the Limits of his District, and now or at any Time in the Possession

be either a Rectory or Vicarage.

Possession of the said Ecclesiastical Commissioners, it shall be lawful for the said Ecclesiastical Commissioners, by Instrument under their Common Seal, to declare that such Church shall be and be deemed to be either a Rectory or Vicarage as they may under the Circumstances of each Case think proper, and such Instrument shall be published in the *London Gazette*, and take effect from the Time of Publication.

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