



Irish Church Act 1869

1869 CHAPTER 42

Management of Property by Commissioners

31 Limitation of right to purchase fee simple in consideration of perpetual rent.

No application under the Act of the session of the third and fourth years of King "William the Fourth, chapter thirty-seven, and the Acts amending the same, or any of them, by any immediate or inferior tenants, for the purchase or conveyance of the fee simple and inheritance of any lands, shall be made after the expiration of three years from the first day of January one thousand eight hundred and seventy-one, but save as aforesaid nothing in this Act contained shall prejudice or affect the right of any such immediate or inferior tenant to purchase or have such conveyance of the fee simple and inheritance as aforesaid :

In any case in which by any of the provisions of the said Acts it is required that anything relating to any such purchase or conveyance, or to the renewal of any lease, shall be done by the Ecclesiastical Commissioners for Ireland, such provision shall be construed as if the Commissioners hereby constituted were named therein instead of such Ecclesiastical Commissioners.

32 Sale of tithe rentcharge to owners of land.

The Commissioners may at any time after the first day of January one thousand eight hundred and seventy-one sell any rentcharge in lieu of tithes vested in them under this Act to the owner of the land charged therewith in consideration of a sum equal to twenty-two and a half times the amount of such rentcharge ; and upon any such sale being so made, the Commissioners shall by order declare the rentcharge to be merged in the land out of which it issued, and the same shall merge and be extinguished

Upon the application of any owner so purchasing, the Commissioners may by order declare his purchase money or any part thereof to be payable by instalments, and the land out of which such rentcharge issued to be accordingly charged as from a day to be mentioned in such order for fifty-two years thence next ensuing with an annual sum calculated at the rate of four pounds nine shillings per centum on the purchase money, less such sum in the pound as such owner shall be ascertained by the Commissioners

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to have been on an average of five years preceding the passing of this Act entitled to deduct for poor rates from the tithe rentcharge payable by him, or for such less number of years as may be agreed upon at an equivalent annual sum, so as to discharge the principal and interest in such less number of years. The annual sum charged by such order shall have priority over all charges and incumbrances, except quit or crown rents, and shall be payable by the same persons, and be recoverable in the same manner, and be subject to the same charges, if any, as the rentcharge in lieu of tithes heretofore payable out of the same lands.

" Owner " for the purposes of this section shall mean the person for the time being liable to pay rentcharge in lieu of tithes under the provisions of the Act of the first and second years of the reign of Her present Majesty, chapter one hundred and nine.

33 Commissioners may purchase surrender or assignment of lease.

The Commissioners may, in order to the commutation of tithe rentcharge, purchase the surrender or assignment of any subsisting lease of tithe rentcharge made by an ecclesiastical person or corporation.

34 Power to Commissioners to sell property vested in them by this Act.

The Commissioners may at any time after the first of January one thousand eight hundred and seventy-one sell by public auction or private contract, or otherwise convert into money, any real or personal property vested in them by this Act, subject to the other provisions of this Act, and to the following conditions :

- (1) They shall not sell to the public any perpetual yearly rent issuing out of any land, or any right to mines or quarries in any land, where the fee simple of the land subject to such rent or right is vested in some person other than the Commissioners, until they have given notice to the owner of such land that they are willing to sell the same to him at the price herein-after mentioned, and the owner has declined to accept their offer:
- (2) Perpetuity rents shall be offered to the owner of the land out of which they issue at a capital sum equal to twenty-five times the annual amount of such rents :
- (3) The price of the rights to mines or quarries shall be fixed by the Commissioners by order :
- (4) They shall not sell to the public the fee simple of any land in which any archbishop, bishop, or person holding any such benefice or cathedral preferment as aforesaid has a life interest during the continuance of such life interest:
- (5) They shall not sell to the public the fee simple of any land which is held immediately from or under the Commissioners by virtue of any lease or tenancy, until they have given notice to the lessee or tenant that they are willing to sell the fee simple to him for a price to be named by the Commissioners in such notice, and such lessee or tenant has declined to accept their offer; and they shall not sell to the public the fee simple of any land which is held immediately from or under the Commissioners by virtue of any lease for twenty-one years or for three lives, or twenty-one years, or for forty years, or for three lives, until the expiration of three years from the first day of January one thousand eight hundred and seventy-one :
- (6) Notice shall be given to the owner, where such owner is known to the Commissioners, by sending by post a letter containing the terms of the offer addressed to him at his last known place of abode; where he is not known, notice may be given by

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advertising the terms in the Dublin Gazette, and in one or more local newspapers as the Commissioners may determine:

- (7) An owner shall be deemed to have declined to accept the offer of the Commissioners if he do not accept the same in writing, and pay or secure the purchase money to the Commissioners within three months after the giving of such notice as aforesaid:
- (8) " Owner of land " for the purposes of this section shall include a " limited owner" as defined by the " Landed Property (Ireland) Improvement Act, 1860;" and any limited owner may raise the money required for any purchase under this section, or any part thereof, by mortgage (at a rate of interest not exceeding five pounds per centum per annum) of the land of which he is such limited owner as aforesaid.

Any person purchasing from the Commissioners shall hold the lands, tenements, and hereditaments purchased by him subject to all tenants rights of renewal to which the same were subject in the hands of the Commissioners at the time of such sale.

35 Orders of Commissioners operating as conveyance, &c. to be liable to same stamp duty.

Every order of the Commissioners operating as a conveyance or mortgage of any property shall be deemed to be a conveyance or mortgage within the meaning of the Acts relating to stamps, and shall be chargeable with stamp duty accordingly.

36 Payment of money into bank.

All purchase monies, rents, and other monies whatsoever payable to the Commissioners under or by reason of any of the provisions of this Act shall be paid into such bank, and be invested in such manner, as may from time to time be determined by the Commissioners of the Treasury.

37 Accounts of capital and revenues.

The Commissioners appointed under this Act shall prepare in such form, and either annually or for such shorter periods, as the Treasury may direct, accounts of the receipts and expenditure of the capital and of the revenues derived from all property, real and personal, vested in the Commissioners, or of any other funds falling under their control and management under the provisions of this Act; and within three months after the expiration of each year, or other shorter period, to which the accounts relate, the Commissioners shall transmit the same to the Comptroller and Auditor General, to be audited, certified, and reported upon with reference to the provisions of this Act, and in conformity with the powers and regulations prescribed in the Exchequer and Audit Departments Act, 1866, for the rendering and auditing of appropriation accounts; and the accounts, with the reports of the Comptroller and Auditor General thereon, shall be laid before both Houses of Parliament not later than two months after the date on which they shall have been rendered for audit, if Parliament be then sitting, and if not sitting, then within a week after it shall be next assembled: Provided always, that the expense of such audit shall be included in the incidental expenses herein-before mentioned of carrying this Act into execution, and shall be defrayed accordingly.