



# Welsh Church Act 1914

## 1914 CHAPTER 91

### PART II

#### WELSH COMMISSIONERS AND REPRESENTATIVE BODY

##### *Welsh Commissioners*

#### **10 Appointment of Commissioners**

- (1) Such persons, not exceeding three in number, as His Majesty may by warrant under His Sign Manual appoint, of whom one at least shall be a member of the Church of England, shall be. Commissioners under this Act. If any vacancy among them occurs by death, resignation, incapacity, or otherwise, His Majesty may, by warrant under His Sign Manual, appoint some fit person to fill the vacancy.
- (2) The said Commissioners (in this Act referred to as the Welsh Commissioners") shall be a body corporate, styled, " The Commissioners of Church Temporalities in Wales" with a common seal, and power to hold land for the purposes of this Act without licence in mortmain.
- (3) The Welsh Commissioners may act by any one of their body and notwithstanding any vacancy in their number, but if any person aggrieved by an order of one Commissioner so requires, the order shall be reconsidered on rehearing by the three Commissioners.
- (4) There shall be paid to one of the Welsh Commissioners such salary, not exceeding fifteen hundred pounds a year, and to one other of the Commissioners such salary, not exceeding one thousand pounds a year, as the Treasury may direct.
- (5) The Welsh Commissioners may, with the consent of a Secretary of State, and the consent of the Treasury as to number and remuneration, appoint or employ and remove a secretary, and such other officers and persons, and with such remuneration, as appears necessary for enabling the Commissioners to carry this Act into effect.
- (6) The said salaries and remuneration and all incidental expenses sanctioned by the Treasury of carrying this Act into effect shall be paid by the Commissioners out of

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*Status: This is the original version (as it was originally enacted).*

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moneys in their hands in pursuance of this Act, but not so as in any way to diminish the property to be transferred to the representative body or county councils under this Act.

- (7) The powers of the Commissioners shall continue until the end of the year in which this Act is passed and for three years thereafter, and no longer, and the Commissioners shall then be dissolved ; but it shall be lawful for His Majesty from time to time with the advice of His Privy Council, on the application of the Commissioners, to suspend the dissolution of the Commissioners and, subject to revision by the Treasury of the salaries of the Commissioners and the remuneration and number of their officers, to continue their powers for such time, not exceeding in the aggregate two years, as His Majesty thinks fit.
- (8) A paid Commissioner and an officer or other person employed by the Commissioners shall not during his continuance in office be capable of being elected to or sitting as a member of the House of Commons.

## **11 Powers and procedure of Commissioners**

- (1) Subject to such appeal as is in this Act mentioned, the Welsh Commissioners shall have full power to decide all " questions, whether of law or of fact, which it may be necessary to decide for the purposes of this Act, and shall not be subject to be restrained in the due execution of their powers under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any court.
- (2) The Welsh Commissioners with respect to—
- (a) enforcing the attendance of witnesses, after a tender of their expenses, the examination of witnesses, and the production of deeds, books, papers, and documents;
  - (b) issuing any commission for the examination of witnesses ;
  - (c) punishing persons refusing to give evidence or to produce documents, or guilty of contempt in the presence of the Commissioners or any of them sitting in open court; and
  - (d) making or enforcing any order made by them for carrying into effect this Act;
- shall have all such powers, rights, and privileges as are vested in the High Court for such or the like purposes, and all proceedings before the Commissioners shall in law be judicial proceedings before a court of record.
- (3) The Welsh Commissioners may review and rescind or vary any order or decision previously made by them or any of them; but save as aforesaid, and as by this Act provided, every order or decision of the Welsh Commissioners shall be final.
- (4) They shall make general rules for regulating their procedure under this Act, and generally for securing the due execution of their powers, and giving effect to this Act. All such general rules shall be submitted to His Majesty the King in Council for confirmation, and when so confirmed, with or without modifications, shall be laid before both Houses of Parliament, and shall have effect as if enacted by this Act.
- (5) They shall, in each year make a report to the Secretary of State of their proceedings under this Act, and this report shall be laid before Parliament.

## **12 Appeal to the King in Council**

- (1) An appeal shall lie to His Majesty the King in Council against any decision of the Welsh Commissioners with respect to any question as to what constitutes a private

benefaction, or as to what sum should be paid under this Act as compensation, by way of annuity or otherwise, to any person, or as to what sum should be paid to any person in substitution for and in satisfaction of his interest in any tithe rentcharge, and any such appeal shall be referred to the Judicial Committee of the Privy Council.

- (2) Any appeal referred to the Judicial Committee under this Act shall be heard and dealt with in like manner as if it were an appeal from a court from which an appeal lies to His Majesty in Council, and the Judicial Committee shall have the same power with respect to the costs of the parties and otherwise as they have with respect to any such appeal.

### *Constitution of Representative Body*

## **13 Power to hold synods and constitute representative body**

- (1) Nothing in any Act, law, or custom shall prevent the bishops, clergy, and laity of the Church in Wales from holding synods or electing representatives thereto, or from framing, either by themselves or by their representatives elected in such manner as they think fit, constitutions and regulations for the general management and good government of the Church in Wales and the property and affairs thereof, whether as a whole or according to dioceses, and the future representation of members thereof in a general synod or in diocesan synods, or otherwise.
- (2) If at any time it is shown to the satisfaction of His Majesty the King that the said bishops, clergy, and laity have appointed any persons to represent them, and hold property for any of their uses and purposes, His Majesty in Council may by charter incorporate such persons (in this Act referred to as the representative body), with power to hold land without licence in mortmain.