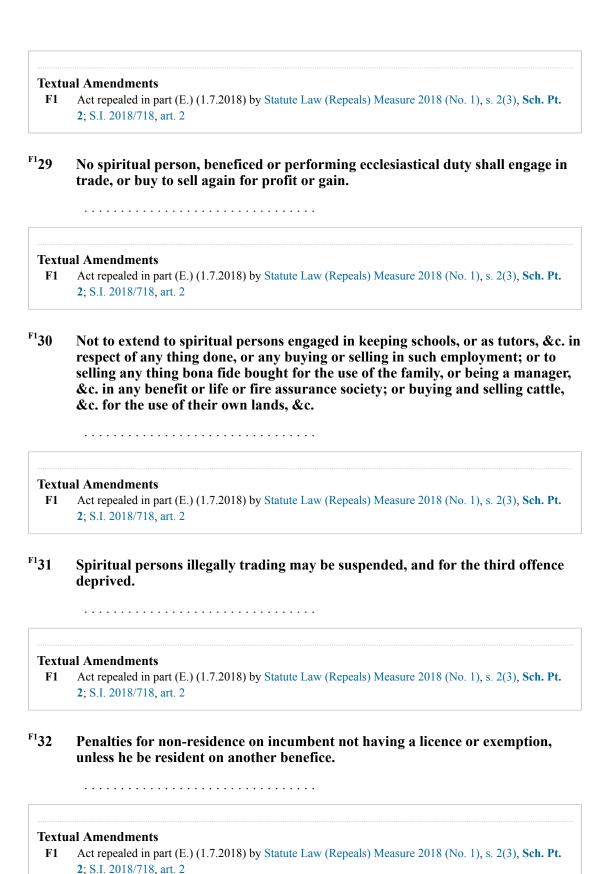


# F1Pluralities Act 1838

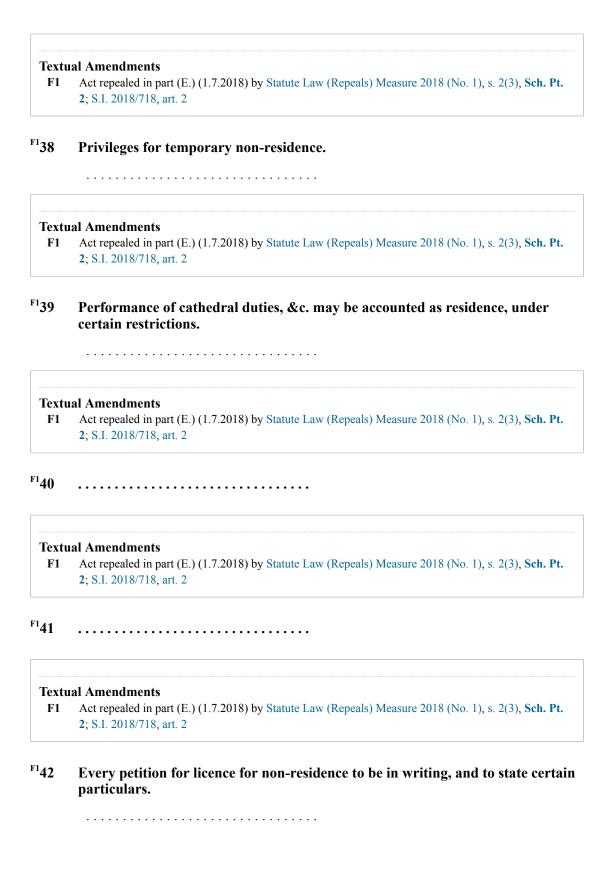
# 1838 CHAPTER 106 1 and 2 Vict

An Act to abridge the holding of Benefices in Plurality, and to make better provision for the Residence of the Clergy.

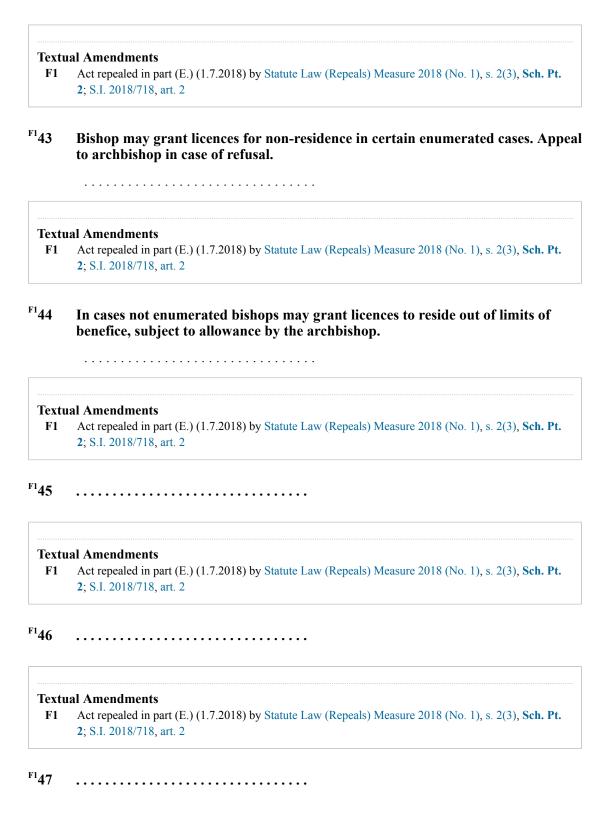
Textu	al Amendments
F1	Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt 2; S.I. 2018/718, art. 2
<sup>71</sup> 1	
Textu	al Amendments
F1	Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt. 2; S.I. 2018/718, art. 2
<sup>F1</sup> 2— 27.	
Textu	al Amendments
F1	Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt. 2; S.I. 2018/718, art. 2
F128	Spiritual persons not to take to farm for occupation above eighty acres, with consent of the bishop, and then not beyond seven years, under penalty of £2

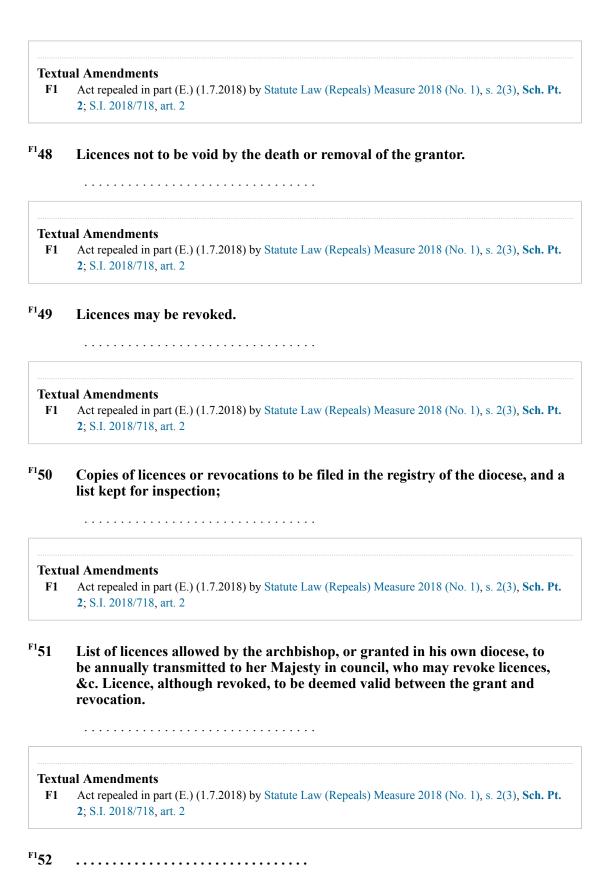


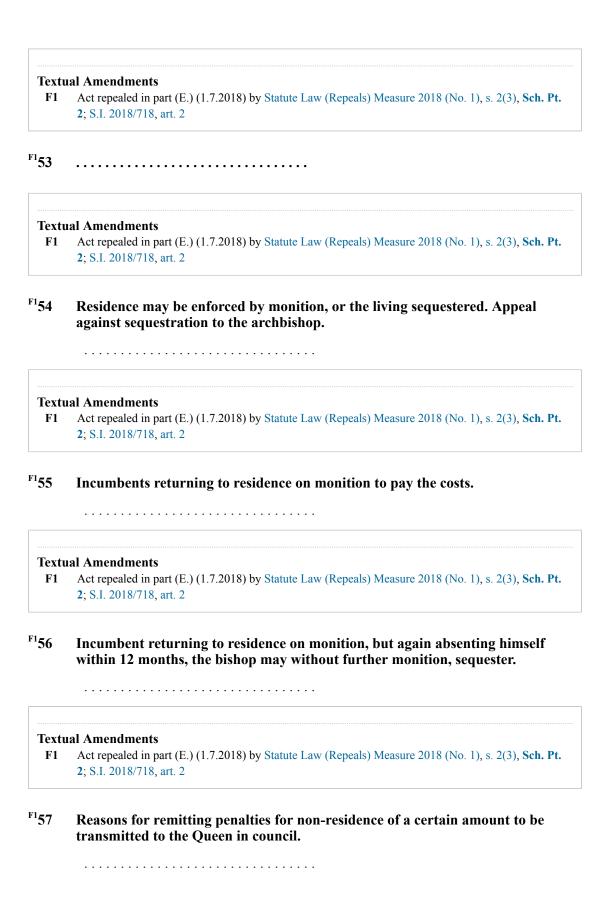
Textua F1	al Amendments Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt. 2; S.I. 2018/718, art. 2
F1	Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt.
<sup>F1</sup> 34	
	Houses purchased by governors of Queen Anne's bounty to be deemed residences.
Textua	ll Amendments
F1	Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), <b>Sch. Pt.</b> 2; S.I. 2018/718, art. 2
<sup>F1</sup> 35	
Textua F1	Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt. 2; S.I. 2018/718, art. 2
36	Widow of any spiritual person may continue in the house of residence for two months after his decease.
	From and after the decease of any spiritual person holding any benefice to which a house of residence is annexed, and in which [F2 such spiritual person] shall have been residing at the time of his decease, it shall be lawful for the [F3 surviving spouse of surviving civil partner] of such spiritual person to occupy such house for any period not exceeding two calendar months after the decease of such spiritual person, holding and enjoying therewith the curtilage and garden belonging to such house.
Textua	ıl Amendments
F2	Words in s. 36 substituted (1.2.1994) by 1993 Measure No. 2, s. 10, <b>Sch. 3 para. 1(a)</b> ; Instrument dated 31.1.1994 made by Archbishops of Canterbury and York.
F3	Words in s. 36 substituted (5.12.2005) by Civil Partnership Act 2004 (Overseas Relationships and Consequential, etc. Amendments) Order 2005 (S.I. 2005/3129), art. 1, <b>Sch. 3 para. 1(2)</b>
Flag	
F137	Certain persons exempt from penalties for non-residence.



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#### **Textual Amendments**

F1 Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt. 2; S.I. 2018/718, art. 2

Benefice continuing so sequestrated one year, or being twice so sequestrated within two years, to become void.

#### **Textual Amendments**

F1 Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt. 2; S.I. 2018/718, art. 2

# Contracts for letting houses in which any spiritual persons are required by bishop to reside shall be void. Penalty for holding adverse possession, £2 for every day.

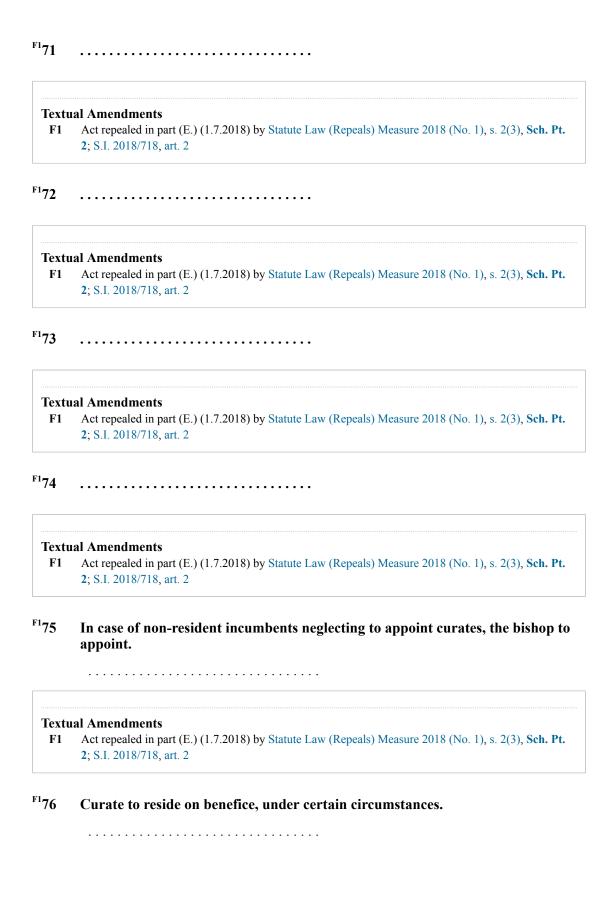
Any agreement made for the letting of the house of residence, or the buildings, gardens, or appurtenances necessary for the convenient occupation of the same, belonging to any benefice, to which house of residence any spiritual person may be required, by order of the bishop as aforesaid, to proceed and to reside therein, or which may be assigned or appointed as a residence to any curate by the bishop, shall be made in writing, and shall contain a condition for avoiding the same, upon a copy of such order, assignment, or appointment being served upon the occupier thereof, or left at the house, and otherwise shall be null and void; and a copy of every such order, assignment, or appointment shall immediately on the issuing thereof be transmitted to one of the churchwardens of the parish, or such other person as the bishop shall think fit, and be by him forthwith served on the occupier of such house of residence, or left at the same; and any person continuing to hold any such house of residence, or any such building, garden, orchard, or appurtenances, after the day on which such spiritual person shall be directed by such order to reside in such house of residence, or which shall be specified in any such order, assignment, or appointment, and after such copy shall be so served or left as aforesaid, shall forfeit the sum of [F4two pounds for every day he shall, without the permission of the bishop in writing under his hand for that purpose obtained, wilfully continue to hold any such house, building, garden, orchard, or appurtenances together with the expense of serving or leaving such order, assignment, or appointment, to be allowed by the bishop issuing the order or making such assignment or appointment; and it shall also be lawful for the spiritual person so directed to reside, or the curate to whom any such residence is assigned, to apply to any justice of the peace having jurisdiction in the place for a warrant for the taking possession thereof; and the justice to whom any such order for such possession is produced shall and he is hereby required, upon its being duly verified, to grant a warrant to some peace officer to deliver such possession, and possession may thereupon be taken of such house under such warrant at any time in the day time, by entering the same by force, if necessary, without any other proceeding by ejectment or otherwise, any law of statute to the contrary notwithstanding; provided that any person who shall have been in possession of any such house of residence or premises under a verbal agreement only, or under any agreement in which the condition aforesaid for

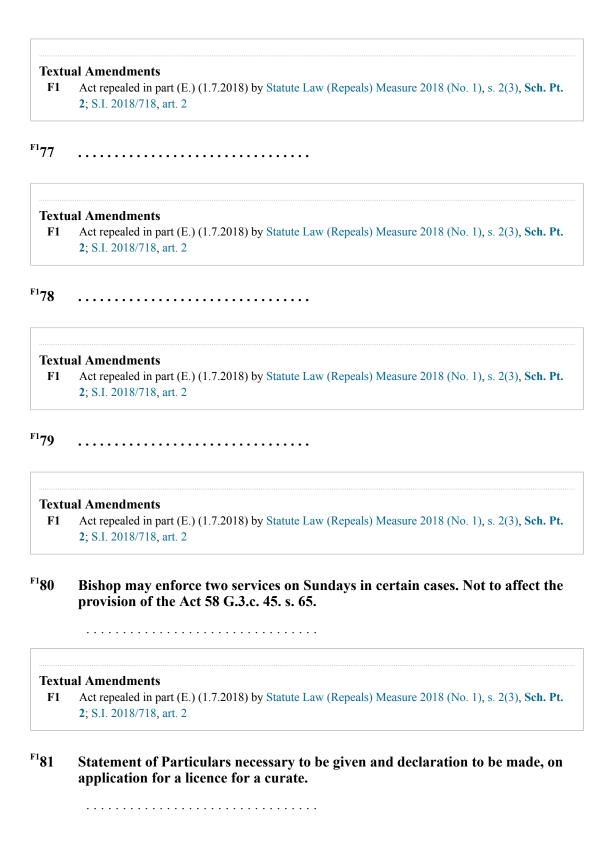
avoiding the same shall not be inserted, and who shall be turned out of possession by virtue of this Act, shall be entitled to sue the person with whom he or she had entered into such agreement, for damages occasioned by his or her being so turned out of possession, to be recovered in any of her Majesty's superior courts at Westminster.

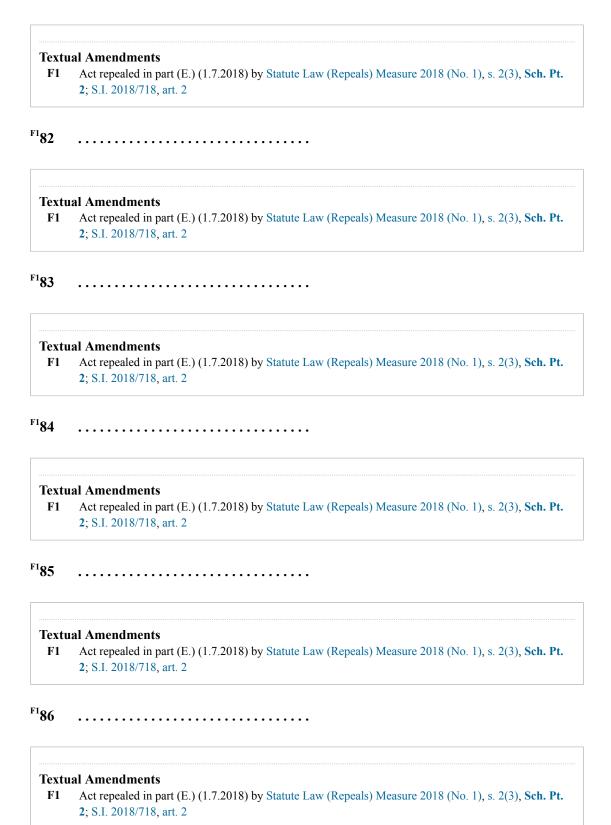
# **Textual Amendments** Words substituted by virtue of Decimal Currency Act 1969 (c. 19), s. 10(1) **Modifications etc. (not altering text)** S. 59 applied (E.) (1.4.1978) by Endowments and Glebe Measure 1976 (No. 4), ss. 38(2), 49(2) S. 59 excluded (E.) (1.3.2019) by Church Property Measure 2018 (No. 8), ss. 6(4), 53(2); S.I. 2019/97, F160 Incumbent not liable to penalty for non-residence while the tenant occupies. **Textual Amendments** Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt. 2; S.I. 2018/718, art. 2 F161 **Textual Amendments** Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt. 2; S.I. 2018/718, art. 2 69. **Textual Amendments** Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt. 2; S.I. 2018/718, art. 2 F170

#### **Textual Amendments**

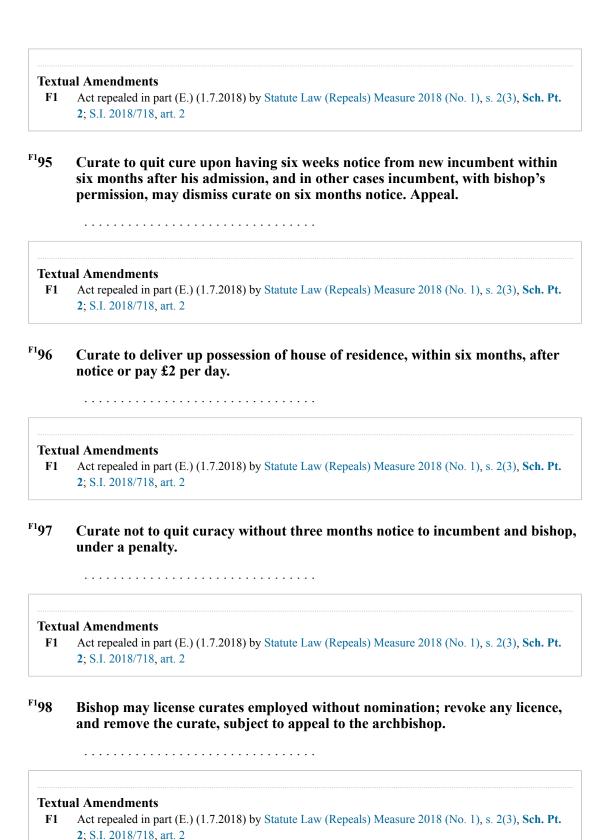
F1 Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt. 2; S.I. 2018/718, art. 2

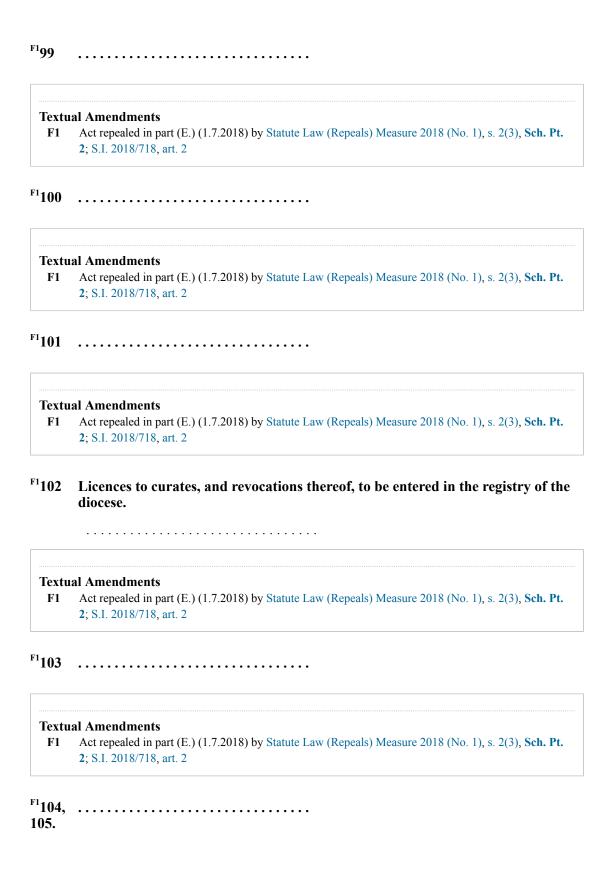


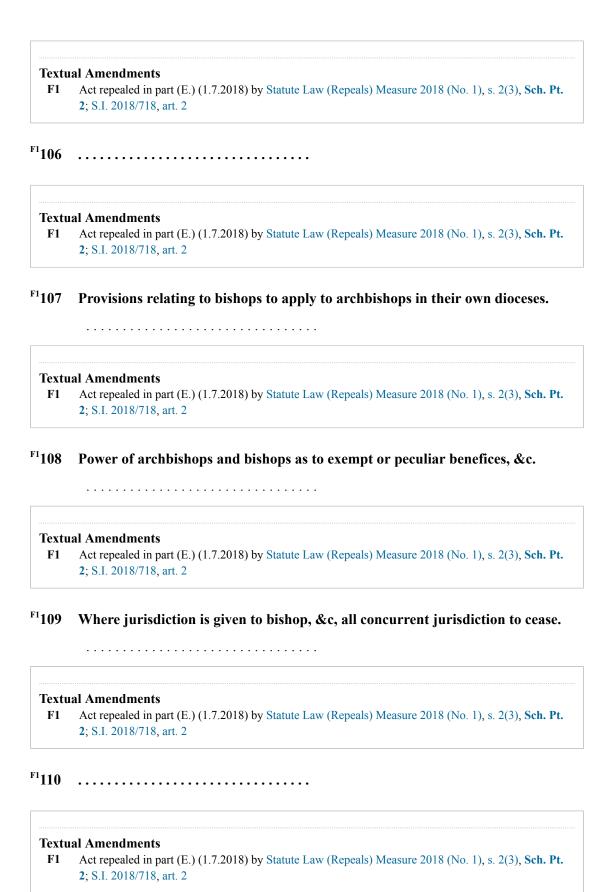


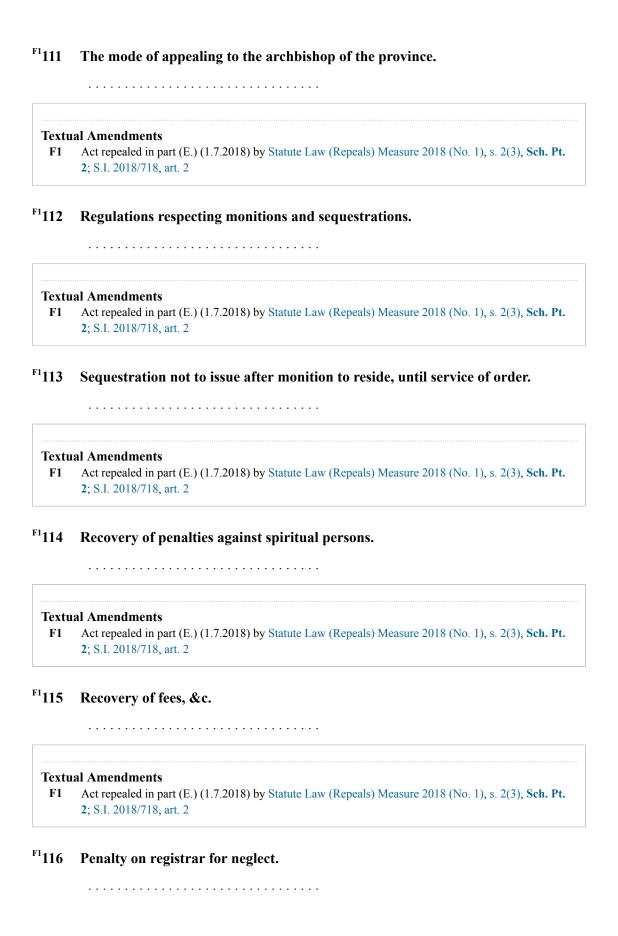


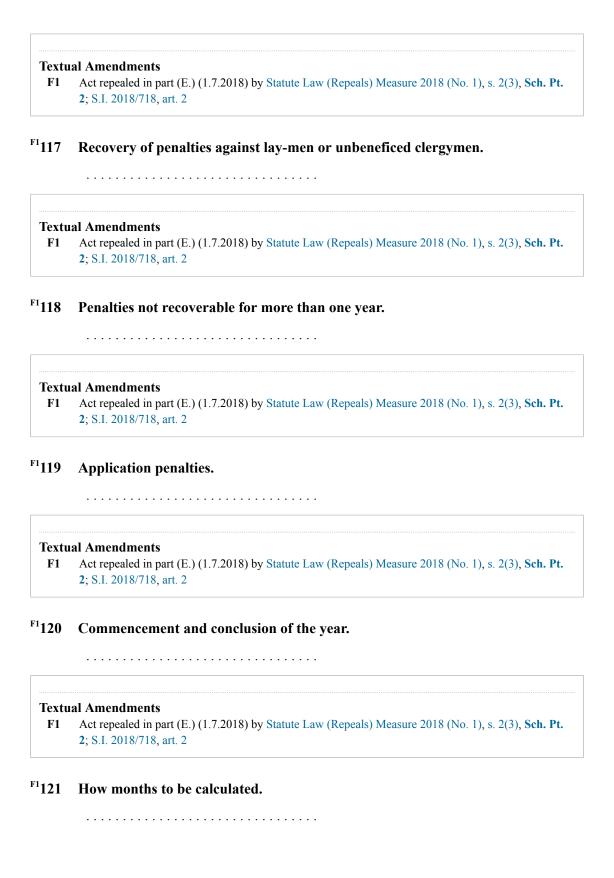
<sup>F1</sup> 87— 89.	
Text	ual Amendments
F1	Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt. 2; S.I. 2018/718, art. 2
<sup>F1</sup> 90	
Toyti	ıal Amendments
F1	Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt. 2; S.I. 2018/718, art. 2
<sup>F1</sup> 91	•••••
	ıal Amendments
F1	Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), <b>Sch. Pt.</b> 2; S.I. 2018/718, art. 2
<sup>F1</sup> 92	
Text	ıal Amendments
F1	Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), <b>Sch. Pt.</b> 2; S.I. 2018/718, art. 2
<sup>F1</sup> 93	Curate directed to reside in parsonage house, in case of non-residence of incumbent, may have certain portion of glebe land assigned to him by bishop.
Text	ual Amendments
F1	Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), <b>Sch. Pt.</b> 2; S.I. 2018/718, art. 2
<sup>F1</sup> 94	











#### **Textual Amendments**

F1 Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt. 2; S.I. 2018/718, art. 2

# F1122 Certified copy of entry of licence to be evidence.

#### **Textual Amendments**

F1 Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt. 2; S.I. 2018/718, art. 2

#### F1123 Statements how to be verified.

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#### **Textual Amendments**

F1 Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt. 2; S.I. 2018/718, art. 2

# Definition of the terms "cathedral preferment," and "benefice"

FI... Where the term "benefice" is used in this Act, the said term shall be understood and taken to mean benefice with cure of souls, and no other (unless it shall otherwise appear from the context), and therein to comprehend all parishes, perpetual curacies, donatives, endowed public chapels, parochial chapelries, and chapelries or districts belonging or reputed to belong, or annexed or reputed to be annexed, to any church or chapel, anything in any other Act to the contrary notwithstanding.

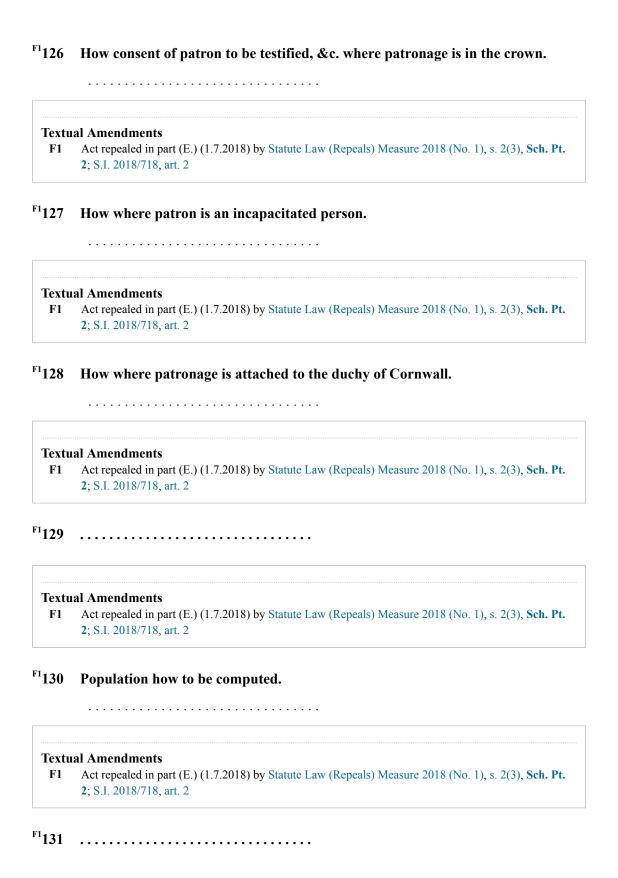
#### **Textual Amendments**

F1 Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt. 2; S.I. 2018/718, art. 2

# F1125 Who to be considered patron.

#### **Textual Amendments**

F1 Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt. 2; S.I. 2018/718, art. 2



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Changes to legislation: Pluralities Act 1838 is up to date with all changes known to be in force on or before 03 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

#### **Textual Amendments**

F1 Act repealed in part (E.) (1.7.2018) by Statute Law (Repeals) Measure 2018 (No. 1), s. 2(3), Sch. Pt. 2; S.I. 2018/718, art. 2

# 132 Act not to affect powers of bishops.

Nothing in this Act contained shall be deemed, construed, or taken to derogate from, diminish, prejudice, alter, or affect, otherwise than is expressly provided, any powers, authorities, rights or jurisdiction already vested in or belonging to any archbishop or bishop under or by virtue of any statute, canon, usage, or otherwise howsoever.

## 133 Act not to extend to Ireland.

No provision in this Act contained shall extend or be construed to extend to Ireland.

F1FIRST SCHEDULE	
F5F5SECOND SCHEDULE	
Textual Amendments F5 Sch. 2 repealed (1.4.1978) by Endowments and Glebe Measure 1976 (No.4), s. 49(2), Sch. 8	
ES	

### **Changes to legislation:**

Pluralities Act 1838 is up to date with all changes known to be in force on or before 03 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

View outstanding changes

## Changes and effects yet to be applied to:

- s. 126 words repealed by 2005 c. 4 Sch. 4 para. 8(3)Sch. 18 Pt. 2
- s. 126 words substituted by 2005 c. 4 Sch. 4 para. 8(2)
  - s. 128 words repealed by 2005 c. 4 Sch. 4 para. 9(3)Sch. 18 Pt. 2
- s. 128 words substituted by 2005 c. 4 Sch. 4 para. 9(2)