Welsh Church Act 1914

1914 CHAPTER 91 4 and 5 Geo 5

PART I U.K.

DISESTABLISHMENT AND VESTING AND DISTRIBUTION OF PROPERTY

Disestablishment

1 Disestablishment and prohibition of future appointments. U.K.

On the day . . . [F1] (in this Act referred to as the date of disestablishment), the Church of England, so far as it extends to and exists in Wales and Monmouthshire (in this Act referred to as the Church in Wales), shall cease to be established by law, and, save as by this Act provided, no person shall, after the passing of this Act, be appointed or nominated by His Majesty or any person, by virtue of any existing right of patronage, to any ecclesiastical office in the Church in Wales.

Textual Amendments

F1 Words repealed by Statute Law Revision Act 1927 (c. 42)

2 Ecclesiastical corporations and bishops. U.K.

(1) On the date of disestablishment every cathedral and ecclesiastical corporation in the Church in Wales, whether sole or aggregate, shall be dissolved.

(2) On and after the date of disestablishment no bishop of the Church in Wales shall as such be summoned to or be qualified to sit or vote as a Lord of Parliament; but save as aforesaid every person who is at the passing of this Act a bishop, dean, canon, or archdeacon of or the holder of any ecclesiastical office in the Church in Wales, shall during his life enjoy the same title and precedence as if this Act had not passed.

(3) Writs of summons shall be issued to bishops not disqualified by this enactment for sitting in the House of Lords as if the bishops so disqualified had vacated their sees.

[F2](4) . . . . . .

Textual Amendments

F2 S. 2(4) repealed (11.5.2001) by 2001 c. 13, s. 1, **Sch. 2**

3 Ecclesiastical law and courts. U.K.

(1) As from the date of disestablishment ecclesiastical courts and persons in Wales and Monmouthshire shall cease to exercise any jurisdiction, and the ecclesiastical law of the Church in Wales shall cease to exist as law.

(2) As from the same date the then existing ecclesiastical law and the then existing articles, doctrines, rites, rules, discipline, and ordinances of the Church of England shall, with and subject to such modification or alteration, if any, as after the passing of this Act may be duly made therein, according to the constitution and regulations for the time being of the Church in Wales, be binding on the members for the time being of the Church in Wales in the same manner as if they had mutually agreed to be so bound, and shall be capable of being enforced in the temporal courts in relation to any property which by virtue of this Act is held on behalf of the said Church or any members thereof, in the same manner and to the same extent as if such property had been expressly assured upon trust to be held on behalf of persons who should be so bound:

Provided that no alteration in the articles, doctrines, rites, or, save so far as may be rendered necessary by the passing of this Act, in the formularies of the Church in Wales, shall be so far binding on any ecclesiastical person having any existing interest saved by this Act, as to deprive him of that interest, if he, within one month after the making of the alteration, signifies in writing to the representative body herein-after mentioned his dissent therefrom.

(3) The said constitution and regulations of the Church in Wales may, notwithstanding anything in this section, provide for the establishment for the Church in Wales of ecclesiastical courts, and, if the Archbishop of Canterbury consents, for appeals from any of the courts so established being heard and determined by the provincial court of the Archbishop, and the Archbishop may, with the approval of His Majesty in Council, give such consent, but no such courts shall exercise any coercive jurisdiction and no appeal shall lie from any such court to His Majesty in Council.

(4) The power of making by such constitution and regulations alterations and modifications in ecclesiastical law shall include the power of altering and modifying such law so far as it is embodied in [F3]. . . any [F3]. . . Act of Parliament.

(5) As from the date of disestablishment the bishops and clergy of the Church in Wales shall cease to be members of or be represented in the Houses of Convocation of the Province of Canterbury, but nothing in this Act shall affect the powers of those Houses so far as they relate to matters outside Wales and Monmouthshire.

Textual Amendments

F3 Words in s. 3(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

Vesting of Property

4 Vesting of property. U.K.

(1) As from the date of disestablishment there shall [F4]. . . vest in the Welsh Commissioners hereinafter mentioned—

(a) all property vested in the Ecclesiastical Commissioners or Queen Anne's Bounty, which is ascertained as hereinafter mentioned to be Welsh ecclesiastical property; and

(b) all property not so vested, and not consisting of charges on the common fund of the Ecclesiastical Commissioners, which, at the passing of this Act, belongs to or is appropriated to the use of any ecclesiastical office or cathedral corporation in the Church in Wales, or the holder of any such office as such;

subject, in the case of all such property, to all tenancies, charges, and incumbrances, and to all rights and interests saved by this Act, affecting the property.

(2) [F5]. . . . . .

Textual Amendments

F4 Words in s. 4(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

F5 S. 4(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

5 Apportionment of property by Ecclesiastical Commissioners and Queen Anne's Bounty. U.K.

(1) The Ecclesiastical Commissioners shall, as soon as may be after the passing of this Act and before the date of disestablishment, ascertain and by order declare what property vested in them at the passing of this Act, or under the provisions herein-after in this section contained, consists of property of either of the classes or descriptions mentioned in Part I of the First Schedule to this Act, and property so ascertained and declared shall, subject to the adjustments made in accordance with Part II of the same Schedule, and to such alterations therein as may be made between the passing of this Act and the date of disestablishment, be Welsh ecclesiastical property within the meaning of this Act.

(2) Queen Anne's Bounty shall as soon as may be after the passing of this Act, and before the date of disestablishment, ascertain and by order declare what property vested in them at the passing of this Act, or under the provisions herein-after in this section contained, is property of the class or description mentioned in the Second Schedule to this Act, and all property so ascertained and declared shall, subject to such alterations therein and additions thereto as may be made between the passing of this Act and the date of disestablishment, be Welsh ecclesiastical property within the meaning of this Act, and the order shall distinguish between the property derived from grants made by Queen Anne's Bounty out of the Royal Bounty Fund or moneys provided by Parliament and property derived from other sources.

(3) There shall as from the passing of this Act become vested in the Ecclesiastical Commissioners and Queen Anne's Bounty respectively all property (other than ecclesiastical residences) belonging to or appropriated to the use of any ecclesiastical office or cathedral corporation in the Church in Wales, or the holder of any such

office as such, towards the purchase of which grants made by the Ecclesiastical Commissioners and Queen Anne's Bounty respectively have been applied; but such vesting shall not affect any beneficial interest in any such property.

(4) Orders of the Ecclesiastical Commissioners and Queen Anne's Bounty under this section and the Schedules therein referred to shall be made with the concurrence of the Welsh Commissioners, or, in default of such concurrence, with the approval of His Majesty the King in Council given on the advice of the Judicial Committee of the Privy Council.

6 Powers and liabilities of Ecclesiastical Commissioners and Queen Anne's Bounty after disestablishment. U.K.

As from the date of disestablishment, any liability or power of the Ecclesiastical Commissioners or Queen Anne's Bounty to make payments for any ecclesiastical purpose in or connected with the Church in Wales shall cease:

Provided that—

(a) they shall continue to make such payments as are required for the purpose of preserving any existing interests; and

(b) F6 . . . . . .

(c) F6 . . . . . .

(d) F6 . . . . . .

Textual Amendments

F6 S. 6 Proviso paras. (b)-(d) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

Modifications etc. (not altering text)

C1 Functions of Ecclesiastical Commissioners and Queen Anne's Bounty under this section now exercisable by Church Commissioners: Church Commissioners Measure 1947 (No. 2), **s. 2**

7 Private benefactions. U.K.

F7 . . . . . .

Textual Amendments

F7 S. 7 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

Distribution of Property

8 Distribution of property by Welsh Commissioners. U.K.

(1) Subject to the provisions of this Act, the Welsh Commissioners shall by order transfer the property vested in them by this Act, as follows:—

(a) they shall transfer to the representative body—

(i) all churches;

(ii) all ecclesiastical residences, together with any moveable chattels held and enjoyed with or as incident to the occupation of any such residence, by the incumbent for the time being of the office to which the residence is attached;

(iii) all funds or endowments specially allocated to the repair, restoration, or improvement of the fabric of any such church or ecclesiastical residence;

(iv) all property which consists of or is the produce of or is or has been derived from grants made by Queen Anne's Bounty out of moneys provided by Parliament;

(v) all property which consists of or is the produce of or is or has been derived from grants made by Queen Anne's Bounty out of the Royal Bounty Fund;

(vi) all private benefactions;

(vii) if so requested by the representative body, any glebe or other land, not comprised within any of the above-mentioned categories and not being a burial ground; subject to the payment by the representative body to the Welsh Commissioners of a sum equal to the value thereof, such value to be determined in default of agreement by arbitration, regard being had to the tenancies, charges, incumbrances, interests, and rights subject to which the land is transferred to the representative body;

(viii) if so requested by the representative body, any burial grounds which before the date of disestablishment have been closed under or in pursuance of the provisions of any Act of Parliament or of any Order in Council made thereunder;

(b) . . . . [F8]

(c) of the property not so transferred to the representative body they shall transfer any tithe rentcharge which was formerly appropriated to the use of any parochial benefice to the council of the county in which the land out of which the tithe rentcharge issues is situate:

Provided that where such land is not situate in Wales or Monmouthshire they shall transfer the tithe rentcharge to the council of such county in Wales and Monmouthshire as the Welsh Commissioners think fit;

(d) of the property not so transferred to the representative body they shall transfer any other property which was formerly appropriated to the use of any parochial benefice (including the money paid under this section by the representative body in respect of glebes) to the council of the county in which the ecclesiastical parish to the use of which the property was so appropriated is situate: Provided that if such ecclesiastical parish is situate in more than one county the property shall be transferred to such one or more of those councils or be divided between them as the Welsh Commissioners may think fit;

(e) they shall transfer all other property vested in them to the University of Wales.

(2) Save as otherwise provided by this Act, all property transferred under this section shall be held subject to all existing public and private rights with respect thereto, and all tenancies, charges, and incumbrances which may at the date of transfer be subsisting therein, and in the case of all such property, except tithe rentcharge transferred to a county council, to the existing interests of all persons who at the passing of this Act hold ecclesiastical offices in the Church in Wales, and in the case of such tithe

rentcharge to the obligation to make such provision as is herein-after mentioned in lieu of such existing interests.

(3) [F9] . . . . . .

Textual Amendments

F8 S. 8(1)(*b*) repealed by Welsh Church (Burial Grounds) Act 1945 (c. 27) s. 6(2)

F9 S. 8(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

Modifications etc. (not altering text)

C2 S. 8(1) extended by Welsh Church (Temporalities) Act 1919 (c. 65), **s. 4(3)**

Border Parishes

9 Provisions as to border parishes. U.K.

(1) The Welsh Commissioners shall, as soon as may be after the passing of this Act, with respect to any ecclesiastical parish part only whereof is situate in Wales or Monmouthshire, by order determine, with reference to the general wishes of the parishioners, whether the parish is to be treated as being wholly within or wholly without Wales or Monmouthshire, and the parish shall for the purposes of this Act be treated accordingly . . . [F10]

(2) The Ecclesiastical Commissioners shall by order attach to an English diocese any ecclesiastical parish which at the passing of this Act is situate in a Welsh diocese, but not in Wales or Monmouthshire, and any such ecclesiastical parish which under this section is to be treated as being wholly without Wales or Monmouthshire, and may make any provisions which appear to them necessary or incidental to such attachment, including the transfer to the bishop of the diocese to which the parish is attached of the right of patronage in any case where such right was immediately before the passing of this Act vested in any cathedral or ecclesiastical corporation dissolved by this Act, but no such order shall come into effect until the date of disestablishment.

(3) Any ecclesiastical parish which is at the passing of this Act situate wholly in Wales or Monmouthshire, or is for the purposes of this Act to be treated as so situate, and forms part of an English diocese, shall, as from the date of disestablishment, cease to form part of that diocese, and shall be attached to such Welsh diocese as may be determined in manner provided by the constitution and regulations of the Church in Wales.

(4) Save as by this section provided, nothing in this Act shall affect any English diocese.

Textual Amendments

F10 Words repealed by Statute Law Revision Act 1927 (c. 42)

Modifications etc. (not altering text)

C3 S. 9(1)(3) applied by Welsh Church (Temporalities) Act 1919 (c. 65) s. 8

PART II U.K.

WELSH COMMISSIONERS AND REPRESENTATIVE BODY

Welsh Commissioners

10 Appointment of Commissioners. U.K.

F11 . . . . . .

Textual Amendments

F11 Ss. 10-12 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

11 Powers and procedure of Commissioners. U.K.

F12 . . . . . .

Textual Amendments

F12 Ss. 10-12 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

12 Appeal to the King in Council. U.K.

F13 . . . . . .

Textual Amendments

F13 Ss. 10-12 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

Constitution of Representative Body

13 Power to hold synods and constitute representative body. U.K.

(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), . . . F14

Textual Amendments

F14 Words repealed by Charities Act 1960 (c. 58), **Sch. 7 Pt. II**

PART III U.K.

EXISTING INTERESTS: COMPENSATION: APPLICATION OF RESIDUE

Provisions as to existing Interests, and Compensation therefor

14 Provisions as to existing interests. U.K.

F15 . . . . . .

Textual Amendments

F15 Ss. 14-18 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

15 Provisions as to tithe rentcharge. U.K.

F16 . . . . . .

Textual Amendments

F16 Ss. 14-18 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

16 Compensation to lay patrons. U.K.

F17 . . . . . .

Textual Amendments

F17 Ss. 14-18 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

17 Compensation to lay holders of freehold offices. U.K.

F18 . . . . . .

Textual Amendments

F18 Ss. 14-18 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

18 Provisions as to commutation. U.K.

[F19] . . . . . .

Textual Amendments

F19 Ss. 14-18 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

Application of Residue

19 Application of residue of property. U.K.

(1) Subject to the provisions of this Act, the property vested in the Welsh Commissioners by this Act, other than the property transferred to the representative body and burial grounds, shall be applied as follows:—

(a) **[**[F20]Property vested in a Welsh county council or county borough council by virtue of a designation made under section 50 of the Local Government (Wales) Act 1994 shall be applied, in accordance with one or more schemes made by a Welsh county council or county borough council either**]** alone or jointly with any other such council and approved by the Secretary of State, to any charitable or eleemosynary purpose of local or general utility, including the aiding of poor scholars;

(b) All other property to which this section relates shall be applied in the first instance towards payment of the expenses of carrying this Act into execution (exclusive of any expenses incurred in the administration of any scheme made by a county **[**[F21]or county borough**]** council) and, subject thereto, shall be applied by the University of Wales by way of the appropriation or payment either of capital or annual sums, or partly in one such way and partly in the other, for the benefit of the University and the following institutions, that is to say, the University College of Wales, Aberystwyth, the University College of North Wales, The University College of South Wales and Monmouthshire, **[**[F22]the University College of Swansea**]** and the National Library of Wales, so, however, that the ultimate share of each such university college shall be **[**[F23]three sixteenths**]**, and of the National Library of Wales one-eighth, of the total amount so distributable, and that in applying its share each such university college shall have regard to the needs of poor scholars.

(2) In framing schemes under this section as to the application of property formerly appropriated to the use of parochial benefices, due regard shall be had to the wants and circumstances of the parish in which the property is situate or from which it is or has been derived, and of the parish comprising the ecclesiastical parish to which any such property was attached, and generally to the circumstances of each particular case.

(3) A scheme made under this section may be amended or revoked by a scheme made and confirmed in like manner as the original scheme.

(4) Every scheme made and confirmed under this section shall be laid before both Houses of Parliament as soon as may be after it is confirmed, and shall have effect as if enacted in this Act.

Textual Amendments

F20 Words in s. 19(1)(a) substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 6** (with ss. 54(7), 66(7), Sch. 17 paras. 22(1), 23(2)); S. I. 1996/396, **art. 4**.

F21 Words in S. 19(1)(b) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para.6** (with ss. 54(7), 66(7), Sch. 17 paras. 22(1), 23(2)); S. I. 1996/396, **art.4**.

F22 Words inserted by Welsh Church (Amendment) Act 1938 (c. 39), **s. 1**

F23 Words substituted by Welsh Church (Amendment) Act, 1938 (c. 39), **s. 1**

Modifications etc. (not altering text)

C4 S. 19: powers transferred (1.7.1999) by virtue of S.I. 1999/672, art. 2, **Sch.1**

PART IV U.K.

SUPPLEMENTAL

20 First fruits and tenths. U.K.

F24 . . . . . .

Textual Amendments

F24 S. 20 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

21 . . . . . F25 U.K.

Textual Amendments

F25 S. 21 repealed by Statute Law Revision Act 1927 (c. 42)

22 Provision as to trusts. U.K.

(1) F26 . . . . . .

(2) Where any ecclesiastical persons are immediately before the date of disestablishment in right of their offices entitled to be trustees of any property held in trust for any charitable purpose, or members of any bodies constituted for the management of any private endowment, or trustees for the management of property belonging to institutions or private foundations for purposes not ecclesiastical, or to exercise any control or to give any consent or approval in respect of any trust, endowment, foundation, or institution, then the persons (if any) who may hereafter at any time discharge duties similar or analogous to those now discharged by those ecclesiastical persons, and in succession to them, shall be entitled to succeed in their room and to be members of such bodies and to act as such trustees and to exercise such control and to give such consent or approval:

Provided that the bishops of the Church in Wales shall not as such continue to be Ecclesiastical Commissioners or Governors of Queen Anne's Bounty.

Textual Amendments

F26 S. 22(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

23 . . . . . [F27] **U.K.**

Textual Amendments

F27 S. 23 repealed by Welsh Church (Temporalities) Act 1919 (c. 65), **s. 6**

24 Supplemental provisions as to burial grounds. **U.K.**

(1) [F28] . . . . . .

(2) The vesting of any burial ground under this Act shall be without prejudice to any existing public and private rights of burial therein.

(3) Where any burial ground which, under this Act, is transferred to any authority (whether a burial board, council, chairman of a parish meeting and overseers, or trustees) adjoins a church vested in the representative body, then after the determination of the incumbency of the existing incumbent—

(a) the burial ground shall be held subject to a right of way in the representative body, and the clergy and congregation attending the church, and such other persons as may resort thereto for the purpose of public or private worship, or of repairing the church, or for any other lawful purpose; and

(b) no funeral shall be allowed to take place during the usual time of the ordinary services in the church, and such other regulations shall be made by the Secretary of State as may be found necessary to prevent any interference, by persons attending funerals, with the clergy or congregation attending the church; and

(c) any road or path through the burial ground to the church shall be kept in good and sufficient repair by the authority; and

(d) where the use of part of the burial ground is required for the enlargement or repair of the church, it may be so used in any case where it might lawfully have been so used, and subject to the like conditions and restrictions, as if this Act had not been passed, and where used for the purpose of the enlargement of the church the part so used shall thereupon vest in the representative body.

(4) Subject as aforesaid, every such burial ground shall after the determination of the incumbency of the existing incumbent be held for the same purposes and subject to the same rules and regulations as if the Burial Acts 1852 to 1906, were in force in the area of the authority by which the burial ground is to be administered and as if it were a burial ground provided under those Acts, and those Acts, so far as is consistent with the tenor thereof, and with the provisions of this Act, shall apply accordingly:

Provided that where any such burial ground is under this Act transferred to the chairman of the parish meeting and overseers of a rural parish the necessary steps shall forthwith be taken for the constitution of a burial authority for the parish.

Textual Amendments

F28 S. 24(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

Modifications etc. (not altering text)

C5 S. 24: powers transferred (1.7.1999) by virtue of S.I. 1999/672, art. 2, **Sch.1**

C6 S. 24(3)(4) excluded in relation to any burial ground transferred to representative body in pursuance of agreement under Welsh Church (Burial Grounds) Act 1945 (c. 27), **s. 2(1)** by s. 2(2) of that Act

25 Powers of vestries and churchwardens. U.K.

(1) There shall be transferred to the council of every borough and urban district in Wales and Monmouthshire—

(a) the powers, duties, and liabilities of the vestry of every parish within the borough or urban district, except so far as they relate to the affairs of the church or to ecclesiastical charities;

(b) the powers, duties, and liabilities of the churchwardens of every such parish, except so far as they relate to the affairs of the church or to charities, or are powers and duties of overseers, but inclusive of the obligations of the churchwardens with respect to maintaining and repairing closed burial grounds wherever the expenses of such maintenance and repair are payable out of the poor rate under the [M1]Burial Act 1855, and the burial ground is not transferred to the representative body.

(2) The council of every such borough and urban district shall have the like powers and duties with regard to the appointment of overseers and the appointment and revocation of appointment of assistant overseers as are conferred on parish councils by section five of the [M2]Local Government Act 1894, and that section shall apply accordingly:

Provided that paragraph (c) of subsection (2) of that section shall not, unless the Local Government Board otherwise direct, apply to any parish in any such borough or urban district, but the legal interest in all property referred to in the said paragraph, and with the exception therein mentioned, shall vest only in the overseers of the parish, subject to all trusts and liabilities affecting the same.

(3) Nothing in this section shall affect any order which may have been made by the Local Government Board under section thirty-three of the Local Government Act 1894.

Modifications etc. (not altering text)

C7 Overseers abolished and property transferred to rating authorities: Rating and Valuation Act 1925 (c. 90), **s. 62(3)** and London Government Act 1963 (c. 33), **Sch. Pt. II**

C8 Powers and duties transferred by s. 25(1) now exercisable by district councils: Local Government Act 1972 (c. 70), **s. 179(3)**

Marginal Citations

M1 1855 c. 128.

M2 1894 c. 73.

26 Powers of incumbents with respect to property in which they have existing interest. U.K.

F29 . . . . . .

Textual Amendments

F29 S. 26 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

27 Powers of management and sale. U.K.

(1) F30. . . any local authority shall, with respect to any property vested in them by or under this Act, have power to manage the property and, as incidental thereto, power to sell, lease, or exchange any part thereof; but any such power of sale, leasing, or exchange shall not be exercised F30. . . by a local authority without such consent as is by law required for the purposes of the sale, leasing, or exchange of land by that authority:

Provided that nothing in this section shall be construed as conferring a power on any authority to sell any part of a burial ground.

(2) The property transferred under this Act to the University of Wales shall not be reckoned as part of the property held by that university for the purposes of the limitation contained in the charter of the university on the amount of property which they are authorised to hold, and the university may, notwithstanding anything in that charter, hold and apply the property so transferred to them, and make any payments thereout required for preserving existing interests, in accordance with the provisions of this Act, and shall for that purpose have power to manage the property, and as incidental thereto to sell, lease, or exchange any part thereof; but no such power of sale, leasing, or exchange shall, whilst the university continues liable to make payments for the purpose of preserving existing interests, be exercised without the consent of the Treasury.

(3) F31. . . . . .

Textual Amendments

F30 Words in s. 27(1) repealed (22.7.2004) by virtue of Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

F31 S. 27(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

28 Supplemental provisions as to tithe rentcharge. U.K.

(1) Nothing in this Act shall affect any liability to pay tithe rentcharge, or the liability of any lay impropriator of any tithe rentcharge to repair any ecclesiastical building, but a county council shall not, by reason of being entitled to or receiving any tithe rentcharge under this Act, be liable for the repair of any ecclesiastical building.

(2) Such liability as aforesaid of a lay impropriator may be enforced in the temporal courts at the instance of the representative body in like manner as if such liability arose under a covenant made with the representative body and running with the tithe rentcharge.

29 Delivery up of and access to books and documents. U.K.

(1) [F32] . . . . . .

(2) [F32] . . . . . .

(3) [F32] . . . . . .

(4) Where by virtue of this section any books and documents are handed over to any body and relate also to property transferred to some other body, the body to whom those books and documents are handed over shall be under the same liability as respects the production and the delivery of copies of those books and documents as if they had given to that other body as incident to a conveyance on sale an acknowledgement in writing of the right of that other body to production of those books and documents and to delivery of copies thereof.

(5) Nothing in this section shall affect section seventeen of the [M3]Local Government Act 1894, or apply to any books or documents in the possession or custody of the Board of Agriculture and Fisheries.

Textual Amendments

F32 S. 29(1)-(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

Marginal Citations

M3 1894 c. 73.

30 Borrowing powers. U.K.

[F33] . . . . . .

Textual Amendments

F33 Ss. 30-32 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

31 Accounts of Welsh Commissioners and audit. U.K.

[F34] . . . . . .

Textual Amendments

F34 Ss. 30-32 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

32 Provisions as to vesting of stock and copyhold land. U.K.

[F35] . . . . . .

Textual Amendments

F35 Ss. 30-32 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

33 Provisions as to building charges. U.K.

(1) As respects the charges on the emoluments of ecclesiastical offices in the Church in Wales created in favour of Queen Anne's Bounty under the [M4]Clergy Residences Repair Act 1776, the [M5]Pluralities Act 1838, the [M6]Ecclesiastical Dilapidations Act 1871, the [M7]Ecclesiastical Commissioners Act 1836, or the [M8]Ecclesiastical Commissioners Act 1840 as amended or extended by any subsequent enactment, which are subsisting at the passing of this Act, Queen Anne's Bounty shall, as soon as may be after the passing of this Act, ascertain and by order declare which of those charges were created for securing money raised for the purpose of property to be transferred to a county council, and where raised partly for the purpose of such property and partly for the purpose of other property may by their order make such apportionment as may be necessary.

(2) On the determination of the existing interest of the holder of any such ecclesiastical office in the emoluments of his office, the charge comprised in such an order as aforesaid, or the apportioned part thereof, shall become a charge on the property for the purposes to which the money was raised, and on the county fund of the county to which the property is transferred, and all other property shall be exonerated therefrom. In other cases the charge shall on such determination become a charge on the property for the time being vested in the representative body, and all other property shall be exonerated therefrom.

(3) [F36] . . . . . .

(4) [F36] . . . . . .

Textual Amendments

F36 S. 33(3)(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

Marginal Citations

M4 1776 c. 53.
M5 1838 c. 106.
M6 1871 c. 43.
M7 1836 c. 77.
M8 1840 c. 113.

34 Power to settle differences and make adjustments. U.K.

[F37] . . . . . .

Textual Amendments

F37 S. 34 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

35 Adjustment of debts and liabilities. U.K.

(1) The authorities interested (including [F38]. . . the Ecclesiastical Commissioners, Queen Anne's Bounty, the representative body, the University of Wales, and any local authority) may make agreements for adjusting or apportioning any property, income, debts, liabilities, and expenses, so far as affected by this Act, or by any scheme or order under this Act, of the parties to the agreement.

(2) The agreement may provide for the transfer or retention of any property, debts, or liabilities, with or without any conditions and for the joint use of any property, and for payment by either party to the agreement in respect of property, debts, or liabilities so transferred or retained, or of joint user, or in respect of the salary or remuneration of any officer or person.

(3) The power to make such agreements shall, in the case where parts of property subject to a charge are under this Act transferred to different bodies, include a power for the Welsh Commissioners and the representative body to agree as to the body by which or the proportions in which the several bodies are as between themselves to be liable for the charge, but nothing in such an agreement shall prejudice the right of any such person to any such charge or any charge under statute or otherwise for the recovery thereof or any part thereof.

(4) In default of agreement, and as far as any such agreement does not extend, any adjustment required for the purposes of this Act shall be referred to arbitration.

Textual Amendments

F38 Words in s. 35(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

36 Arbitration. U.K.

Any arbitration under this Act shall be conducted in accordance with the **[**[F39][M9]Arbitration Act 1950**]** and the arbitrator shall have power to disallow as to costs in the arbitration the costs of any witness whom he may consider to have been called unnecessarily, and any other costs which he considers to have been incurred unnecessarily, and his award may provide for any matter for which an agreement under the last foregoing section might have provided.

Textual Amendments

F39 Words substituted by virtue of Interpretation Act 1889 (c. 63), **s. 38(1)**

Marginal Citations

M9 1950 c. 27.

[F40]37 . . . . . U.K.

Textual Amendments

F40 S. 37 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **ss. 57(3)(e)(5)(7)(11)**,125(6)(7), Sch. 19 para. 13(1), Sch.20; S.I. 1991/1364, **art. 2**,Sch.

38 Interpretation. U.K.

(1) In this Act, unless the context otherwise requires,—

The expression "existing" means existing at the passing of this Act:

The expression "ecclesiastical office" means any bishopric, ecclesiastical dignity, or preferment within the meaning of the [M10]Church Discipline Act 1840 and includes any lay office in connection therewith, or in connection with any cathedral corporation:

The expression "cathedral corporation" means any dean and chapter, and also any corporation of minor canons, or vicars choral, or any other subordinate corporation of or belonging to or connected with any cathedral or collegiate church in Wales:

The expression "ecclesiastical person" means a bishop and the holder of any ecclesiastical office who is in holy orders:

The expression "parochial benefice" has the same meaning as "benefice" in the [M11]Incumbents Resignation Act 1871:

The expression "right of patronage" includes any advowson, right of presentation, or right of nomination to an ecclesiastical office:

The expression "synod" includes any assembly or convention:

The expression "property" includes all property, real and personal, including things in action and rights of action; and where any property is held in trust for or for the benefit of the holder of any ecclesiastical office as such, or for any cathedral or ecclesiastical corporation, that property shall be deemed for the purposes of this Act to belong to that office or corporation; and the burial ground of any ecclesiastical parish shall, unless provided under the Burial Acts 1852 to 1906 or the [M12]Public Health (Interments) Act 1879 or otherwise vested in any local or other public authority, be deemed for the purposes of this Act to be property belonging to an ecclesiastical office in the Church in Wales:

The expression "church" includes cathedral and other churches, chapels of ease, and other public chapels of the Church in Wales and in the case of a cathedral church includes the chapter house and cloisters and other precincts of the cathedral church:

The expression "ecclesiastical residence" means any parsonage house and any house of residence provided for an assistant curate and any house of residence of any bishop or member or officer of a cathedral corporation and any offices belonging thereto:

The expression "house" includes any curtilage or garden appurtenant to or usually occupied with the house:

The expression "burial authority" means any burial board and any council, committee, or other local authority having the powers and duties of a burial board under the Burial Acts 1852 to 1906 and any local authority (other than a rural district council) maintaining a cemetery under the [M13]Public Health (Interments) Act 1879, or under any local Act:

The expression "tithe rentcharge" includes all payments in lieu of or in the nature of tithes or tithe rentcharge:

F41 . . . . . .

The expression "county" includes a county borough, and the expression "county council" includes the council of a county borough, and "county fund" in relation to a county borough means the borough fund or borough rate.

(2) Property shall not for the purposes of this Act be deemed to be situate in Wales or Monmouthshire by reason only of being invested in the stocks, funds, or securities of any company owning property so situate.

(3) In all enactments, deeds, and other documents in which mention is made of the Church of England, the enactments and provisions relating thereto shall be construed as including the Church in Wales, but as to that Church subject to the provisions of this Act.

(4) For removing doubts it is hereby declared that the Principal or other member of Jesus College, Oxford, who may from time to time be rector of Llandyssil, shall as such be treated as a lay impropriator and not as the holder of an ecclesiastical office.

Textual Amendments

F41 S. 38(1): definitions repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

Marginal Citations

M10 1840 c. 86.
M11 1871 c. 44.
M12 1879 c. 31.
M13 1879 c. 31.

39 Short title. U.K.

This Act may be cited as the Welsh Church Act 1914.

Changes to legislation:
There are currently no known outstanding effects for the Welsh Church Act 1914.