



Welsh Church Act 1914

1914 CHAPTER 91

An Act to terminate the establishment of the Church of England in Wales and Monmouthshire, and to make provision in respect of the Temporalities thereof, and for other purposes in connection with the matters aforesaid. [18th September 1914]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Commons, in this present Parliament assembled, in accordance with the provisions of the Parliament Act, 1911, and by authority of the same, as follows:

PART I

DISESTABLISHMENT AND VESTING AND DISTRIBUTION OF PROPERTY

Disestablishment

1 Disestablishment and prohibition of future appointments

On the day after the expiration of six months, or such extended period as His Majesty may fix by Order in Council, not being more than twelve months, after the passing of this Act (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.

2 Ecclesiastical corporations and bishops

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

Status: This is the original version (as it was originally enacted).

- (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.
- (4) On and after the date of disestablishment no person shall be disqualified or liable to any penalty for sitting or voting in the House of Commons by reason of having been ordained to the office of priest or deacon if the ecclesiastical office he holds is an ecclesiastical office in the Church in Wales, or, if he does not hold any ecclesiastical office, if the last ecclesiastical office which he held was an ecclesiastical office in the Church in Wales.

3 Ecclesiastical law and courts

- (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 the Church Discipline Act, 1840, the Public Worship Regulation Act, 1874, the Clergy Discipline Act, 1892, or the Ecclesiastical Dilapidations Acts, 1871 and 1872, or any other 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.

Vesting of Property

4 Vesting of property

- (1) As from the date of disestablishment there shall, save as by this section provided, vest in the Welsh Commissioners herein-after mentioned—
- (a) all property vested in the Ecclesiastical Commissioners or Queen Anne's Bounty, which is ascertained as herein-after 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) All plate, furniture, and other moveable chattels belonging to any church affected by this Act, or used in connexion with the celebration of Divine worship therein, not being the property of a private individual, shall vest in the representative body herein-after mentioned if and when incorporated :

Provided that if such a body is not incorporated at the date of disestablishment all such moveable chattels as aforesaid shall, until the incorporation of such a body, remain vested in the same persons and be applicable to the same purposes as before the date of disestablishment.

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

- (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

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

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

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) nothing in this Act shall prevent them from carrying into effect any contract made before the passing of this Act for the sale or purchase of any property affected by this Act or otherwise in relation to any such property, or from making any payments which under this Act they are required or authorised to make; and
- (c) it shall be lawful for the Ecclesiastical Commissioners and Queen Anne's Bounty, if they think fit, within one year after the date of disestablishment, to transfer to the representative body the whole or any part of the property specified in Part I. and Part II. respectively of the Third Schedule to this Act, and for the Ecclesiastical Commissioners to charge their common fund with the payment to the representative body of a perpetual annuity not exceeding the annual value of the property mentioned in Part III. of the Third Schedule to this Act, subject to the payment thereof by the representative body of such sums as may be required for preserving existing interests in any such property ; and
- (d) it shall be lawful for the Ecclesiastical Commissioners and Queen Anne's Bounty in any year after the date of the disestablishment to pay to the representative body such sum (if any) as they think fit, so, however, that, in the case of the Ecclesiastical Commissioners, the sum paid in any year shall not exceed the sum mentioned in Part IV. of the Third Schedule to this Act.

7 Private benefactions

- (1) Any property which consists of, or is the produce of, or is or has been derived from, property given by any person out of his private resources since the year sixteen hundred and sixty-two, or money raised by voluntary subscriptions since that year,

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

or voluntarily given since that year out of funds not liable under any statutory provision to be applied to ecclesiastical purposes, or which is the produce of, or is or has been derived from the proceeds of sale of advowsons sold under the Lord Chancellor's Augmentation Act, and applied for the augmentation of any livings in Wales or Monmouthshire, shall, for the purposes of this Act, be deemed to be a private benefaction.

- (2) Where, in the case of any property given or money raised since the year sixteen hundred and sixty-two, the source from which such property or money was derived is unknown, it shall be deemed to be a private benefaction within the meaning of this Act.
- (3) The Ecclesiastical Commissioners and Queen Anne's Bounty as respects any property transferred from them respectively, and the Welsh Commissioners as respects any other property vested in them by this Act, shall as soon as may be after the passing of this Act ascertain and by order declare what part of the property constitutes private benefactions within the meaning of this Act.
- (4) Orders of the Ecclesiastical Commissioners and Queen Anne's Bounty under this section shall be made with the concurrence of the Welsh Commissioners, and every such order of the Welsh Commissioners under this section as relates to a benefice with respect to which the Ecclesiastical Commissioners or Queen Anne's bounty have sent to the Welsh Commissioners full particulars of any private benefaction made thereto through them, shall be made with the concurrence of the Ecclesiastical Commissioners or Queen Anne's Bounty as the case requires, and if in any case the concurrence required by this section is not given, the order shall be made with the approval of His Majesty the King in Council, given on the advice of the Judicial Committee of the Privy Council.

Distribution of Property

8 Distribution of property by Welsh Commissioners

- (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

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

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) of the property not so transferred to the representative body they shall transfer the burial ground of any ecclesiastical parish so as to vest the same in the existing incumbent during his incumbency and on the determination thereof—
 - (i) where the burial ground is situate in an area in which the Burial Acts, 1852 to 1906, are in force or in which (not being a rural district) a burial ground has been provided under the Public Health (Interments) Act, 1879, or a local Act, in the burial authority, or where the burial authority is a joint committee, in such one or more of the authorities represented on that committee, or in trustees on their behalf, as the Welsh Commissioners think fit;
 - (ii) where the burial ground is situate in a rural parish, or in a part of a rural parish in which the Burial Acts, 1852 to 1906, are not in force, in the council of that parish, or, if there is no council, in the chairman of the parish meeting and overseers of that parish; and
 - (iii) in any other case, in the council of the borough or urban district in which the burial ground is situate :
- (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) Where property of any such class as aforesaid has before the date of disestablishment been sold, redeemed, or otherwise converted, or where any moneys are at that date held upon trust to be applied in the building purchase or repair of, or to make good dilapidations in, property of any such class as aforesaid, the proceeds of sale, redemption, or other conversion, and such moneys as aforesaid or the securities in which such proceeds or moneys are for the time being invested, shall be dealt with in like manner as if they were property of that class.

Border Parishes

9 Provisions as to border parishes

- (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, but any parishioner of the parish may appeal against any such order to His Majesty the King in Council, and any such appeal shall be referred to the Judicial Committee of the Privy Council.
- (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.

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

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

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 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

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

- (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.

PART III

EXISTING INTERESTS: COMPENSATION: APPLICATION OF RESIDUE

Provisions as to existing Interests, and Compensation therefor

14 Provisions as to existing interests

- (1) Any person who at the date of the passing of this Act holds an ecclesiastical office affected by this Act by freehold tenure or by any tenure which, in the opinion of the Welsh Commissioners, is in practice equivalent to freehold tenure shall retain his existing interest in the emoluments of that office so long as he holds that office or any other ecclesiastical office in the Church in Wales to which he may be nominated or appointed after the passing of this Act, whether before or after the date of disestablishment :

Provided that where any such person is nominated or appointed to any ecclesiastical office in the Church in Wales, other than that which he held at the passing of this Act—

- (a) he shall (save as otherwise expressly provided by this Act) pay over the net income of the ecclesiastical office held by him at the passing of this Act to the representative body ;
 - (b) he shall cease to have any existing interest in any burial ground or any ecclesiastical residence attached to the office he held at the passing of the Act.
- (2) On such a person as aforesaid ceasing for six months to hold any ecclesiastical office in the Church in Wales such existing interest as aforesaid shall determine :

Provided that if he resigned the office which he last held with the consent of the representative body on the ground that, he was incapacitated by permanent mental or bodily infirmity for the performance of his duties, he shall be entitled to receive during the remainder of his life an annuity equal to one-third of the average net income of the office which he held at the passing of this Act (exclusive of the annual value of the ecclesiastical residence, if any, attached to the office), during the seven years immediately preceding the date of his resignation, and such annuity shall be charged on the property out of which the emoluments of that office were payable, and shall be payable by the body or authority in which such property is vested, or if such property is vested in more than one body or authority, by those bodies or authorities in proportion to the value of the parts of the property vested in them respectively.

- (3) If any question arises under this section as to whether a person has been so incapacitated as aforesaid, or as to the amount of the annuity payable to him, or as to the bodies or authorities by whom such annuity is payable or the proportions they are liable to contribute thereto, or as to the amount to be paid over under this section as the net income of any ecclesiastical office, the question shall be determined by arbitration.
- (4) For the purposes of this section " net income " shall have the same meaning as the expression " annual value of a benefice " has in the Incumbents' Resignation Act, 1871.
- (5) Where the emoluments of any such ecclesiastical office in the Church in Wales do not consist of an interest in any specific property, but consist of a right to receive a fixed annual sum, then—
- (a) if that sum was before the date of disestablishment payable directly or indirectly out of the common fund of the Ecclesiastical Commissioners, such

right shall be deemed to be an existing interest in the property on which the payment of such annual sum is charged by this Act; and

- (b) if that sum was before that date payable otherwise than out of such fund as aforesaid, and the property out of which it was paid is by virtue of this Act vested in the Welsh Commissioners, such right shall be deemed to be an existing interest in that property.
- (6) The dissolution by this Act of a corporation aggregate shall not affect the rights of any existing member of that corporation in the emoluments to which as a member of the corporation he was at the passing of this Act entitled.
- (7) Where before the date of disestablishment a person has, under the Bishops' Resignation Act, 1869, the Deans' and Canons' Resignation Act, 1872, or the Incumbents' Resignation Act, 1871, as amended by any subsequent enactment, become entitled to a pension, charged on or payable out of the income of any ecclesiastical office in the Church in Wales, he shall continue entitled to receive the same pension as if this Act had not been passed from the existing holder of the said ecclesiastical office so long as his existing interest in the emoluments of that office continues, and after the cesser of that interest from the body or person in whom the property out of which the emoluments of that office were payable is vested, or, if such property is vested in more than one body or authority, by those bodies or authorities in proportion to the value of the parts of the property vested in them respectively, and if any question arises as to the bodies or authorities by whom the pension is payable or as to the proportion they are to be liable to contribute thereto, the question shall be determined by arbitration.
- (8) Nothing in this section shall be construed as entitling the holder of any ecclesiastical office to receive the emoluments of that office during any period whilst he may be suspended by order of a court of competent jurisdiction from exercising the spiritual functions of that office.

15 Provisions as to tithe rentcharge

- (1) There shall be paid to each person who has any existing interest in any tithe rentcharge transferred to a county council under this Act, in substitution for and in satisfaction of that interest, and so long as that interest would otherwise have continued, the annual amount, according to the septennial average for the time being, of that tithe rentcharge, after deducting such sum as may be allowed by the Welsh Commissioners for cost of collection, rates, and other outgoings.
- (2) The amount so payable shall be paid half yearly by the county council to the representative body upon trust to pay over the same to the person who had such an existing interest as aforesaid, and the amount so payable by the county council shall be a debt from the council to the representative body, and a charge on the county fund.
- (3) A county council and the representative body shall as respects any tithe rentcharge transferred to them under this Act which was previously attached to a benefice, be deemed to be the owner of tithe rentcharge attached to a benefice for the purposes of the Tithe Rentcharge Rates Act, 1899, so long as the holder of the benefice continues to be entitled to the amount payable in respect of such tithe rentcharge under this section, but no longer.
- (4) Nothing in this section shall be construed as relieving the holder of any ecclesiastical office in the Church in Wales so long as the amount payable under this section is so

paid of any liability to repair any ecclesiastical building to which as the owner of tithe rentcharge he was subject immediately before the passing of this Act.

16 Compensation to lay patrons

The Welsh Commissioners, if application is made to them within six months after the passing of this Act by or on behalf of any person who or whose predecessor in title was at that date entitled to any right of patronage of any benefice affected by this Act, shall, at the expiration of two years from the date of disestablishment, or, if a vacancy in that benefice occurs after the date of disestablishment but before the expiration of that period, on the occurrence of the vacancy, pay in compensation for the extinction of that right such an amount as the Welsh Commissioners may think just, so however that the total amount paid by way of compensation in respect of any benefice shall not exceed one year's emoluments of the benefice taken on an average of the three years immediately before the passing of this Act :

Provided that—

- (1) His Majesty shall not, nor shall any corporation, sole or aggregate, dissolved by this Act, nor shall any trustees, officers, or other persons acting in a public capacity, be entitled to any payment under this section for or in respect of any right of patronage ; and " (2) Where any person would, but for the provisions of the statutes affecting Roman Catholics in reference to conformity to the Established Church, have had at the passing of this Act any such right of patronage he or his successors in title shall be entitled to compensation therefor in the same manner as if it had been then actually vested in him; and
- (3) A trustee or other person occupying a fiduciary position shall not be bound to make an application under this section ; and
- (4) The compensation paid under this section shall be paid out of or charged on the property vested in the Welsh Commissioners under this Act, other than burial grounds and the property to be transferred to the representative body, in such manner that the burden thereof may be distributed amongst the University of Wales and the several county councils in proportion to the value of the property transferred to them respectively.

17 Compensation to lay holders of freehold offices

If the Welsh Commissioners find that any person who at the passing of this Act holds any lay office in the church in Wales by freehold tenure or by any tenure which, in the opinion of the Commissioners, is in practice equivalent to freehold tenure, is deprived of any emoluments by the operation of this Act, they may pay to that person out of moneys in their hands in pursuance of this Act, such sum by way of compensation, either by means of a single payment or of the purchase of a life annuity, as they may, with the consent of the Treasury, determine :

Provided that the compensation paid under this section shall be paid out of or charged on the property vested in the Welsh Commissioners under this Act, other than burial grounds and the property to be transferred to the representative body, in such manner that the burden thereof may be distributed amongst the University of Wales and the several county councils in proportion to the value of the property transferred to them respectively.

18 Provisions as to commutation

If before, or within one month after, the date of disestablishment the representative body signify by notice in writing to the Welsh Commissioners that they have adopted the scheme of commutation herein-after set forth, the following provisions shall have effect :—

- (a) As from the date of disestablishment or of such notice, whichever is the later (herein-after referred to as the date of commutation), the existing interests of the holders of all ecclesiastical offices in the Church in Wales in all property (other than burial grounds) vested in the Welsh Commissioners and by them to be transferred to the county councils or the University of Wales shall determine ; and the provisions of this Act respecting existing interests in such property, and the payment of money in substitution for and in satisfaction of such interests, and respecting the right of the representative body to require the transfer to them of glebe or other land subject to the payment of the value thereof, and respecting the liability of the existing holders of ecclesiastical offices to pay tenths, shall cease to have effect:
- (b) The Welsh Commissioners shall, as soon as may be after the date of commutation, pay to the representative body the aggregate value of the existing interests of holders of ecclesiastical offices in the Church in Wales in such property as aforesaid, being offices held by freehold tenure or any tenure which, in the opinion of the Welsh Commissioners, is in practice equivalent to freehold tenure, such value to be ascertained in manner provided by the Fourth Schedule to this Act, together with interest on that amount at the rate of three and one-half per cent. per annum from the date of commutation to the date of payment:

Provided that, if the representative body so request, the Welsh Commissioners shall transfer to the representative body any glebe or other land (not being a burial ground) vested in them in part satisfaction of the sum so payable, the value of such land to be settled in default of agreement by arbitration :

- (c) The Welsh Commissioners shall, in addition to the amount payable under the last preceding paragraph, pay to the representative body towards the costs of administration a sum equal to two and one-half per cent. of that amount:
- (d) The Welsh Commissioners shall, on the request of the representative body, from time to time make payments on account of the sums so payable to the representative body, not exceeding at any time the amount then received by or due to the Welsh Commissioners as income from the property vested in them and to be by them transferred to the University of Wales and county councils, and such payments on account shall be treated as having been made on account of interest and not on account of capital, except so far as any sum paid on account is found to have been in excess of the interest due at the date of the payment on account :
- (e) The holder of any ecclesiastical office in the Church in Wales which is held by freehold tenure, or by any tenure which in the opinion of the Welsh Commissioners is in practice equivalent to freehold tenure, shall, subject to any arrangements which may be made between him and the representative body, be entitled, in lieu of his existing interest in such property as aforesaid, to an annuity calculated in manner provided by the Fifth Schedule to this Act, so long as he continues to hold an' ecclesiastical office in the Church in Wales ; and any question as to the amount thereof shall be determined by arbitration :

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

- (f) Every annuity payable under this section shall be charged on the property for the time being vested in the representative body, and shall be treated as part of the emoluments of the ecclesiastical office which the annuitant held at the passing of this Act; and accordingly, where the interest of the annuitant in the emoluments of his office was at the date of commutation subject to any incumbrance, the incumbrancer shall have the same rights, as nearly as may be, against the annuity as he has against the other emoluments of the office, and any curate licensed before the passing of this Act to serve under the annuitant shall, so long as the annuitant holds his existing office, have the same rights against the annuity as he has against the other emoluments of the office:
- (g) The annuitant shall continue liable to repair any ecclesiastical building which he would have been liable to repair if he had retained his existing interest in such property as aforesaid:
- (h) Nothing in this section shall affect the right of the holder of an ecclesiastical office to an annuity on resignation conferred by this Act, but the whole of such annuity shall be payable by the representative body.

Application of Residue

19 Application of residue of property

- (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) The property formerly appropriated to the use of parochial benefices and transferred to a county council shall be applied, in accordance with one or more schemes made by that 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 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, and the National Library of Wales, so, however, that the ultimate share of each such university college shall be one-fourth, 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.

PART IV

SUPPLEMENTAL

20 First fruits and tenths

As from the date of disestablishment first fruits in respect of any subsequent appointment to any ecclesiastical office in the Church in Wales, and tenths in respect of any such office, shall cease to be payable :

Provided that nothing in this Act shall affect the liability of any person who at the passing of this Act has an existing interest in the emoluments of any ecclesiastical office in the Church in Wales to pay tenths, but such tenths shall after the date of disestablishment be paid to the Welsh Commissioners or as they may direct, and shall continue to be so payable so long as such person continues entitled to such an interest.

21 Vacancies during suspensory period

If any vacancy occurs in any ecclesiastical office in the Church in Wales, between the passing of this Act and the date of disestablishment—

- (1) His Majesty the King may in the case of a vacant bishopric, on the petition of the Archbishop of Canterbury, or of the surviving Welsh bishops, nominate a person to fill the vacancy; but any bishop so nominated shall not be summoned to or be qualified to sit in the House of Lords, and shall be subject to the provisions herein-after mentioned :
- (2) Any other vacancy may be filled by an appointment made by the same person in the same manner as if this Act had not passed :
- (3) A person nominated or appointed to any office in pursuance of this section shall not be liable to pay any first fruits in respect of appointment to the office, or any tenths in respect of the office, but his interest as respects the office to which he is so nominated or appointed shall not be an existing interest within the meaning of this Act:
- (4) If the person so nominated or appointed was at the passing of this Act the holder of any other ecclesiastical office in the Church in Wales he shall, until the date of disestablishment, pay over to the bishop; of the diocese the net income of the last-mentioned office, who shall thereout make such provision for the discharge of the spiritual duties of that office as he may think proper until the date of disestablishment.

22 Provision as to trusts

- (1) Where any cathedral or ecclesiastical corporation dissolved by this Act holds any property in trust for any charitable purpose, the property shall on the dissolution of the corporation vest in the Welsh Commissioners, and the Commissioners shall, on the request of the representative body, transfer the property to that body or to

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

persons appointed by them, subject to the trusts affecting the same, and under the same supervision, local or otherwise, as heretofore, or as near thereto as the circumstances of the case will admit.

- (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.

23 Provisions as to marriages

As from the date of disestablishment, the law relating to marriages in churches of the Church of England (including any law conferring any right to be married in such a church) shall cease to be in force in Wales and Monmouthshire, and the provisions of the Marriage Acts, 1811 to 1898, relating to marriages in registered buildings, shall apply to marriages in churches of the Church in Wales, and every such church may, accordingly be registered under and subject to the conditions imposed by those Acts :

Provided that—

- (a) Every church in Wales and Monmouthshire in which immediately before the date of disestablishment marriages could lawfully be solemnised, shall without registration or the payment of any fee become, as from that date, a registered building within the meaning of the said Acts, and all churches which at the date of disestablishment appear in the official list of the Registrar-General shall be deemed for the purpose of this section to be churches in which marriages can lawfully be solemnised :
- (b) A person who at the date of disestablishment is the incumbent of any parochial benefice in Wales or Monmouthshire shall, on making application to the Registrar-General for the purpose, be entitled to be appointed as the authorised person with respect to all churches within his spiritual charge as such incumbent which by virtue of this section become registered buildings.

24 Supplemental provisions as to burial grounds

- (1) Nothing in this Act shall during the incumbency of an existing incumbent of an ecclesiastical parish—
- (a) affect any powers or rights with respect to burials in the burial ground of that parish, including the consecrated portion of any burial ground provided under the Burial Acts, 1852 to 1906, or affect any enactment requiring or authorising a notice or certificate of any burial to be given to the incumbent ; or
 - (b) affect the right of any existing clerk or sexton to fees in respect of such burials.

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

- (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.

25 Powers of vestries and churchwardens

- (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 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

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

of appointment of assistant overseers as are conferred on parish councils by section five of the 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.

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

During the continuance of the existing interest of the holder of any ecclesiastical office in the Church in Wales in any property, any power of sale, leasing, mortgaging, exchanging, or otherwise disposing of or dealing with that property exercisable by the holder of that office at the passing of this Act shall continue exercisable by him, but no. such power shall be exercised by him—

- (a) in the case of property transferred or to be transferred to the representative body, without the consent of that body; and
- (b) in the case of property transferred or to be transferred to a county council, without the consent of the Welsh Commissioners so long as they continue to exist, and thereafter of the county council, or on appeal of the Board of Agriculture and Fisheries ;

and such consent as aforesaid shall be substituted for any consents or approval which would have been required if this Act had not been passed :

Provided that where under the Acts in pursuance of which property is disposed of or dealt with the whole or any part of the proceeds of the consideration received for the sale, leasing, mortgage, exchange, disposal of or dealing with the property is payable to the Ecclesiastical Commissioners or Queen Anne's Bounty or the Board of Agriculture and Fisheries, or any other authority, it shall be paid to the representative body or the county council as the case may be, and shall, subject to the existing interest of the incumbent, become the property of that body or council.

27 Powers of management and sale

- (1) The Welsh Commissioners, and 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 by the Welsh Commissioners without the consent of the Treasury, or 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) As respects glebe and other land transferred to the representative body subject to the payment of the value thereof, the Welsh Commissioners may allow the whole or any part of the money payable by the representative body to remain on mortgage of the glebe or other land transferred, or may allow the payment to be made by instalments spread over such term of years as they may determine.

28 Supplemental provisions as to tithe rentcharge

- (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

- (1) The respective registrars of the diocesan or other registries, or any other officers having the possession or custody of any books or documents relating to any of the property vested in the Welsh Commissioners by this Act, and not in the possession or under the control of the Ecclesiastical Commissioners or of Queen Anne's Bounty, shall, within three months next after the date of disestablishment, deliver the same to the Welsh Commissioners.
- (2) The Ecclesiastical Commissioners and Queen Anne's Bounty respectively shall deliver to the Welsh Commissioners any books or documents in their possession or under their control relating exclusively to the property vested in the Welsh Commissioners by this Act.
- (3) The Welsh Commissioners shall give receipts for the books and documents so delivered to them and—
 - (a) shall, where any such books and documents relate exclusively to property transferred to any body under this Act, hand over those books and documents to that body; and
 - (b) shall, where any such books and documents relate to property transferred under this Act partly to one body, and partly to another body hand over those books and documents to such one of those bodies as the Welsh Commissioners think fit; and
 - (c) may hand over to any person, authority, or body any such books and documents other than aforesaid, which they think ought to be placed under the control of that person, authority, or body ; and

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

- (d) shall lodge in the National Library of Wales the residue of such books and documents when not required by the Welsh Commissioners for the execution of their duties under this Act.
- (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 acknowledgment 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 Local Government Act, 1894, or apply to any books or documents in the possession or custody of the Board of Agriculture and Fisheries.

30 Borrowing powers

- (1) The Welsh Commissioners may, with the consent of the Treasury, and upon such terms as the Treasury may approve, borrow such sums of money as they may think expedient for carrying into effect any provisions of this Act, and may give as security for the repayment of any sums so borrowed and the interest thereon any part of the property vested in them by this Act other than any property required by this Act to be transferred to the representative body, but shall determine as between the several parts of property so given as security the part or parts to be primarily liable for the several sums so borrowed.
- (2) The National Debt Commissioners, if they think fit, may, out of any money in their hands, advance to the Welsh Commissioners, with such guarantee as is by this Act authorised (but not otherwise), any money which by this Act the Welsh Commissioners are authorised to borrow.
- (3) The Treasury may, if they think fit, guarantee the payment of the principal and interest of all or any part of any money borrowed by the Welsh Commissioners.
- (4) Any security given by the Welsh Commissioners in pursuance of this Act shall be in such form, and may contain such powers of sale or otherwise, as the Treasury approve, and there shall be certified thereon, in such form and manner as the Treasury direct, any guarantee given by the Treasury.
- (5) For giving effect to the guarantee aforesaid, the Treasury, in aid of any money applicable under this Act for payment of principal and interest for the time being accrued due in respect of any money borrowed by the Welsh Commissioners in pursuance of this Act, may cause to be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, such sums as may be necessary for payment of the said principal and interest, or of any part thereof respectively.
- (6) If any money is at any time issued out of the Consolidated Fund in pursuance of the guarantee aforesaid, the Treasury shall cause the same to be repaid to the Consolidated Fund out of the funds in the hands of the Welsh Commissioners or of their successors in title to the property given as security.

31 Accounts of Welsh Commissioners and audit

- (1) At the end of every financial year accounts of the receipts and expenditure of the Welsh Commissioners, both of capital and of income, shall be made up in such form and with such particulars as the Treasury may direct, and shall be audited by the Controller and Auditor General as public accounts in accordance with such regulations as the Treasury may make, and shall be laid before Parliament, together with his report thereupon.
- (2) It shall be lawful for the Welsh Commissioners to invest any money for the time being in their hands in accordance with regulations made by the Treasury in any securities which are for the time being authorised by Parliament as investments for savings banks funds.

32 Provisions as to vesting of stock and copyhold land

- (1) Where any property vested in the Welsh Commissioners by this Act consists of stock within the meaning of the Trustee Act, 1893, the Welsh Commissioners shall for the purpose of enabling such stock to be registered in their names have the right to transfer or call for the transfer of such stock in like manner as if a vesting order had been made for the purpose by the High Court under the Trustee Act, 1893.
- (2) Where any property vested in the Welsh Commissioners or the Ecclesiastical Commissioners or Queen Anne's Bounty under this Act consists of copyhold land the Welsh Commissioners, the Ecclesiastical Commissioners, and Queen Anne's Bounty shall, as respects such land respectively, have the like powers as if they had been appointed by the court under section thirty-three of the Trustee Act, 1893, to convey the land, and section thirty-four of that Act shall apply accordingly.

33 Provisions as to building charges

- (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 Clergy Residences Repair Act, 1776, the Pluralities Act, 1838, the Ecclesiastical Dilapidations Act, 1871, the Ecclesiastical Commissioners Act, 1836, or the 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) Orders of Queen Anne's Bounty under this section shall be made with the concurrence of the Welsh Commissioners or, in default of such concurrence, with the approval of

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

His Majesty the King in Council given on the advice of the Judicial Committee of the Privy Council.

- (4) Nothing in this Act shall affect any such charge as aforesaid whilst the existing interest of the holder of the ecclesiastical office in the emoluments of his office continues.

34 Power to settle differences and make adjustments

The Welsh Commissioners shall have power to decide any question arising under this Act between different local authorities, and to make any adjustment of rights or liabilities incidental to the distribution of property under this Act among such local authorities.

35 Adjustment of debts and liabilities

- (1) The authorities interested (including the Welsh Commissioners, 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.

36 Arbitration

Any arbitration under this Act shall be conducted in accordance with the Arbitration Act, 1889, 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.

37 Appointment of notaries public

As from the date of disestablishment the powers of the Archbishop of Canterbury in respect to the appointment of notaries public to practise in districts wholly within Wales or Monmouthshire shall be transferred to the Lord Chancellor.

38 Interpretation

(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 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 Incumbents Resignation Act, 1871:

The expression " right of patronage " includes any advow-son, 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 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 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 :

The expressions " first fruits " and " tenths " include any , sums payable in lieu of first fruits and tenths, but annual sums in lieu of first fruits payable at such times and in such manner as tenths are payable shall be treated as included in the expression " tenths " :

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

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 impropiator and not as the holder of an ecclesiastical office.

39 Short title

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

SCHEDULES.

FIRST SCHEDULE

Section 5(1).

PART I

PROPERTY VESTED IN THE ECCLESIASTICAL COMMISSIONERS WHICH IS TO BE DEEMED WELSH ECCLESIASTICAL PROPERTY

- (1) Property which does not belong to and is not appropriated to the use of any ecclesiastical office or cathedral corporation, but which is, or is the produce of, or is or has been derived from, property which became vested in the Ecclesiastical Commissioners before the passing of this Act, and which immediately before becoming so vested belonged to or was appropriated to the use of an ecclesiastical office or cathedral corporation in the Church in Wales, or the holder of any such office as such.

Any property situate in, or issuing out of property situate in, Wales or Monmouthshire which has been purchased by the Ecclesiastical Commissioners shall be deemed to have been purchased with the proceeds of sale of and so derived from property which immediately before being vested in the Ecclesiastical Commissioners belonged to an ecclesiastical office or cathedral corporation in the Church in Wales, and the produce of such last-mentioned property shall be taken as having been diminished by the amount expended by the Ecclesiastical Commissioners on such purchases.

- (2) Property which 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, and which is or has been derived from sources other than grants made by the Ecclesiastical Commissioners.

PART II

ADJUSTMENTS

- (1) The Ecclesiastical Commissioners shall exchange such property comprised in paragraph (1) of Part I. of this Schedule as is property situate elsewhere than in Wales or Monmouthshire, or is property issuing out of property so situate, for all property vested in them which is situate in, or issues out of property situate in, Wales or Monmouthshire, and which became vested in the Ecclesiastical Commissioners before the passing of this Act, and which immediately before becoming so vested belonged to or was appropriated to the use of any ecclesiastical office or cathedral corporation other than an ecclesiastical office or cathedral corporation in the Church in Wales, or the holder of any such office as such, and shall deduct from the property comprised in paragraph (1) of Part I. of this Schedule such sum of money as the Commissioners may ascertain and by order declare to be due by way of equality of exchange. Provided that if the money and securities comprised in paragraph (1) of Part I. of this Schedule are less than the sum to be deducted, the Ecclesiastical

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

Commissioners shall be entitled to a charge on the property transferred for the balance with interest at the rate of four per cent. per annum.

- (2) There shall be charged on the property mentioned in paragraph (1) of Part I. of this Schedule, subject to such adjustments as aforesaid so far as it is able to bear them, and so long as they continue payable, the sums before the date of disestablishment payable by the Ecclesiastical Commissioners out of their common fund for ecclesiastical purposes in the Church in Wales other than the augmentation or endowment of parochial benefices or towards the stipends of assistant, clergy, and the common fund of the Ecclesiastical Commissioners shall be exonerated from the liability to make such payments except so far as such property as aforesaid is not able to bear them.

SECOND SCHEDULE

Section 5(2).

PROPERTY VESTED IN QUEEN ANNE'S BOUNTY WHICH IS TO BE DEEMED WELSH ECCLESIASTICAL PROPERTY

Property which 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, except, in the case of any such 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 such part thereof as has been derived from sources other than Welsh sources.

Two-thirds of each grant made by Queen Anne's Bounty out of the Royal Bounty Fund, shall, for the purposes of this Schedule, be deemed to have been derived from sources other than Welsh sources.

THIRD SCHEDULE

Section 6.

PART I

PROPERTY WHICH MAY BE TRANSFERRED BY THE ECCLESIASTICAL, COMMISSIONERS TO THE REPRESENTATIVE BODY

Property vested in the Ecclesiastical Commissioners which has by them been before the passing of this Act annexed or appropriated to any ecclesiastical office or cathedral corporation in the Church in Wales by way of grant, or is the produce of, or is or has been derived from, property so annexed or appropriated and which is not Welsh ecclesiastical property within the meaning of this Act.

PART II

PROPERTY WHICH MAY BE TRANSFERRED BY QUEEN ANNE'S BOUNTY TO THE REPRESENTATIVE BODY

Property vested in Queen Anne's Bounty which has by them been before the passing of this Act annexed or appropriated to any ecclesiastical office or cathedral corporation in the Church in

Wales by way of grant, or is the produce of, or is or has been derived from, property so annexed or appropriated, and which is not Welsh ecclesiastical property within the meaning of this Act.

PART III

PROPERTY A PERPETUAL ANNUITY OF THE ANNUAL VALUE OF WHICH MAY BE CHARGED ON THE COMMON FUND OF THE ECCLESIASTICAL COMMISSIONERS

- (1) Charges on the common fund of the Ecclesiastical Commissioners made before the passing of this Act by way of grant for any ecclesiastical purpose in the Church in Wales, not being charges in respect of the property mentioned in Part I. of this Schedule and not being Welsh ecclesiastical property within the meaning of this Act.
- (2) A sum equal to the difference between the aggregate annual amount of the sums mentioned in paragraph (2) of Part II. of the First Schedule to this Act, and the annual value of the property mentioned in paragraph (1) of Part I. of that Schedule.

PART IV

LIMIT OF AMOUNT WHICH MAY BE GRANTED IN ANY YEAR BY THE ECCLESIASTICAL COMMISSIONERS TO THE REPRESENTATIVE BODY

A sum equal to the average amount granted by the Ecclesiastical Commissioners out of the annual appropriations from the surplus income of their common fund during the seven years ended the thirty-first day of October nineteen hundred and eleven by way of augmentation or endowment of benefices or towards the stipends of assistant clergy in Wales or Monmouthshire.

FOURTH SCHEDULE

Section 18(b).

METHOD OF CALCULATING EXISTING INTERESTS FOR PURPOSES OF COMMUTATION

- (1) The value of the existing interest of the holder of an ecclesiastical office in any property shall be taken to be the value as on the first day of January nineteen hundred and thirteen of an annuity payable half-yearly, commencing on that date during the life of the person who was at that date holder of the office, of an amount equal to the annual value of the interest.
- (2) In determining the value of such annuity as aforesaid, interest shall be calculated at the rate of three and a half per cent. per annum, and the tables to be used shall be the Tables of Mortality of Government Life Annuitants (1912), subject, however, to such allowance as may be determined, in default of agreement between the Welsh Commissioners and the representative body, by an actuary appointed by the Judicial Committee of the Privy Council, after giving the parties, if they desire it, an opportunity of being heard, to be the proper allowance to be made on account of the greater longevity of the clergy as compared with other classes of the community, and on account of any prospective decrease in the death rate.
- (3) The annual value of the interest shall be taken to be—
 - (a) if the interest is an interest in specific property, the annual income derived from that property ; and

- (b) if the interest consists of a right to receive a fixed annual sum, the amount of that sum,

after deducting any tenths payable by the holder of the ecclesiastical office.

- (4) The annual income derived from property shall be taken to be—

- (a) in the case of tithe rentcharge, the amount of the tithe rentcharge according to the septennial average in force at the date of disestablishment, after deducting two and one-half per centum on account of the cost of collection, and the average amount paid during the three years preceding the passing of this Act on account of rates and land tax ;
- (b) in the case of land which is at the date of disestablishment subject to a contract of tenancy, the annual amount payable by way of rent under the contract by the tenant after deducting the amount of any fixed charges on the land and land tax (unless borne by the tenant) and, except where the contract is a repairing lease, after deducting nine per centum on account of repairs and other outgoings :

Provided that, if in any case the representative body so require, the annual income shall be taken to be—

- (i) where the contract is a building lease of which less than sixty years remain unexpired, such amount as, in default of agreement, may be determined by arbitration having regard to the then present value of the reversion expectant on the determination of the lease ; and
- (ii) where the contract is a mining lease, such amount as, in default of agreement, may be determined by arbitration ; and
- (iii) where the contract is not a building or a mining lease, one twenty-fifth of the gross value of the land as determined for the purposes of Part I. of the Finance (1909-10) Act, 1910 ;
- (c) in the case of land which, at the date of disestablishment, is not subject to a contract of tenancy, the annual value of the land as ascertained at that date for the purposes of Schedule A. of the Income Tax Acts, after deducting the amount of any fixed charges on the land :

Provided that, if in any case the representative body so require, the annual income shall be taken to be one twenty-fifth of the gross value of the land as determined for the purposes of Part I. of the Finance (1909-10) Act, 1910.

- (5) For the purposes of this schedule—

The expression " fixed charge " has the same meaning as in the Finance (1909-10) Act, 1910 ;

The expressions " building lease " and " mining lease " have the same meanings as in the Settled Land Act, 1882 ;

The expression " repairing lease " means a lease under which the tenant undertakes to bear the cost of repairs

The expression " contract of tenancy " means a letting of or agreement for letting land for a term of years, or for lives, or for lives and years, or from year to year.

FIFTH SCHEDULE

Section 18(e).

METHOD OF CALCULATING ANNUITY TO WHICH HOLDER OF AN ECCLESIASTICAL OFFICE IS ENTITLED IN LIEU OF EXISTING INTEREST WHICH HAS BEEN COMMUTED

- (1) The annuity shall be an amount equal—
- (a) if the interest is an interest in specific property, to the annual income derived from that property ; and
 - (b) if the interest consists of a right to receive a fixed sum, to the amount of that sum ;

after deducting any tenths payable by the holder of the ecclesiastical office.

- (2) The annual income derived from property shall be taken-to be—
- (a) in the case of tithe rentcharge, the amount of tithe rent-charge according to the septennial average in force at the date of disestablishment, after deducting the average amount paid during the three years preceding the passing of this Act on account of the cost of collection and of rates and land tax ;
 - (b) in the case of land which is, at the date of disestablishment, subject to a contract of tenancy, the annual amount payable by way of rent under the contract by the tenant, after deducting the amount of any fixed charges on the land and land tax (unless borne by the tenant), and, except where the contract is a repairing lease, after deducting, on account of repairs and other outgoings, twelve and a half per cent. if the land comprises houses or farm building, and five per cent. in other cases :

Provided that, if the holder of the ecclesiastical office so requires, in any case where some amount other than the rent was taken to be the annual income for the purpose of determining the amount to be paid by the Welsh Commissioners to the representative body, that other amount shall be taken to be the annual income derived from the property :

- (c) In the case of land which, at the date of disestablishment, is not subject to a contract of tenancy, the annual value of the land as ascertained at that date for the purposes of Schedule A. of the Income Tax Acts, after deducting the amount of any fixed charges :

Provided that, if the holder of the ecclesiastical office so requires, the annual income shall be taken to be one twenty-fifth of the gross value of the land as determined for the purposes of Part I. of the Finance (1909-10) Act, 1910, in any case where the annual income was so assessed for the purpose of determining the amount to be paid by the Welsh Commissioners to the representative body.

- (3) Expressions in this Schedule have the same meanings as in the Fourth Schedule.