



Welsh Church Act 1914

1914 CHAPTER 91

PART III

EXISTING INTERESTS: COMPENSATION: APPLICATION OF RESIDUE

Provisions as to existing Interests, and Compensation therefor

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:

Status: This is the original version (as it was originally enacted).

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 :
- (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.