



# Irish Church Act 1869

## 1869 CHAPTER 42

### *Compensation to Persons deprived of Income*

#### **14 Compensation to ecclesiastical persons other than curates.**

The Commissioners shall, as soon as may be after the passing of this Act, ascertain and declare by order the amount of yearly income of which the holder of any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Church will be deprived by virtue of this Act, after deducting all rates and taxes, salaries of curates found by the Commissioners on inquiry as authorized by the fifteenth section of this Act to be permanent curates, payments to diocesan schoolmasters, and other outgoings to which such holder is liable by law, but not deducting income or property tax, and the commissioners shall have regard to the prospective increase (if any) of such income by the falling in or cessation of charges thereon; and the Commissioners shall, as from the first day of January one thousand eight hundred and seventy-one, pay each year to every such holder so long as he lives and continues to discharge such duties in respect of his said archbishopric, bishopric, benefice, or preferment as he was accustomed to discharge, or would, if this Act had not passed, have been liable to discharge, or any other spiritual duties in Ireland which may be substituted for them, with his own consent, and with the consent of the representative body of the said Church hereinafter mentioned, or, if not discharging such duties, shall be disabled from so doing by age, sickness, or permanent infirmity, or by any cause other than his own wilful default, an annuity equal to the amount of yearly income so ascertained as aforesaid: Provided that no deduction shall, in the case of any incumbency, be made in respect of a curate's salary under this section unless a deduction for curate's salary has been made in the case of the same incumbency by the Ecclesiastical Commissioners for Ireland during five years next preceding the first day of January one thousand eight hundred and sixty-nine; and provided always, that where deduction has been made under this section in respect of the salary of a curate, and the salary of such curate ceases otherwise than by commutation under this Act in the lifetime of the person in ascertaining whose yearly income such salary has been deducted as aforesaid, the Commissioners shall thenceforth pay to such person, so long as he lives and continues to discharge the duties of his office, a further annuity equal to the amount of such curate's salary, subject to the provisions for commutation herein-after contained.

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## **15 Compensation to curates.**

The Commissioners shall inquire whether any curate, serving as such at any time between the first day of January one thousand eight hundred and sixty-nine and first day of January one thousand eight hundred and seventy-one, is to be deemed a permanent curate, and shall determine the same, having regard to the length or term of his service, the duties to be discharged in the benefice, the non-residence, infirmity, or other incapacity of the incumbent, or his habit of employing a curate. The Commissioners shall ascertain, and declare by order the amount of yearly income received by any such permanent curate, and shall pay to every such curate so long as he lives and continues to discharge the duties of his said curacy, or any other spiritual duties in Ireland, which with his own consent and with the consent of the Church body herein-after mentioned may be substituted for them, or if not discharging such duties shall be disabled from so doing by age, sickness, or permanent infirmity, or any cause other than his own wilful default, an annuity commencing on the first day of January one thousand eight hundred and seventy-one equal to the amount of such yearly income, or shall on the application of such curate, made at any time between the first day of January one thousand eight hundred and seventy-one and the first day of January one thousand eight hundred and seventy-two, and with the consent of the Church body herein-after mentioned, cause the present value of such life annuity to be estimated, and pay the same to such curate or to such curate and Church body in such proportions as they shall agree: Provided that where the salary of a curate has been deducted under section fourteen from the income of any incumbent, such curate shall be deemed to be a permanent curate within the meaning of this section; and no commutation of his salary, and no change in his duties for the purposes of this Act, shall be made without the consent of the incumbent from whose income the salary of such curate has been deducted.

The Commissioners may make to any curate who is not entitled to compensation as a permanent curate, and who is serving as a curate on any day between the said first day of January one thousand eight hundred and sixty-nine and the said first day of January one thousand eight hundred and seventy-one, both inclusive, such gratuity for the loss of his curacy as they may think just, so that the amount thereof do not exceed twenty-five pounds for every year during which he shall have served as a curate : Provided always, that in any case in which the period of service of any curate shall not amount to eight years, the Commissioners may make up such gratuity to the sum of two hundred pounds : Provided also, that such gratuity shall in no case exceed the sum of six hundred

When any annual sum granted by Parliament to the holder of any benefice in or connected with the said Church is discontinued, the Commissioners shall ascertain and declare by order the amount of yearly income of which such holder is thereby deprived, after making such deductions as aforesaid, and the Commissioners shall, as from the day of the discontinuance thereof, pay each year to every such holder so long as he lives and continues to discharge such duties as aforesaid an annuity equal to the amount of yearly income so ascertained as aforesaid.

## **16 Compensation to diocesan and district schoolmasters, clerks, sextons, &c.**

The Commissioners shall, as soon as may be after the passing of this Act, ascertain and declare by order the following particulars:

- (1) The amount of yearly salary which each schoolmaster of any diocesan or district school in Ireland is entitled to receive under any warrant of the Lord Lieutenant in

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Council made under the provisions of the Act of the session of the fifty-third year of the reign of His late Majesty King George the Third, chapter one hundred and seven, or any statutory amendment thereof:

- (2) The amount of yearly salary which each clerk, sexton, or other holder of a freehold office of a similar character, or of any office held during good behaviour which the Commissioners may think equal to a freehold office, connected with any cathedral, parish, chapelry, and chapel of ease in Ireland, is entitled to receive, and of the emoluments of which he will be deprived by this Act:

and the Commissioners shall every year, after the first of January one thousand eight hundred and seventy-one, pay to each such diocesan schoolmaster, clerk, sexton, and officer respectively, so long as he lives and continues to perform the duties of his office personally or by sufficient deputy in the same school, cathedral, church, or chapel, or, in the case of a clerk, sexton, or officer of the said church, any duties of the same kind which shall be assigned to him by the representative body of the Church herein-after mentioned, and which he will agree to perform, an annuity equal to the amount of his yearly salary and emoluments so ascertained as aforesaid, or shall, on the application of such annuitant, being a clerk, sexton, or officer of the said church, made at any time between the first day of January one thousand eight hundred and seventy-one and the first day of January one thousand eight hundred and seventy-two, and with the consent of the Church body herein-after mentioned, cause the present value of such life annuity to be estimated, and pay the same to such annuitant, or to such annuitant and Church body, in such proportions as they shall agree to. Provided that no commutation shall be made of the salary of an annuitant, being a sexton, clerk, or other officer as aforesaid, without the consent of the ecclesiastical person under whom such sexton, clerk, or officer may be serving at the time of the application being made for commutation.

#### **17 Compensation to persons not included in preceding section.**

The Commissioners shall pay to any person holding an appointment in or connected with any church or chapel in the said Church, and not entitled to compensation under the preceding section, and who has held such office for two years before the first day of January one thousand eight hundred and seventy-one, and is holding the same on the said day, such sum by way of gratuity, not exceeding one year's salary, as they think fit; and where the said Commissioners shall find that any such person is or may be deprived of any income derived from any property or fund vested in the said Commissioners under this Act, they may pay to any such person such further sum by way of compensation, either by a single payment or by a life annuity, as they shall, with the consent of the Lords Commissioners of Her Majesty's Treasury, determine.

#### **18 Compensation to lay patrons.**

The Commissioners shall, as soon as may be after the passing of this Act, ascertain and by order declare the amount of compensation which ought to be paid to any person or body corporate who or which shall within three years therefrom make application in writing to this effect for or in respect of any advowson, right of presentation or nomination to any benefice or cathedral preferment, vested in or belonging to such person or body corporate, and affected by the provisions of this Act, and shall by and out of any monies for the time being in their hands pay to such person or body corporate the amount of such compensation so ascertained and declared as aforesaid; but Her Majesty shall not, nor shall any corporation, sole or aggregate, dissolved by this Act, nor shall any trustees, officers, or persons acting in a public capacity, be entitled to compensation for or in respect of any advowson, right of presentation or nomination

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to any benefice or cathedral preferment vested in or belonging to Her Majesty or such corporation, trustees, officers, or persons : Provided always, that 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 advowson or right of presentation vested in him, he shall be entitled to compensation for such advowson or right of presentation in the same manner as if the same were then actually vested in such person.