



# Welsh Church Act 1914

1914 CHAPTER 91 4 and 5 Geo 5

## 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

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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 <sup>M1</sup>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 <sup>M2</sup>Bishops’ Resignation Act 1869, the <sup>M3</sup>Deans’ and Canons’ Resignation Act 1872, or the <sup>M4</sup>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.

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#### Marginal Citations

- M1 1871 c. 44.
- M2 1869 c. 111.
- M3 1872 c. 8.
- M4 1871 c. 44.

### 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<sup>M5</sup> 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.

#### Marginal Citations

- M5 1899 c. 17.

### 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—

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- (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.**

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- (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

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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:
- (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.

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#### Textual Amendments

**F1** Words repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

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#### **Modifications etc. (not altering text)**

- C1** “Such notice” means notice to the Welsh Commissioners by the representative body that they have adopted the scheme of commutation hereinafter set forth. This section took effect as if the representative body had signified by notice its adoption of the scheme: [Welsh Church \(Temporalities\) Act 1919 \(c. 65\), s. 3\(1\)](#)
- C2** “the existing interests of holders of ecclesiastical offices in the Church in Wales” explained by [Welsh Church \(Temporalities\) Act 1919 \(c. 65\), s. 3\(1\)](#)

### *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) <sup>[F2]</sup>Property vested in a Welsh county council or county borough council by virtue of a designation made under section 50 of the Local Government (Wales) Act 1994 shall be applied, in accordance with one or more schemes made by a Welsh county council or county borough council either] alone or jointly with any other such council and approved by the Secretary of State, to any charitable or eleemosynary purpose of local or general utility, including the aiding of poor scholars;
  - (b) All other property to which this section relates shall be applied in the first instance towards payment of the expenses of carrying this Act into execution (exclusive of any expenses incurred in the administration of any scheme made by a county <sup>[F3]</sup>or county borough] council) and, subject thereto, shall be applied by the University of Wales by way of the appropriation or payment either of capital or annual sums, or partly in one such way and partly in the other, for the benefit of the University and the following institutions, that is to say, the University College of Wales, Aberystwyth, the University College of North Wales, The University College of South Wales and Monmouthshire, <sup>[F4]</sup>the University College of Swansea] and the National Library of Wales, so, however, that the ultimate share of each such university college shall be <sup>[F5]</sup>three sixteenths], and of the National Library of Wales one-eighth, of the total amount so distributable, and that in applying its share each such university college shall have regard to the needs of poor scholars.
- (2) In framing schemes under this section as to the application of property formerly appropriated to the use of parochial benefices, due regard shall be had to the wants and circumstances of the parish in which the property is situate or from which it is or has been derived, and of the parish comprising the ecclesiastical parish to which any such property was attached, and generally to the circumstances of each particular case.
- (3) A scheme made under this section may be amended or revoked by a scheme made and confirmed in like manner as the original scheme.
- (4) Every scheme made and confirmed under this section shall be laid before both Houses of Parliament as soon as may be after it is confirmed, and shall have effect as if enacted in this Act.

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#### **Textual Amendments**

- F2** Words in s. 19(1)(a) substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 6** (with ss. 54(7), 66(7), Sch. 17 paras. 22(1), 23(2)); S. I. 1996/396, **art. 4**.
- F3** Words in S. 19(1)(b) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para.6** (with ss. 54(7), 66(7), Sch. 17 paras. 22(1), 23(2)); S. I. 1996/396, **art.4**.
- F4** Words inserted by **Welsh Church (Amendment) Act 1938 (c. 39), s. 1**
- F5** Words substituted by **Welsh Church (Amendment) Act, 1938 (c. 39), s. 1**
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#### **Modifications etc. (not altering text)**

- C3** **S. 19:** powers transferred (1.7.1999) by virtue of S.I. 1999/672, art. 2, **Sch.1**

**Status:**

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