



# Welsh Church Act 1914

1914 CHAPTER 91 4 and 5 Geo 5

## PART IV

### SUPPLEMENTAL

#### 20 First fruits and tenths.

<sup>F1</sup> .....

##### Textual Amendments

<sup>F1</sup> S. 20 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), s. 1(1), [Sch. 1 Pt. 6](#) Group 4

#### 21 .....<sup>F2</sup>

##### Textual Amendments

<sup>F2</sup> S. 21 repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

#### 22 Provision as to trusts.

(1) <sup>F3</sup> .....

(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

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persons, and in succession to them, shall be entitled to succeed in their room and to be members of such bodies and to act as such trustees and to exercise such control and to give such consent or approval:

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

**Textual Amendments**  
F3 S. 22(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 6 Group 4

23 ..... F4

**Textual Amendments**  
F4 S. 23 repealed by Welsh Church (Temporalities) Act 1919 (c. 65), s. 6

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

- (1) <sup>F5</sup> .....
- (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

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a burial ground provided under those Acts, and those Acts, so far as is consistent with the tenor thereof, and with the provisions of this Act, shall apply accordingly:

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

#### Textual Amendments

**F5** S. 24(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 6 Group 4

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

**C1** S. 24: powers transferred (1.7.1999) by virtue of S.I. 1999/672, art. 2, Sch.1

**C2** S. 24(3)(4) excluded in relation to any burial ground transferred to representative body in pursuance of agreement under Welsh Church (Burial Grounds) Act 1945 (c. 27), s. 2(1) by s. 2(2) of that Act

## 25 Powers of vestries and churchwardens.

(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 <sup>M1</sup>Burial Act 1855, and the burial ground is not transferred to the representative body.

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

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

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

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

**C3** Overseers abolished and property transferred to rating authorities: Rating and Valuation Act 1925 (c. 90), s. 62(3) and London Government Act 1963 (c. 33), Sch. Pt. II

**C4** Powers and duties transferred by s. 25(1) now exercisable by district councils: Local Government Act 1972 (c. 70), s. 179(3)

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**Marginal Citations**

- M1 1855 c. 128.
- M2 1894 c. 73.

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

<sup>F6</sup> .....

**Textual Amendments**

- F6 S. 26 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

**27 Powers of management and sale.**

- (1) <sup>F7</sup> . . . 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 <sup>F7</sup> . . . 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) <sup>F8</sup> .....

**Textual Amendments**

- F7 Words in s. 27(1) repealed (22.7.2004) by virtue of Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4
- F8 S. 27(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 6** Group 4

**28 Supplemental provisions as to tithe rentcharge.**

- (1) Nothing in this Act shall affect any liability to pay tithe rentcharge, or the liability of any lay impropiator 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.

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- (2) Such liability as aforesaid of a lay impropiator 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) <sup>F9</sup> .....
- (2) <sup>F9</sup> .....
- (3) <sup>F9</sup> .....
- (4) Where by virtue of this section any books and documents are handed over to any body and relate also to property transferred to some other body, the body to whom those books and documents are handed over shall be under the same liability as respects the production and the delivery of copies of those books and documents as if they had given to that other body as incident to a conveyance on sale an acknowledgement in writing of the right of that other body to production of those books and documents and to delivery of copies thereof.
- (5) Nothing in this section shall affect section seventeen of the <sup>M3</sup>Local Government Act 1894, or apply to any books or documents in the possession or custody of the Board of Agriculture and Fisheries.

### Textual Amendments

**F9** S. 29(1)-(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 6 Group 4

### Marginal Citations

**M3** 1894 c. 73.

## 30 Borrowing powers.

<sup>F10</sup> .....

### Textual Amendments

**F10** Ss. 30-32 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 6 Group 4

## 31 Accounts of Welsh Commissioners and audit.

<sup>F11</sup> .....

### Textual Amendments

**F11** Ss. 30-32 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 6 Group 4

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**32 Provisions as to vesting of stock and copyhold land.**

F12 .....

**Textual Amendments**

F12 Ss. 30-32 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 6 Group 4

**33 Provisions as to building charges.**

(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 <sup>M4</sup>Clergy Residences Repair Act 1776, the <sup>M5</sup>Pluralities Act 1838, the <sup>M6</sup>Ecclesiastical Dilapidations Act 1871, the <sup>M7</sup>Ecclesiastical Commissioners Act 1836, or the <sup>M8</sup>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) F13 .....

(4) F13 .....

**Textual Amendments**

F13 S. 33(3)(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 6 Group 4

**Marginal Citations**

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

**34 Power to settle differences and make adjustments.**

F14 .....

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#### Textual Amendments

**F14** S. 34 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), s. 1(1), [Sch. 1 Pt. 6](#) Group 4

### 35 Adjustment of debts and liabilities.

- (1) The authorities interested (including <sup>F15</sup> . . . the Ecclesiastical Commissioners, Queen Anne's Bounty, the representative body, the University of Wales, and any local authority) may make agreements for adjusting or apportioning any property, income, debts, liabilities, and expenses, so far as affected by this Act, or by any scheme or order under this Act, of the parties to the agreement.
- (2) The agreement may provide for the transfer or retention of any property, debts, or liabilities, with or without any conditions and for the joint use of any property, and for payment by either party to the agreement in respect of property, debts, or liabilities so transferred or retained, or of joint user, or in respect of the salary or remuneration of any officer or person.
- (3) The power to make such agreements shall, in the case where parts of property subject to a charge are under this Act transferred to different bodies, include a power for the Welsh Commissioners and the representative body to agree as to the body by which or the proportions in which the several bodies are as between themselves to be liable for the charge, but nothing in such an agreement shall prejudice the right of any such person to any such charge or any charge under statute or otherwise for the recovery thereof or any part thereof.
- (4) In default of agreement, and as far as any such agreement does not extend, any adjustment required for the purposes of this Act shall be referred to arbitration.

#### Textual Amendments

**F15** Words in s. 35(1) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), s. 1(1), [Sch. 1 Pt. 6](#) Group 4

### 36 Arbitration.

Any arbitration under this Act shall be conducted in accordance with the [<sup>F16M9</sup>Arbitration Act 1950] and the arbitrator shall have power to disallow as to costs in the arbitration the costs of any witness whom he may consider to have been called unnecessarily, and any other costs which he considers to have been incurred unnecessarily, and his award may provide for any matter for which an agreement under the last foregoing section might have provided.

#### Textual Amendments

**F16** Words substituted by virtue of [Interpretation Act 1889 \(c. 63\)](#), s. 38(1)

#### Marginal Citations

**M9** 1950 c. 27.

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F17<sup>37</sup> .....

**Textual Amendments**

F17 S. 37 repealed (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 57(3)(e)(5)(7)(11),125(6)(7), Sch. 19 para. 13(1), Sch.20; S.I. 1991/1364, art. 2,Sch.

**38 Interpretation.**

(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 <sup>M10</sup>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 <sup>M11</sup>Incumbents Resignation Act 1871:

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

The expression “synod” includes any assembly or convention:

The expression “property” includes all property, real and personal, including things in action and rights of action; and where any property is held in trust for or for the benefit of the holder of any ecclesiastical office as such, or for any cathedral or ecclesiastical corporation, that property shall be deemed for the purposes of this Act to belong to that office or corporation; and the burial ground of any ecclesiastical parish shall, unless provided under the Burial Acts 1852 to 1906 or the <sup>M12</sup>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



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a rural district council) maintaining a cemetery under the <sup>M13</sup>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:

**F18**  
.....

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.

**Textual Amendments**

**F18** S. 38(1): definitions repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), s. 1(1), [Sch. 1 Pt. 6](#) Group 4

**Marginal Citations**

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

**39 Short title.**

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

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