



Welsh Church Act 1914

1914 CHAPTER 91

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 maybe 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

Status: This is the original version (as it was originally enacted).

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.