



# Irish Church Act 1869

## 1869 CHAPTER 42

### *Temporary Provisions*

#### **66 Regulation as to vacancies.**

If any vacancy occur in any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Church between the date of the passing of this Act and the first day of January one thousand eight hundred and seventy-one, the following enactments shall be made with respect to such vacancy :

- (1) All property, real and personal, belonging or in anywise appertaining to or appropriated to the use of any such vacant archbishopric, bishopric, benefice, or cathedral preferment, or belonging or in anywise appertaining to or appropriated to the use of any person as holding any such archbishopric, bishopric, benefice, or cathedral preferment, shall vest in the Commissioners, subject to any quitrents, head rents, leases, and other tenancies, charges, and incumbrances affecting the same :
- (2) Her Majesty may in the case of a vacant archbishopric, on the requisition of any three bishops of the province, and in the case of a bishop on the requisition of the archbishop of the province in which such bishopric is situate, or of any three bishops of the same province, fill up the vacancy; but no archbishop or bishop so appointed shall be summoned to or be qualified to sit in the House of Lords, and he shall be subject to the provisions herein-after mentioned:
- (3) In the case of any vacant benefice or cathedral preferment, such vacancy may be filled up by the same person or persons who would have been qualified to fill up the same if this Act had not passed, but the person so appointed shall be subject to the provisions herein-after mentioned:
- (4) Every person appointed to fill any vacancy in pursuance of this section shall be subject to all the provisions of this Act, and he shall not be entitled to any compensation in respect of any annuity or other interest of which he may be deprived by virtue of this Act; and no person appointed to fill any vacancy in pursuance of this section shall be liable to pay any ad valorem duty or tax to the Crown, or any ad valorem fees to the ecclesiastical registries, neither shall he be bound to pay any building charge upon the preferment or benefice in which the vacancy shall have occurred :

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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Provided always, that if the owner of any archbishopric, bishopric, benefice, or cathedral preferment, or any curate, be appointed to fill a vacancy in any other archbishopric, bishopric, benefice, or other cathedral preferment, such person, notwithstanding such appointment, shall still have and retain all such life estate or interest and all the rights and privileges to which he would have been entitled if he had not accepted such appointment, and in the meantime he shall pay over the net income of the archbishopric, bishopric, benefice, or cathedral preferment held by him at the time of such appointment to the representative body of the said Church, who shall thereout make such provision for the discharge of the spiritual duties in the said last-mentioned archbishopric, bishopric, benefice, or cathedral preferment, or curacy, as, in the case of an archbishopric or bishopric, shall be directed in writing by the person or persons authorized thereto by the representative body of the said Church, or, in the case of a benefice or cathedral preferment, by the bishop of the diocese for the time being, or, in case of a curate whose salary is deducted under this Act, by the incumbent from whose income such salary has been deducted :

- (5) The Commissioners may pay to any person appointed to fill a vacancy in pursuance of this section, during such time as he may occupy his office between the date of the passing of this Act and the said first January one thousand eight hundred and seventy-one, a sum equal, as nearly as the Commissioners can determine, to the net annual income of the archbishopric, bishopric, benefice, or cathedral preferment to which he is appointed, or a proportionate part thereof, according as he holds his office for the whole time or a portion only of such time.

**67 As to exclusion of house, &c. in cases of commutation.**

In case of any commutation as herein-before provided it shall be lawful for the Commissioners, at the desire of the holder of any archbishopric, bishopric, benefice, or cathedral preferment, to exclude from such commutation any house or land reserved to such holder by this Act which shall be in his actual occupation; but in such case the building charges, if any, to which he shall be entitled shall not become payable under section twenty-four of this Act, but payable at the termination of his life interest under section fifty.