



# Welsh Church Act 1914

## 1914 CHAPTER 91

### PART I

#### DISESTABLISHMENT AND VESTING AND DISTRIBUTION OF PROPERTY

##### *Disestablishment*

#### **1 Disestablishment and prohibition of future appointments**

On the day after the expiration of six months, or such extended period as His Majesty may fix by Order in Council, not being more than twelve months, after the passing of this Act (in this Act referred to as the date of disestablishment), the Church of England, so far as it extends to and exists in Wales and Monmouthshire (in this Act referred to as the Church in Wales), shall cease to be established by law, and, save as by this Act provided, no person shall, after the passing of this Act, be appointed or nominated by His Majesty or any person, by virtue of any existing right of patronage, to any ecclesiastical office in the Church in Wales.

#### **2 Ecclesiastical corporations and bishops**

- (1) On the date of disestablishment every cathedral and ecclesiastical corporation in the Church in Wales, whether sole or aggregate, shall be dissolved.
- (2) On and after the date of disestablishment no bishop of the Church in Wales shall as such be summoned to or be qualified to sit or vote as a Lord of Parliament; but save as aforesaid every person who is at the passing of this Act a bishop, dean, canon, or archdeacon of or the holder of any ecclesiastical office in the Church in Wales, shall during his life enjoy the same title and precedence as if this Act had not passed.
- (3) Writs of summons shall be issued to bishops not disqualified by this enactment for sitting in the House of Lords as if the bishops so disqualified had vacated their sees.
- (4) On and after the date of disestablishment no person shall be disqualified or liable to any penalty for sitting or voting in the House of Commons by reason of having been

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ordained to the office of priest or deacon if the ecclesiastical office he holds is an ecclesiastical office in the Church in Wales, or, if he does not hold any ecclesiastical office, if the last ecclesiastical office which he held was an ecclesiastical office in the Church in Wales.

### **3 Ecclesiastical law and courts**

- (1) As from the date of disestablishment ecclesiastical courts and persons in Wales and Monmouthshire shall cease to exercise any jurisdiction, and the ecclesiastical law of the Church in Wales shall cease to exist as law.
- (2) As from the same date the then existing ecclesiastical law and the then existing articles, doctrines, rites, rules, discipline, and ordinances of the Church of England shall, with and subject to such modification or alteration, if any, as after the passing of this Act may be duly made therein, according to the constitution and regulations for the time being of the Church in Wales, be binding on the members for the time being of the Church in Wales in the same manner as if they had mutually agreed to be so bound, and shall be capable of being enforced in the temporal courts in relation to any property which by virtue of this Act is held on behalf of the said Church or any members thereof, in the same manner and to the same extent as if such property had been expressly assured upon trust to be held on behalf of persons who should be so bound:

Provided that no alteration in the articles, doctrines, rites, or, save so far as may be rendered necessary by the passing of this Act, in the formularies of the Church in Wales, shall be so far binding on any ecclesiastical person having any existing interest saved by this Act, as to deprive him of that interest, if he, within one month after the making of the alteration, signifies in writing to the representative body herein-after mentioned his dissent therefrom.

- (3) The said constitution and regulations of the Church in Wales may, notwithstanding anything in this section, provide for the establishment for the Church in Wales of ecclesiastical courts, and, if the Archbishop of Canterbury consents, for appeals from any of the courts so established being heard and determined by the provincial court of the Archbishop, and the Archbishop may, with the approval of His Majesty in Council, give such consent, but no such courts shall exercise any coercive jurisdiction and no appeal shall lie from any such court to His Majesty in Council.
- (4) The power of making by such constitution and regulations alterations and modifications in ecclesiastical law shall include the power of altering and modifying such law so far as it is embodied in the Church Discipline Act, 1840, the Public Worship Regulation Act, 1874, the Clergy Discipline Act, 1892, or the Ecclesiastical Dilapidations Acts, 1871 and 1872, or any other Act of Parliament.
- (5) As from the date of disestablishment the bishops and clergy of the Church in Wales shall cease to be members of or be represented in the Houses of Convocation of the Province of Canterbury, but nothing in this Act shall affect the powers of those Houses so far as they relate to matters outside Wales and Monmouthshire.

#### *Vesting of Property*

### **4 Vesting of property**

- (1) As from the date of disestablishment there shall, save as by this section provided, vest in the Welsh Commissioners herein-after mentioned—

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- (a) all property vested in the Ecclesiastical Commissioners or Queen Anne's Bounty, which is ascertained as herein-after mentioned to be Welsh ecclesiastical property ; and
  - (b) all property not so vested, and not consisting of charges on the common fund of the Ecclesiastical Commissioners, which, at the passing of this Act, belongs to or is appropriated to the use of any ecclesiastical office or cathedral corporation in the Church in Wales, or the holder of any such office as such ;
- subject, in the case of all such property, to all tenancies, charges, and incumbrances, and to all rights and interests saved by this Act, affecting the property.
- (2) All plate, furniture, and other moveable chattels belonging to any church affected by this Act, or used in connexion with the celebration of Divine worship therein, not being the property of a private individual, shall vest in the representative body herein-after mentioned if and when incorporated :

Provided that if such a body is not incorporated at the date of disestablishment all such moveable chattels as aforesaid shall, until the incorporation of such a body, remain vested in the same persons and be applicable to the same purposes as before the date of disestablishment.

## **5 Apportionment of property by Ecclesiastical Commissioners and Queen Anne's Bounty**

- (1) The Ecclesiastical Commissioners shall, as soon as may be after the passing of this Act and before the date of disestablishment, ascertain and by order declare what property vested in them at the passing of this Act, or under the provisions herein-after in this section contained, consists of property of either of the classes or descriptions mentioned in Part I. of the First Schedule to this Act, and property so ascertained and declared shall, subject to the adjustments made in accordance with Part II of the same schedule, and to such alterations therein as may be made between the passing of this Act and the date of disestablishment, be Welsh ecclesiastical property within the meaning of this Act.
- (2) Queen Anne's Bounty shall as soon as may be after the passing of this Act, and before the date of disestablishment, ascertain and by order declare what property vested in them at the passing of this Act, or under the provisions herein-after in this section contained, is property of the class or description mentioned in the Second Schedule to this Act, and all property so ascertained and declared shall, subject to such alterations therein and additions thereto as may be made between the passing of this Act and the date of disestablishment, be Welsh ecclesiastical property within the meaning of this Act, and the order shall distinguish between the property derived from grants made by Queen Anne's Bounty out of the Royal Bounty Fund or moneys provided by Parliament and property derived from other sources.
- (3) There shall as from the passing of this Act become vested in the Ecclesiastical Commissioners and Queen Anne's Bounty respectively all property (other than ecclesiastical residences) belonging to or appropriated to the use of any ecclesiastical office or cathedral corporation in the Church in Wales, or the holder of any such office as such, towards the purchase of which grants made by the Ecclesiastical Commissioners and Queen Anne's Bounty respectively have been applied ; but such vesting shall not affect any beneficial interest in any such property.
- (4) Orders of the Ecclesiastical Commissioners and Queen Anne's Bounty under this section and the schedules therein referred to shall be made with the concurrence of

the Welsh Commissioners, or, in default of such concurrence, with the approval of His Majesty the King in Council given on the advice of the Judicial Committee of the Privy Council.

## **6 Powers and liabilities of Ecclesiastical Commissioners and Queen Anne's Bounty after disestablishment**

As from the date of disestablishment, any liability or power of the Ecclesiastical Commissioners or Queen Anne's Bounty to make payments for any ecclesiastical purpose in or connected with the Church in Wales shall cease:

Provided that—

- (a) they shall continue to make such payments as are required for the purpose of preserving any existing interests; and
- (b) nothing in this Act shall prevent them from carrying into effect any contract made before the passing of this Act for the sale or purchase of any property affected by this Act or otherwise in relation to any such property, or from making any payments which under this Act they are required or authorised to make; and
- (c) it shall be lawful for the Ecclesiastical Commissioners and Queen Anne's Bounty, if they think fit, within one year after the date of disestablishment, to transfer to the representative body the whole or any part of the property specified in Part I. and Part II. respectively of the Third Schedule to this Act, and for the Ecclesiastical Commissioners to charge their common fund with the payment to the representative body of a perpetual annuity not exceeding the annual value of the property mentioned in Part III. of the Third Schedule to this Act, subject to the payment thereof by the representative body of such sums as may be required for preserving existing interests in any such property ; and
- (d) it shall be lawful for the Ecclesiastical Commissioners and Queen Anne's Bounty in any year after the date of the disestablishment to pay to the representative body such sum (if any) as they think fit, so, however, that, in the case of the Ecclesiastical Commissioners, the sum paid in any year shall not exceed the sum mentioned in Part IV. of the Third Schedule to this Act.

## **7 Private benefactions**

- (1) Any property which consists of, or is the produce of, or is or has been derived from, property given by any person out of his private resources since the year sixteen hundred and sixty-two, or money raised by voluntary subscriptions since that year, or voluntarily given since that year out of funds not liable under any statutory provision to be applied to ecclesiastical purposes, or which is the produce of, or is or has been derived from the proceeds of sale of advowsons sold under the Lord Chancellor's Augmentation Act, and applied for the augmentation of any livings in Wales or Monmouthshire, shall, for the purposes of this Act, be deemed to be a private benefaction.
- (2) Where, in the case of any property given or money raised since the year sixteen hundred and sixty-two, the source from which such property or money was derived is unknown, it shall be deemed to be a private benefaction within the meaning of this Act.
- (3) The Ecclesiastical Commissioners and Queen Anne's Bounty as respects any property transferred from them respectively, and the Welsh Commissioners as respects any

other property vested in them by this Act, shall as soon as may be after the passing of this Act ascertain and by order declare what part of the property constitutes private benefactions within the meaning of this Act.

- (4) Orders of the Ecclesiastical Commissioners and Queen Anne's Bounty under this section shall be made with the concurrence of the Welsh Commissioners, and every such order of the Welsh Commissioners under this section as relates to a benefice with respect to which the Ecclesiastical Commissioners or Queen Anne's bounty have sent to the Welsh Commissioners full particulars of any private benefaction made thereto through them, shall be made with the concurrence of the Ecclesiastical Commissioners or Queen Anne's Bounty as the case requires, and if in any case the concurrence required by this section is not given, the order shall be made with the approval of His Majesty the King in Council, given on the advice of the Judicial Committee of the Privy Council.

### *Distribution of Property*

## **8 Distribution of property by Welsh Commissioners**

- (1) Subject to the provisions of this Act, the Welsh Commissioners shall by order transfer the property vested in them by this Act, as follows:—
- (a) they shall transfer to the representative body—
    - (i) all churches ;
    - (ii) all ecclesiastical residences, together with any moveable chattels held and enjoyed with or as incident to the occupation of any such residence, by the incumbent for the time being of the office to which the residence is attached ;
    - (iii) all funds or endowments specially allocated to the repair, restoration, or improvement of the fabric of any such church or ecclesiastical residence ;
    - (iv) all property which consists of or is the produce of or is or has been derived from grants made by Queen Anne's Bounty out of moneys provided by Parliament;
    - (v) all property which consists of or is the produce of or is or has been derived from grants made by Queen Anne's Bounty out of the Royal Bounty Fund;
    - (vi) all private benefactions ;
    - (vii) if so requested by the representative body, any glebe or other land, not comprised within any of the above-mentioned categories and not being a burial ground; subject to the payment by the representative body to the Welsh Commissioners of a sum equal to the value thereof, such value to be determined in default of agreement by arbitration, regard being had to the tenancies, charges, incumbrances, interests, and rights subject to which the land is transferred to the representative body ;
    - (viii) if so requested by the representative body, any burial grounds which before the date of disestablishment have been closed under or in pursuance of the provisions of any Act of Parliament or of any Order in Council made thereunder ;

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- (b) of the property not so transferred to the representative body they shall transfer the burial ground of any ecclesiastical parish so as to vest the same in the existing incumbent during his incumbency and on the determination thereof—
- (i) where the burial ground is situate in an area in which the Burial Acts, 1852 to 1906, are in force or in which (not being a rural district) a burial ground has been provided under the Public Health (Interments) Act, 1879, or a local Act, in the burial authority, or where the burial authority is a joint committee, in such one or more of the authorities represented on that committee, or in trustees on their behalf, as the Welsh Commissioners think fit;
  - (ii) where the burial ground is situate in a rural parish, or in a part of a rural parish in which the Burial Acts, 1852 to 1906, are not in force, in the council of that parish, or, if there is no council, in the chairman of the parish meeting and overseers of that parish; and
  - (iii) in any other case, in the council of the borough or urban district in which the burial ground is situate :
- (c) of the property not so transferred to the representative body they shall transfer any tithe rentcharge which was formerly appropriated to the use of any parochial benefice to the council of the county in which the land out of which the tithe rentcharge issues is situate :
- Provided that where such land is not situate in Wales or Monmouthshire they shall transfer the tithe rentcharge to the council of such county in Wales and Monmouthshire as the Welsh Commissioners think fit;
- (d) of the property not so transferred to the representative body they shall transfer any other property which was formerly appropriated to the use of any parochial benefice (including the money paid under this section by the representative body in respect of glebes) to the council of the county in which the ecclesiastical parish to the use of which the property was so appropriated is situate : Provided that if such ecclesiastical parish is situate in more than one county the property shall be transferred to such one or more of those councils or be divided between them as the Welsh Commissioners may think fit;
- (e) they shall transfer all other property vested in them to the University of Wales.
- (2) Save as otherwise provided by this Act, all property transferred under this section shall be held subject to all existing public and private rights with respect thereto, and all tenancies, charges, and incumbrances which may at the date of transfer be subsisting therein, and in the case of all such property, except tithe rentcharge transferred to a county council, to the existing interests of all persons who at the passing of this Act hold ecclesiastical offices in the Church in Wales, and in the case of such tithe rentcharge to the obligation to make such provision as is herein-after mentioned in lieu of such existing interests.
- (3) Where property of any such class as aforesaid has before the date of disestablishment been sold, redeemed, or otherwise converted, or where any moneys are at that date held upon trust to be applied in the building purchase or repair of, or to make good dilapidations in, property of any such class as aforesaid, the proceeds of sale, redemption, or other conversion, and such moneys as aforesaid or the securities in which such proceeds or moneys are for the time being invested, shall be dealt with in like manner as if they were property of that class.

## *Border Parishes*

### **9 Provisions as to border parishes**

- (1) The Welsh Commissioners shall, as soon as may be after the passing of this Act, with respect to any ecclesiastical parish part only whereof is situate in Wales or Monmouthshire, by order determine, with reference to the general wishes of the parishioners, whether the parish is to be treated as being wholly within or wholly without Wales or Monmouthshire, and the parish shall for the purposes of this Act be treated accordingly, but any parishioner of the parish may appeal against any such order to His Majesty the King in Council, and any such appeal shall be referred to the Judicial Committee of the Privy Council.
- (2) The Ecclesiastical Commissioners shall by order attach to an English diocese any ecclesiastical parish which at the passing of this Act is situate in a Welsh diocese, but not in Wales or Monmouthshire, and any such ecclesiastical parish which under this section is to be treated as being wholly without Wales or Monmouthshire, and may make any provisions which appear to them necessary or incidental to such attachment, including the transfer to the bishop of the diocese to which the parish is attached of the right of patronage in any case where such right was immediately before the passing of this Act vested in any cathedral or ecclesiastical corporation dissolved by this Act, but no such order shall come into effect until the date of disestablishment.
- (3) Any ecclesiastical parish which is at the passing of this Act situate wholly in Wales or Monmouthshire, or is for the purposes of this Act to be treated as so situate, and forms part of an English diocese, shall, as from the date of disestablishment cease to form part of that diocese, and shall be attached to such Welsh diocese as may be determined in manner provided by the constitution and regulations of the Church in Wales.
- (4) Save as by this section provided, nothing in this Act shall affect any English diocese.