



F¹Pluralities Act 1838

CHAPTER 106

PLURALITIES ACT 1838

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- 2—27
- 28 Spiritual persons not to take to farm for occupation above eighty acres, without consent of the bishop, and then not beyond seven years, under penalty of £2 per acre.
- 29 No spiritual person, beneficed or performing ecclesiastical duty shall engage in trade, or buy to sell again for profit or gain.
- 30 Not to extend to spiritual persons engaged in keeping schools, or as tutors, &c. in respect of any thing done, or any buying or selling in such employment; or to selling any thing bona fide bought for the use of the family, or being a manager, &c. in any benefit or life or fire assurance society; or buying and selling cattle, &c. for the use of their own lands, &c.
- 31 Spiritual persons illegally trading may be suspended, and for the third offence deprived.
- 32 Penalties for non-residence on incumbent not having a licence or exemption, unless he be resident on another benefice.
- 33 Licence to reside out of the usual house, if unfit.
- 34 Houses purchased by governors of Queen Anne's bounty to be deemed residences.
- 35 Vicar or perpetual curate may reside in rectory house.
- 36 Widow of any spiritual person may continue in the house of residence for two months after his decease.
- 37 Certain persons exempt from penalties for non-residence.
- 38 Privileges for temporary non-residence.
- 39 Performance of cathedral duties, &c. may be accounted as residence, under certain restrictions.
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- 41
- 42 Every petition for licence for non-residence to be in writing, and to state certain particulars.
- 43 Bishop may grant licences for non-residence in certain enumerated cases. Appeal to archbishop in case of refusal.
- 44 In cases not enumerated bishops may grant licences to reside out of limits of benefice, subject to allowance by the archbishop.
- 45 By whom licences may be granted while a see is vacant, &c.
- 46 Duration of licences.
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- 48 Licences not to be void by the death or removal of the grantor.
- 49 Licences may be revoked.
- 50 Copies of licences or revocations to be filed in the registry of the diocese, and a list kept for inspection;
- 51 List of licences allowed by the archbishop, or granted in his own diocese, to be annually transmitted to her Majesty in council, who may revoke licences, &c. Licence, although revoked, to be deemed valid between the grant and revocation.
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- 54 Residence may be enforced by monition, or the living sequestered. Appeal against sequestration to the archbishop.
- 55 Incumbents returning to residence on monition to pay the costs.
- 56 Incumbent returning to residence on monition, but again absenting himself within 12 months, the bishop may without further monition, sequester.
- 57 Reasons for remitting penalties for non-residence of a certain amount to be transmitted to the Queen in council.
- 58 Benefice continuing so sequestered one year, or being twice so sequestered within two years, to become void.
- 59 Contracts for letting houses in which any spiritual persons are required by bishop to reside shall be void. Penalty for holding adverse possession, £2 for every day.
- 60 Incumbent not liable to penalty for non-residence while the tenant occupies.
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- 62—69
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- 73 Colleges in Oxford and Cambridge and other corporate bodies, patrons of livings, may lend any sums without interest to aid the execution of this Act.
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- 75 In case of non-resident incumbents neglecting to appoint curates, the bishop to appoint.
- 76 Curate to reside on benefice, under certain circumstances.
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- 80 Bishop may enforce two services on Sundays in certain cases. Not to affect the provision of the Act 58 G.3.c. 45. s. 65.

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81	Statement of Particulars necessary to be given and declaration to be made, on application for a licence for a curate.
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86	Bishop may require two curates.
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93	Curate directed to reside in parsonage house, in case of non-residence of incumbent, may have certain portion of glebe land assigned to him by bishop.
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95	Curate to quit cure upon having six weeks notice from new incumbent within six months after his admission, and in other cases incumbent, with bishop's permission, may dismiss curate on six months notice. Appeal.
96	Curate to deliver up possession of house of residence, within six months, after notice or pay £2 per day.
97	Curate not to quit curacy without three months notice to incumbent and bishop, under a penalty.
98	Bishop may license curates employed without nomination; revoke any licence, and remove the curate, subject to appeal to the archbishop.
99	Bishop to appoint curates to all sequestered benefices.
100	Stipend of curate of vacant benefice to be paid by sequestrator.
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102	Licences to curates, and revocations thereof, to be entered in the registry of the diocese.
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107	Provisions relating to bishops to apply to archbishops in their own dioceses.
108	Power of archbishops and bishops as to exempt or peculiar benefices, &c.
109	Where jurisdiction is given to bishop, &c, all concurrent jurisdiction to cease.
110	Sequestrations under this Act to have priority.
111	The mode of appealing to the archbishop of the province.
112	Regulations respecting monitions and sequestrations.
113	Sequestration not to issue after monition to reside, until service of order.
114	Recovery of penalties against spiritual persons.
115	Recovery of fees, &c.
116	Penalty on registrar for neglect.
117	Recovery of penalties against lay-men or unbeneficed clergymen.
118	Penalties not recoverable for more than one year.
119	Application penalties.
120	Commencement and conclusion of the year.
121	How months to be calculated.
122	Certified copy of entry of licence to be evidence.
123	Statements how to be verified.

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- 124 Definition of the terms “cathedral preferment,” and “benefice”
- 125 Who to be considered patron.
- 126 How consent of patron to be testified, &c. where patronage is in the crown.
- 127 How where patron is an incapacitated person.
- 128 How where patronage is attached to the duchy of Cornwall.
- 129 Distance how to be computed.
- 130 Population how to be computed.
- 131
- 132 Act not to affect powers of bishops.
- 133 Act not to extend to Ireland.

FIRST SCHEDULE —

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SECOND —
SCHEDULE

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Changes and effects yet to be applied to :

- s. 126 words repealed by [2005 c. 4 Sch. 4 para. 8\(3\)](#)Sch. 18 Pt. 2
- s. 126 words substituted by [2005 c. 4 Sch. 4 para. 8\(2\)](#)
- s. 128 words repealed by [2005 c. 4 Sch. 4 para. 9\(3\)](#)Sch. 18 Pt. 2
- s. 128 words substituted by [2005 c. 4 Sch. 4 para. 9\(2\)](#)