



**Isle of Man**

*Ellan Vannin*

**AT 2 of 1897**

**THE ECCLESIASTICAL RESIDENCES AND  
DILAPIDATIONS AMENDMENT ACT 1897**





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## THE ECCLESIASTICAL RESIDENCES AND DILAPIDATIONS AMENDMENT ACT 1897

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## THE ECCLESIASTICAL RESIDENCES AND DILAPIDATIONS AMENDMENT ACT 1897

<i>Received Royal Assent:</i>	<i>7 July 1897</i>
<i>Promulgated:</i>	<i>20 July 1897</i>
<i>Commenced:</i>	<i>20 July 1897</i>

**AN ACT** to amend the Ecclesiastical Residences and Dilapidations Act.

### GENERAL NOTES:

By virtue of section 2(4) of the *Church Act 1992* all references to the Commissioners (except so far as they relate to the excepted functions) shall, unless the context otherwise requires, be construed as references to the Sodor and Man Diocesan Board of Finance.

By virtue of paragraph 12(4) of the Schedule to the Ecclesiastical Offices (Terms of Service) Measure (Isle of Man) 2012 [SD192/12] this Act and the Ecclesiastical Residences and Dilapidations Act 1879 shall have effect only in relation to benefices of which the incumbent is not subject to Common Tenure.

## PRELIMINARY

### 1 Short title

This Act may be cited as “The Ecclesiastical Residences and Dilapidations Amendment Act, 1897”.

This Act and the *Ecclesiastical Residences and Dilapidations Act 1879* (hereinafter called “the principal Act”) may be together cited as “the Ecclesiastical Residences and Dilapidations Acts, 1879 and 1897”, and they shall be construed as one.

### 2 Additional definition

In this Act the expression “the Commissioners” means the Church Commissioners for the Isle of Man.<sup>1</sup>

“prescribed” [Repealed]<sup>2</sup>

“the High Court” [Repealed]<sup>3</sup>

### 3 Moneys to be paid to Commissioners

- (1) Wherever in the principal Act provisions are made for the payment of money into the bank with the privity of the Clerk of the Rolls, and whether subject or not to the order of the Court referred to in any such section, there shall be substituted for any such provisions (hereby repealed) the following provision (that is to say):- That any money so required to be paid shall be paid to the Commissioners.
- (2) All money paid to the Commissioners under this Act shall be administered and applied by the Commissioners under the provisions of the principal Act, for the purposes thereof in like manner as if such moneys had continued to be administered by the Court or the Clerk of the Rolls.
- (3) Separate accounts shall be by the Commissioners kept of all moneys paid to them under this Act, and of the application thereof.

### 4 Transfer of judicial functions

Wherever in the principal Act provision is made for the exercise of judicial functions by the Court of Chancery, or by a Deemster, all such judicial functions shall be and they are hereby transferred to the High Court.

### 5 [Repealed]<sup>4</sup>

## SURVEYOR

### 6 Amendment of 1879 Act s 7

In section 7 of the principal Act, the word “clergy” shall mean “beneficed clergy”.

## HOUSES OF RESIDENCE

7 and 8 [Repealed]<sup>5</sup>

9 [Repealed]<sup>6</sup>

## DILAPIDATIONS

### *Inspections at other times than when a Benefice is vacant*

10 **Substitution of 1879 Act s. 19**

[Substitutes section 19 of the *Ecclesiastical Residences and Dilapidations Act 1879*.]

11 **Amendment of 1879 Act s 21**

Section 21 of the principal Act shall be construed as if there were inserted after the words “receiving the copy thereof”, and in substitution for the remaining part of such section hereby repealed, the words “request the Bishop to order a conference between the inspectors and the incumbent in the presence of the Bishop or of some other person deputed by him to act on his behalf”, and in case of such conference being had, the report may by mutual consent be modified; but if no modification be agreed to, and the incumbent shall be still dissatisfied, he may, within fourteen days from the date of such conference, by petition, appeal to the High Court, the objection to the report on any ground of fact or law being set forth in such petition, and the High Court shall have power to review the said report, and, if it see fit, to vary the same.

12 **Amendment of 1879 Act s 26**

In section 26 of the principal Act the expression “prescribed repairs” shall mean the repairs prescribed by the inspector’s report, or such report modified (as the case may be).

In the paragraph in such section 26 commencing “if any benefice”, such paragraph shall be construed as if, after the words “and not expended shall”, there were inserted the words “on production to the Commissioners of a certificate that such repairs have been duly executed”.

## AS TO VACANT BENEFICES

13 **Inspection of buildings of a vacant benefice**

If any benefice shall become vacant after the lapse of three years from the date of the filing of the last certificate of exemption from liability in respect of dilapidations, and before an order for inspection shall have been issued by the

Bishop, the Bishop shall, notwithstanding such vacancy, order an inspection of the buildings of such benefice: Provided always that the late incumbent, or his personal representatives, shall have the like right of conference and appeal as are provided for in section 21 of the principal Act, and section 11 of this Act.

**14 Amendment of 1879 Act s 36**

Section 36 of the principal Act shall be construed as if after the words “wilful waste” there were inserted the words “as to which wilful waste the dilapidations occasioned thereby shall, by order of the Bishop, at the request of the late incumbent, or his personal representatives, or of the new incumbent, be assessed by the inspector”, and reported on as in other cases of inspection, and with the like right of either party to apply for a conference, and to appeal, as in such other cases. In every such case the expenses of the inspection and conference shall be paid by the outgoing incumbent, or his personal representatives, or by the incoming incumbent, as the inspectors may decide, and they shall be recoverable as a debt.

**15 [Repealed]<sup>7</sup>**

**SCHEDULE<sup>8</sup>**



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

<sup>1</sup> Definition of “the Commissioners” amended by Church Act 1992 Sch 7.

<sup>2</sup> Definition of “prescribed” repealed by Church Act 1992 Sch 7.

<sup>3</sup> Definition of “the High Court” repealed by Church Act 1992 Sch 7.

<sup>4</sup> S 5 repealed by Statute Law Revision Act 1983 Sch 2.

<sup>5</sup> Ss 7 and 8 repealed by Church Act 1992 Sch 7.

<sup>6</sup> S 9 repealed by Ecclesiastical Residences and Dilapidations Act 1937 s 11.

<sup>7</sup> S 15 repealed by Church Act 1992 Sch 7.

<sup>8</sup> Sch repealed by Statute Law Revision Act 1983 Sch 2.