

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. CIX.

An Act for the Abolition of compulsory Church Rates. [31st *July* 1868.]

WHEREAS Church Rates have for some Years ceased to be made or collected in many Parishes by reason of the Opposition thereto, and in many other Parishes where Church Rates have been made the levying thereof has given rise to Litigation and Ill-feeling:

And whereas it is expedient that the Power to compel Payment of Church Rates by any legal Process should be abolished:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Compulsory Church Rates abolished.

1. From and after the passing of this Act no Suit shall be instituted or Proceeding taken in any Ecclesiastical or other Court, or before any Justice or Magistrate, to enforce or compel the Payment of any Church Rate made in any Parish or Place in *England* or *Wales*.

Saving of Rates called Church Rates, but applicable to secular Purposes.

2. Where in pursuance of any General or Local Act any Rate may be made and levied which is applicable partly to Ecclesiastical Purposes and partly to other Purposes, such Rate shall be made, levied, and applied for such last-mentioned Purposes only, and so far

far as it is applicable to such Purposes shall be deemed to be a separate Rate, and not a Church Rate, and shall not be affected by this Act.

Where in pursuance of any Act of Parliament a mixed Fund, arising partly from Rates affected by this Act and partly from other Sources, is directed to be applied to Purposes some of which are Ecclesiastical Purposes, the Portion of such Fund which is derived from such other Sources shall be henceforth primarily applicable to such of the said Purposes as are Ecclesiastical.

Provision where Money is due on Security of such Rates.

3. In any Parish where a Sum of Money is at the Time of the passing of this Act due on the Security of Church Rates, or of Rates in the Nature of Church Rates, to be made or levied in such Parish under the Provisions of any Act of Parliament, or where any Money in the Name of Church Rate is ordered to be raised under any such Provisions, such Rates may still be made and levied, and the Payment thereof enforced by Process of Law, pursuant to such Provisions, for the Purpose of paying off the Money so due, or paying the Money so ordered to be raised, and the Costs incidental thereto, but not otherwise, until the same shall have been liquidated: Provided, that the Accounts of the Churchwardens of such Parish in reference to the Receipt and Expenditure of the Monies levied under such Acts shall be audited annually by the Auditor of the Poor Law Union within whose District such Parish shall be situate, unless another Mode of Audit is provided by Act of Parliament.

Provision as to Church Rates already made.

4. Any Church Rate, or Rate in the Nature of Church Rate, made at any Time before the passing of this Act, may be collected and recovered in the same Way as if this Act had not been passed.

Not to affect Enactments in Local Acts, &c. where Rates are made for Purposes herein named.

5. This Act shall not affect any Enactment in any Private or Local Act of Parliament under the Authority of which Church Rates may be made or levied in lieu of, or in consideration of the Extinguishment or of the Appropriation to any other Purpose of, any Tithes, customary Payments, or other Property or Charge upon Property, which Tithes, Payments, Property, or Charge, previously to the passing of such Act, had been appropriated by Law to Ecclesiastical Purposes as defined by this Act, or in consideration of the Abolition of Tithes in any Place, or upon any Contract made, or for good or valuable Consideration given, and every such Enactment shall continue in force in the same Manner as if this Act had not passed.

Act not to affect Vestries, &c.

6. This Act shall not affect Vestries, or the making, assessing, receiving, or otherwise dealing with any Church Rate, save in so far as relates to the Recovery thereof; but, subject to the Provisions herein-

herein-before contained, whensoever any Ecclesiastical District having within its Limits a consecrated Church in use for the Purposes of Divine Worship shall have been legally constituted out of any Parish or Parishes, and whether such District shall or shall not be a separate and distinct Parish, the Inhabitants of such District shall not be entitled to vote for or in reference to a Church Rate or the Expenditure thereof at any Vestry Meeting of the Parish or Parishes out of which the said District is formed, nor shall they be assessed to any Rate made in relation to the Parish Church of the said Parish or Parishes, but such Inhabitants may assemble in Vestry, and, subject to the Provisions of this Act, may make and assess a Rate in relation to the Church of their own District in like Manner as if such Church were the Church of an ancient Parish: Provided that nothing in this Act contained shall affect any Right of Burial to which the Inhabitants of the District may be entitled in the Churchyard of the Mother Church.

Trustees and others under Incapacity may subscribe to voluntary Rate.

7. It shall be lawful for all Bodies Corporate, Trustees, Guardians, and Committees who or whose Cestuisque Trust are in the Occupation of any Lands, Houses, or Tenements to pay, if they think fit, any Church Rate made in respect of such Property, although the Payment of the same may not be enforceable after the passing of this Act, and the same shall be allowed to them in any Accounts to be rendered by them respectively.

Regulations as to Persons refusing to pay Church Rates.

8. No Person who makes default in paying the Amount of a Church Rate for which he is rated shall be entitled to inquire into, or object to, or vote in respect of the Expenditure of the Monies arising from such Church Rate; and if the Occupier of any Premises shall make default for One Month after Demand in Payment of any Church Rate for which he is rated, the Owner shall be entitled to pay the same, and shall thereupon be entitled, until the next succeeding Church Rate is made, to stand for all Purposes relating to Church Rates (including the attending at Vestries and voting thereat) in the Place in which such Occupier would have stood.

Power to appoint Church Trustees.

9. A Body of Trustees may be appointed in any Parish for the Purpose of accepting, by Bequest, Donation, Contract, or otherwise, and of holding any Contributions which may be given to them for Ecclesiastical Purposes in the Parish.

The Trustees shall consist of the Incumbent and of Two Householders or Owners or Occupiers of Land in the Parish, to be chosen in the first instance, and also from Time to Time on any Vacancy in the Office by Death, Incapacity, or Resignation, one by the Patron, and the other by the Bishop of the Diocese in which the Parish is situate.

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The Trustees shall be a Body Corporate by the Name of the Church Trustees of the Parish to which they belong, having a perpetual Succession and a Common Seal, with Power to sue and be sued in their Corporate Name.

The Trustees may from Time to Time, as Circumstances may require, pay over to the Churchwardens, to be applied by them either to the general Ecclesiastical Purposes of the Parish, or to any specific Ecclesiastical Purposes of the Parish, any Funds in their Hands, and the Funds so paid over may be applied to such Purposes, and shall not be applied to any other Purpose: Provided always, that no Power shall be thereby conferred on the Churchwardens to take order with regard to the Ecclesiastical Purposes of the Parish further or otherwise than they are now by Law entitled to do: Provided also, that due Regard shall be had to the Directions of the Donors of Funds contributed for any special Ecclesiastical Purposes; and, subject as aforesaid,

The Trustees may invest in Government or Real Securities any Funds in their Hands, and accumulate the Income thereof, or otherwise deal with such Funds as they think expedient, subject to the Provisions of this Act.

The Incumbent shall be the Chairman of the Trustees.

The Trustees shall once at the least in every Year lay before the Vestry an Account of their Receipts and Expenditure during the preceding Year, and of the Mode in which such Receipts have been derived and Expenditure incurred, together with a Statement of the Amount, if any, of Funds remaining in their Hands at the Date of such Account.

Definition of "Ecclesiastical Purposes," "Church Rate," and "Parish."

10. In this Act "Ecclesiastical Purposes" shall mean the building, rebuilding, Enlargement, and Repair of any Church or Chapel, and any Purpose to which by Common or Ecclesiastical Law a Church Rate is applicable, or any of such Purposes:

"Church Rate" shall mean any Rate for Ecclesiastical Purposes as herein-before defined:

"Parish" shall mean any Parish, Ecclesiastical District, Chapelry, or Place within the Limits of which any Person has the exclusive Cure of Souls.

Short Title.

11. This Act may be cited as "The Compulsory Church Rate Abolition Act, 1868."

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