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:

Short title.

1. This Act and the recited Act may be cited together for all purposes as "The Union Officers (Ireland) Superannuation Acts, 1865 and 1872."

Superintendent registrars to be deemed union officers. Emoluments to be taken into account in awarding superannuation.

2. The Superintendent Registrar of Births, Deaths, and Marriages appointed in any union in Ireland, being also the clerk of such union, and the Registrar of Births, Deaths, and Marriages, shall be deemed officers within the operation of the recited Act; and in computing the salary of any officer of a union under the recited Act and this Act, the amount of the emoluments of his office on the average of the three years concluded in the last preceding quarter may be taken into calculation by the guardians, and the allowance awarded in respect thereof under the recited Act and this Act shall be charged upon the rates of the union at large.

CHAPTER 90.

An Act to amend "The Irish Church Act, 1869." [10th August 1872.]

WHEREAS it is expedient to amend the Irish Church Act, 1869:

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:

Short title.

1. This Act may be cited as "The Irish Church Act, 1869, Amendment Act, 1872."

Interpretation.

2. In this Act words and expressions to which by the Irish Church Act, 1869, meanings have been assigned shall have the same meanings respectively.

The term "principal Act" shall mean the Irish Church Act, 1869.

Extension of section 16 of Irish Church Act, 1869, to the commutation of annuities payable to diocesan schoolmasters.

3. The provisions of section sixteen of the principal Act, authorising the Commissioners, with the consent of the Church body, to cause the value of the life annuity of any clerk, sexton, or officer of the said Church to be estimated and paid to such annuitant, or to such annuitant and the Church body in such proportions as they shall agree, shall be deemed to extend and shall extend and authorise the Commissioners, with the consent of the said Church body, to cause the present value of the annuity payable to each schoolmaster of any diocesan or district school in Ireland, as ascertained and declared by order of the Commissioners under the provisions of the said section, to be estimated, and to pay the same to such schoolmaster or to such schoolmaster and Church body in such proportions as they shall agree.

The provisions of the said section of the principal Act shall be construed as if the first day of January one thousand eight hundred and seventy-four were substituted for the first day of January one thousand eight hundred and seventy-two in the said section.

Power to commute annuities payable under sects. 44. and 45. of Irish Church Act, 1869.

4. The Commissioners may estimate the value of any annuity declared by order pursuant to the provisions of the forty-fourth and forty-fifth sections of the principal Act, and may pay such estimated value to the person entitled to such annuity in satisfaction of the same, if such person shall be willing to accept it and they shall consider it expedient so to do.

Payment of moneys received for dilapidations to Church body in certain cases.

5. Whenever a glebe house shall be purchased by the representative body of the said Church, any moneys which shall have been received in respect of dilapidations of such house from the incumbent by the Commissioners shall be paid over to such body for the repair of the same.

Amount of tithe rentcharges to be fixed.

6. Whereas a statement under the seal of the Commissioners of the amounts of the annual tithe rentcharges, which accrued due in respect of each benefice, dignity, or ecclesiastical corporation in Ireland on the first day of November one thousand eight

hundred and seventy-one, and of the owners chargeable therewith, has been deposited in the Record Department of the said Commissioners, and it is expedient that the half-yearly payments of tithe rentcharge to be made from time to time by such owners should be definitely fixed and ascertained: Be it therefore enacted that,—

(1.) The said statement (except as herein-after provided) shall be deemed to be and shall be conclusive evidence of the amount of tithe rentcharge chargeable upon the lands (in respect of each such benefice, dignity, or ecclesiastical corporation) in respect of which the owners set forth in such statement have paid the same, and the amounts therein set forth shall from time to time be paid and payable, and such statement shall, in relation to such amounts as aforesaid, be binding upon the persons liable to the payment of the same; provided always, that it shall be lawful for any owner whose name is set forth in such statement as liable to rentcharge, or for the legal representative of such owner, to lodge with the Commissioners an objection in writing to the liability so set forth, and the Commissioners shall have full power to make an order amending such statement as shall to them seem fit, having regard to the facts in each case without reference to any defects or technical difficulties in the original applotments of tithe composition.

(2.) The Commissioners shall lodge in the said Record Department, on or before the thirty-first day of March in each year, a further statement of any tithe rentcharge which may have become payable to them in the preceding year ending the thirty-first December under section thirty-three of the principal Act, or otherwise, and the provisions of this section shall apply to such statements and tithe rentcharge.

(3.) It shall not be lawful for the Commissioners nor for the persons liable to tithe rentcharge to take any proceedings under section thirty-two of the Act of the session of the first and second years of Her present Majesty chapter one hundred and nine, to vary the rentcharges with reference to the average price of corn, and the said section is, and all other provisions for such variation are hereby repealed so far as relates to all tithe rentcharge vested in the Commissioners: Provided, however, that in any case where proceedings shall for such purpose have been commenced before the passing of this Act, the same shall not be affected by this provision, and may be continued, and such order as may be made thereon shall be valid in all respects as if this Act had not been passed.

(4.) It shall and may be lawful for any owner or his legal representatives, at any time after the passing of this Act, upon a division of the lands held by him or them, either by sale or otherwise (except by lease or demise at rack rent), to make an application in writing to the Commissioners signifying the desire of such applicant that the tithe rentcharges, payable half-yearly and chargeable on such lands by said statement, or the annual rentcharges substituted for them under section thirty-two of the principal Act, or section seven of this Act, then charged or chargeable on such lands by the merging order issued by the Commissioners, pursuant to the said section, shall be divided and apportioned upon parts of such lands, or shall be charged upon certain of such lands exempting the residue from any liability in respect of the said rentcharge, and thereupon in each and every such case the said Commissioners shall and they are hereby authorised and required, by order, to divide or apportion the whole or any part of the said tithe rentcharges, or rentcharges in lieu thereof, as aforesaid, in such manner and proportions as by such application may be required, regard being had to the security of the several parts or proportions of such rentcharges, and after such apportionment the tithe or other rentcharges so apportioned shall be charged and payable in such parts and proportions, and chargeable only upon such proportions of the said lands as shall be so declared by the Commissioners order to be liable to the payment thereof respectively, and said original merging order and all apportionment orders under seal of the Commissioners, shall be deemed and shall be conclusive evidence of the liability to the said rentcharge of the land set forth in said orders respectively.

Sale of tithe rentcharge to owners of land charged therewith.

7. The Commissioners may at any time after the passing of this Act sell any rentcharge in lieu of tithes vested in them under the principal Act to the owner of the land charged therewith, in consideration of a sum equal to twenty-two and a half times the amount of such rentcharge, less such sum in the pound as such owner shall be ascertained by the Commissioners to have been on an average of five years preceding the passing of the said Act entitled to deduct for poor rates from the tithe rentcharge payable by him; and upon any such sale being so made, the Commissioners shall by order declare the rentcharge to be merged in the land out of which it issued, and the same shall merge and be extinguished accordingly.

Upon the application of any owner so purchasing, the Commissioners may by order declare his purchase money to be payable by instalments, and the land out of which such rentcharge issued to be accordingly charged as from a day to be mentioned in such order for fifty-two years thence next ensuing with an annual sum calculated at the rate of four pounds nine shillings per centum on the purchase money, or for such less number of years as may be agreed upon at an equivalent annual sum, so as to discharge the principal and interest in such less number of years. The annual sum charged by such order shall have priority over all charges and incumbrances, except quit or crown rents, and shall be payable by the same persons, and be recoverable in the same manner, and be subject to the same charges, if any, as the rentcharge in lieu of tithes heretofore payable out of the same lands.

"Owner" for the purposes of this and the next preceding section shall mean the person for the time being liable to pay rentcharge in lieu of tithes under the provisions of the Act of the first and second years of the reign of Her present Majesty, chapter one hundred and nine.

The provisions of this section shall be deemed to be and shall be in substitution of the provisions of section thirty-two of the principal Act, and, where the Commissioners have, under the provisions of the said section thirty-two, made any sale to any owner, they may make such allowance to such owner or to his legal representatives as will place such owner or such representative in a position similar to that in which he would have been placed had the provisions of this section been in force at the time of such sale and such sale had been made thereunder.

Purchase of surrender or assignment of subsisting lease of tithe rentcharge.

8. The Commissioners may, when purchasing the surrender or assignment of any subsisting lease of rentcharge in lieu of tithes made by an ecclesiastical person or corporation, where such lease has, previous to the passing of the principal Act, been renewable by custom, treat the same as a renewable lease for the purpose of estimating the value and fixing the purchase money thereof.

Value of lease of rentcharge to be settled by arbitration in certain cases.

9. Where any person, being a tenant of rentcharge in lieu of tithes by virtue of a lease heretofore customarily renewable, made by an ecclesiastical person or corporation, feels aggrieved by the value set by the Commissioners on such lease, or on his interest therein, he may, if he think fit, refer such question to arbitration in manner prescribed by the principal Act.

Duty on sale of tithe rentcharge to be paid by Commissioners.

10. The amount of duty payable upon any order made by the Commissioners upon the sale of tithe rentcharge shall be paid by the Commissioners out of any funds at their disposal.

Deduction in respect of income tax in certain cases.

11. Where the repayment of any principal sum, together with interest thereon, is payable to the Commissioners by annual instalments, it shall be lawful for the Commissioners to make an allowance in respect of income tax on such part of such instalments as are payable in respect of interest according to the scale in the schedule to this Act annexed.

Power to tenants under leases from ecclesiastical corporations aggregate to

12. The immediate or inferior tenants of lands, tenements, and hereditaments held under leases from ecclesiastical corporations aggregate in Ireland, dissolved by the principal Act, where such leases were renewable by custom, may make application for the purchase of the fee simple and inheritance of such lands, tenements, and hereditaments, and shall be entitled to the conveyances of the same upon the like terms, in like

manner, with the like rights, and subject to the like conditions and liabilities in every respect as if such immediate or inferior tenants held the said lands, tenements, and hereditaments under leases from sole ecclesiastical corporations in Ireland, and were therefore entitled to make such applications under the Act of the session of the third and fourth years of King William the Fourth, chapter thirty-seven, and the Acts amending the same, but subject to the limitations in that behalf contained in section thirty-one of the principal Act.

apply for perpetuities.

13. The provisions of section fifty-two of the principal Act authorising the Commissioners to accept security for a portion of the purchase money at the rate of four per centum per annum shall be deemed to have been made applicable, and to apply, as to the rate of interest, to cases of security contemplated by the hundred and fifty-fifth section of the Act passed in the session of Parliament held in the third and fourth years of King William the Fourth, chapter thirty-seven.

Extension of provision of section 52. of Irish Church Act, 1869, as to security for purchase money.

14. Whereas Alfred J. Phipps, now accountant in the office of the Commissioners of Church Temporalities in Ireland, served for a period of thirty years previous to his appointment to the said office in an established capacity in the permanent civil service of the State in the office of Her Majesty's Commissioners of Woods, Forests, and Land Revenues, and it is expedient that provision should be made for the grant of superannuation allowance to the said Alfred J. Phipps in case he shall retire from the said office or become incapable, from infirmity of mind or body, to discharge the duties of the same, and for the grant of compensation in case his said office shall be abolished: Be it therefore enacted, that in case the said Alfred J. Phipps shall retire from his said office or become incapable, from infirmity of mind or body, to discharge the duties of the same, or in case the said office shall be abolished or shall cease to exist, it shall be lawful for the Commissioners of Church Temporalities in Ireland, with the consent of the Commissioners of Her Majesty's Treasury, to grant to the said Alfred J. Phipps such superannuation allowance or compensation as they shall think fit; and such superannuation allowance or compensation shall be estimated and awarded on the same terms and subject to the same conditions as are provided in the case of persons serving in an established capacity in the permanent civil service of the State by "The Superannuation Act, 1859:" Provided always, that in estimating the number of years during which the said Alfred J. Phipps shall have served, the said Commissioners shall take into account the number of years during which he shall have served in the office of Her Majesty's Commissioners of Woods, Forests, and Land Revenues and in the office of the Commissioners of Church Temporalities in Ireland. Such portion of the said superannuation or compensation allowance as the Commissioners of Her Majesty's Treasury shall, in writing under the hand of one of their secretaries, certify to be the amount of superannuation allowance which might have been awarded to the said Alfred J. Phipps under the said Act had he been compelled to retire from the public service from age or ill-health at the time of his transfer to the service of the Commissioners of Church Temporalities in Ireland, shall be paid out of moneys provided for that purpose by Parliament, and the remainder of such superannuation or compensation allowance (if any) shall be paid out of the revenues of the Commissioners of Church Temporalities in Ireland, and be dealt with in the same manner as other compensation and superannuation allowances under the principal Act.

Commissioners may award superannuation allowance or compensation to present accountant in certain events.

SCHEDULE.

Fixed Annual Instalments for Purchase of Rentcharges in lieu of Tithes.

When the fixed annual instalments shall be		in number		twentieth parts of the legal rate of Income Tax shall be allowed by deduction from the fixed annual instalment.
	Ten - -		Three - -	
	Twenty -		Five - -	
	Thirty - -		Seven - -	
	Forty - -		Nine - -	
	Fifty-two -		Ten - -	

Fixed Half-yearly Instalments under the 52nd Section of the Irish Church Act, 1869.

When the fixed half-yearly instalments shall be		in number		twentieth parts of the legal rate of Income Tax shall be allowed by deduction from the fixed half-yearly instalment.
	Ten		Two	
	Twenty		Three	
	Thirty		Five	
	Forty		Six	
	Fifty		Seven	
	Sixty-four		Eight	

CHAPTER 91.

An Act to authorise the application of Funds of Municipal Corporations and other governing bodies in certain cases. [10th August 1872.]

20 & 21 Vict. c. 50.

WHEREAS by the Act passed in the session holden in the twentieth and twenty-first years of the reign of Her Majesty, intituled An Act to amend the Acts concerning the Municipal Corporations, the trustees acting under any Act of Parliament for supplying any borough, or any district within or in certain cases beyond the limits of a borough, with water or gas, or having powers for providing or maintaining any cemetery or market in or for any borough, or otherwise improving the same, are authorised and empowered to transfer to the body corporate of such borough all their rights, estates, properties, and liabilities:

And whereas by the ninety-second section of the Act passed in the session holden in the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, to provide for the regulation of Municipal Corporations in England and Wales, in each borough the annual proceeds of all property and hereditaments belonging to the body corporate, and fines and rates levied in the borough, are directed to form the borough fund, and such fund is directed to be applied in the payment of certain salaries and certain expenses and the expenses necessarily incurred in carrying into effect the provisions of the said Act, and the surplus (if any) of such fund is directed to be applied, under the direction of the council, for the public benefit of the inhabitants and the improvement of the borough:

And whereas the Public Health Act, 1848, the Local Government Act, 1858, and various Local Acts of Parliament, have conferred powers of improving, cleansing, paving, lighting, and otherwise governing places or districts upon boards of health, commissioners, trustees, or other persons:

And whereas it is expedient to extend the powers of governing bodies so as to enable them to apply the borough or other funds under the control of such governing body towards such costs, charges, and expenses as may be incurred for the purposes and in the manner herein provided:

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:

Interpretation of terms.

1. The term "governing body" in this Act shall mean the council of any municipal borough, the board of health, local board, commissioners, trustees, or other body acting under any general or local Act of Parliament for the management, improvement, cleansing, paving, lighting, and otherwise governing places or districts, and the term "district," shall mean the borough, place, township, or district within which the governing body may for the time being have jurisdiction: Provided, however, that in the borough of Cambridge, in any matters affecting the constitution, power, or functions of the Board of Cambridge Improvement Commissioners, as defined in the several Acts of Parliament relating thereto, the term "governing body" shall mean such board of improvement commissioners, and not the council of the borough of Cambridge.