



Isle of Man

Ellan Vannin

AT 1 of 1897

THE CLERGY RESIDENCE ACT 1897



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**Isle of Man***Ellan Vannin*

THE CLERGY RESIDENCE ACT 1897

Received Royal Assent: 26 February 1897
Promulgated: 5 July 1897
Commenced: 5 July 1897

AN ACT to amend the Law as to Non-Residence of Clergy.

1 Short title

This Act may be cited as “The Clergy Residence Act, 1897”.

2 Definitions

In this Act, if not inconsistent with the context, the following words and expressions have the meanings hereinafter respectively assigned to them (that is to say): —

“**Benefice**” includes all rectories, vicarages, district and parochial chapelries, endowed chapels and curacies, including endowed royal or free chapels, and chapelries of districts belonging, or reputed to belong, or annexed, or reputed to be annexed to any church or chapel:

“**Bishop**” means the Bishop of Sodor and Man:

“**Spiritual person**” means the incumbent of a benefice:

“**House of residence**” means the dwelling-house for the use of an incumbent on the glebe lands of a benefice, and includes the out-offices in connection therewith:

“**Buildings**” include all such houses of residence, walls, fences, and other buildings as the incumbent is bound by law to maintain or repair.

3 [Repealed]¹

4 Incumbent to reside on benefice

Every spiritual person holding any benefice other than a person who is subject to Common Tenure shall keep residence on his benefice, and in the house of residence thereon, if any, belonging thereto; and if any such person shall,

without any such licence or exemption as is in this Act allowed for that purpose or without the permission of the Bishop under any Canon of the Church of England, absent himself from such benefice, or from such house of residence, if any, for any period exceeding the space of three months together, or to be accounted at several times in any one year commencing on the first day of January, he shall, when such absence shall exceed three months, and not exceed six months, forfeit one-third part of the annual value of the benefice from which he shall so absent himself; and when such absence shall exceed six months, and not exceed eight months, one-half part of such annual value; and when such absence shall exceed eight months, two-third parts of such annual value; and when such absence shall have been for the whole of the year, three-fourth parts of such annual value.²

5 Benefice without cure of souls

Provided always that, in the case of a benefice without cure of souls, the spiritual person holding such benefice shall be deemed to keep residence thereon, if he shall keep residence within the parish in which the benefice may be, and in the house of residence therein, if any, belonging to such benefice.

6 House of residence outside parish

Provided also, that where a house of residence has been, or may hereafter be provided for any benefice, such house not being situated within the parish, or place wherein such benefice may be, but being so near thereto as to be sufficiently convenient and suitable for the residence of the spiritual person who may hold such benefice, and such house having been approved as such house of residence by the Bishop, by writing under his hand and seal registered in the Diocesan Registry, such house shall be deemed to be the house of residence belonging to such benefice, and residence therein shall be deemed to be residence on such benefice.

7 Exemption during occupation by predecessor's surviving spouse or surviving civil partner³

A spiritual person shall be exempt from residence in the house of residence of his benefice during the time that such house may, under the law for the time being in force with respect thereto, be in the occupation of the surviving spouse, surviving civil partner or children of a predecessor in such benefice, or of a tenant lawfully entitled to such occupation.⁴

8 Exemption during performance of duties of canonry

A spiritual person being a canon of the cathedral church shall be exempt from residence on his benefice, other than his canonry, during the time that he shall reside and perform such duties of his office of canon, as may be prescribed by the statutes of such cathedral church.

9 Licence for non-residence

The Bishop, upon petition presented to him, and upon such proofs being adduced as to any facts stated in any such petition as he may think necessary and shall require, may grant, in such cases as are hereinafter enumerated, in which he shall think fit to grant the same, a licence in writing under his hand to a spiritual person to reside out of the proper house of residence, if any, of his benefice, or out of the limits of his benefice, for the purpose of exempting such person from any penalty under this Act in respect of any non-residence thereon, which licence shall express the cause of granting the same, and shall be subject to the terms hereinafter mentioned in each case (that is to say) —

- (1) In any case where there shall be no house of residence on or belonging to the benefice, or where the house of residence shall be unfit or unsuitable for the residence of such spiritual person, such unfitness or unsuitableness not being occasioned by any negligence, default, or other misconduct of such spiritual person, a licence to permit such spiritual person to reside in some fit and convenient house, although not belonging to such benefice, such house to be particularly described and specified in such licence, and for a certain time to be therein also specified, not exceeding the period by this Act limited, and from time to time as the Bishop may think fit to renew such licence; and every such house shall be a legal house of residence for such specified time to all intents and purposes:
- (2) In any case where such spiritual person shall be prevented from residing in the proper house of residence, or within the limits of his benefice, by any incapacity of mind or body:
- (3) In any case by reason of the dangerous illness of the spouse, civil partner or child of such spiritual person, making part of that person's family, and residing with him or her as such, the licence to be granted for a period not exceeding six months:⁵
- (4) In any case where such spiritual person occupies within the limits of his benefice any mansion or messuage whereof he shall be owner, the licence shall authorize such spiritual person to occupy such mansion or messuage, which shall be deemed to be a legal house of residence so long as the licence shall continue in force:
- (5) And in any other case in which the Bishop shall think it expedient, provided that in every such case the nature and special circumstances thereof, and the reasons that have induced the Bishop to grant such licence, shall be set forth in the licence.

For the purposes of sub-section 1 of this section, and to enable the bishop to judge of the unfitness or unsuitableness of a house of residence, the bishop shall issue a commission, under his hand, to the archdeacon of the district in which the benefice shall be, the churchwardens or chapel wardens, if any, of such benefice, and to one other person to inspect such house of residence and to

inquire as to its fitness or unsuitability, and if, in their opinion, it be unfit or unsuitable for the residence of the spiritual person holding the benefice, whether it is desirable or possible to make sale of such house of residence, or to let the same, and such commissioners shall make in writing to the bishop a report as to such matters, and containing their reasons for the opinion which they may form thereon. The commission and report shall be filed in the Diocesan Registry.

This section does not apply to any person who is subject to Common Tenure.^{6 7}

10 House out of repair during non-residence

Provided always, that every spiritual person having a house of residence, who shall not reside therein, shall, during such period or periods of non-residence, whether the same shall be for the whole or any part of a year, keep such house of residence in good and sufficient repair, and if during such non-residence the said house of residence shall, under the provisions of the *Ecclesiastical Residences and Dilapidations Act, 1879*, be found to be out of repair, and the same shall not be put into repair in accordance with the provisions of such Act, such spiritual person shall be liable to the penalties for non-residence imposed by this Act during the period of such house of residence remaining out of repair, and until the same shall have been put in repair.

11 Particulars to be contained in petition

Every petition under this Act shall be addressed to the Bishop, and shall be signed by the spiritual person who presents the same, or by some person approved by the Bishop in that behalf, and it shall state therein whether such spiritual person intends to perform the duty of his benefice in person, and in that case where and at what distance from the church or chapel of such benefice he intends to reside; and if he intends to employ a curate, such petition shall state what salary or stipend he proposes to give to such curate, and whether the curate proposes to reside or not to reside in the parish in which such benefice is situate; and if the curate intends to reside therein, then whether in the house of residence belonging to such benefice, or in some other, and what other house; and if he does not intend to reside in the parish, then such petition shall state what distance therefrom, and at what place, such curate intends to reside, and whether such curate serves any other and what parish or place as incumbent or curate, or has any or what preferment or benefice in this Island or elsewhere, or officiates in any other and what church or chapel; and such petition shall also state the annual value, and the population of the benefice in respect of which any licence for non-residence shall be applied for, and the number of churches and chapels, if more than one, upon such benefice, and the date of the admission of such spiritual person to the said benefice; and it shall not be lawful for the Bishop to grant any such licence unless such petition shall contain a statement of the several particulars aforesaid.

12 Petitions and licences to be filed in the Diocesan Registry

Every petition and licence under this Act shall be filed in the Diocesan Registry, and until so filed any such licence shall not take effect.

13 [Repealed]⁸**14 Extreme duration of licences**

No licence for non-residence granted under this Act shall continue in force for a period exceeding three years.

15 Recovery and application of penalties

Penalties under this Act shall and may be sued for and recovered with costs in the High Court of Justice by the Attorney-General, or by some person duly authorized for that purpose by him, by writing under his hand, and in no other court, and by or at the instance of no other person whatever; and the payment of any such penalty shall and may be enforced by order and sequestration.

Every penalty recovered shall be applied towards the augmentation or improvement of the benefice in respect of which the penalty may have been incurred or the improvement of such benefice, or of the house of residence thereof, or of any of the buildings or appurtenances thereof, as may be directed by an order of the Bishop, under his hand, to be recorded in the Diocesan Registry.

16 [Repealed]⁹**17 [Repealed]¹⁰****18 [Repealed]¹¹****19 [Repealed]¹²**

SCHEDULE¹³

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ S 3 repealed by Church Act 1983 Sch 2.

² S 4 amended by SD192/12.

³ S 7 heading amended by Civil Partnership Act 2011 Sch 14.

⁴ S 7 amended by Civil Partnership Act 2011 Sch 14.

⁵ Subs (3) amended by Civil Partnership Act 2011 Sch 14.

⁶ S 9 amended by SD192/12.

⁷ S 9 amended by SD654/12.

⁸ S 13 repealed by Church Act 1992 Sch 7.

⁹ S 16 repealed by Statute Law Revision Measure (Isle of Man) 1994 (see SD254/94).

¹⁰ S 17 repealed by Church Act 1992 Sch 7.

¹¹ S 18 repealed by Statute Law Revision Act 1997 Sch 2.

¹² S 19 repealed by Church Act 1983 Sch 2.

¹³ Sch repealed by Statute Law Revision Act 1997 Sch 2.