A MEASURE

PASSED BY

THE NATIONAL ASSEMBLY OF THE CHURCH OF ENGLAND

To amend the Law relating to the Patronage of Benefices and to amend the Benefices Act, 1898. [14th July 1924.]

Patronage rights incapable of sale after next two vacancies.

1. A right of patronage of a benefice after two vacancies of such benefice subsequent to the passing of this Measure have occurred shall become incapable of sale, and any transfer for valuable consideration of such right of patronage made after two such vacancies have occurred, whether such valuable consideration is mentioned in the transfer or not, shall be invalid: Provided that this section shall not apply to assignments of patronage under the New Parishes Acts or to sales of land to which rights of patronage are appendant.

6 & 7 Vict., c. 37. 19 & 20 Vict., c. 104.

Patronage rights may by owner be made incapable of sale. 61 & 62 Vict., c. 48.

2. A patron entitled for his own benefit in fee simple or fee tail in possession, whether for a legal or equitable estate, to a right of patronage of a benefice may by declaration under seal registered in the registry of the diocese in which the benefice is situate, as if the said declaration were a transfer registered under the Benefices Act, 1898, declare his intention that the said right of patronage shall be thenceforth without power of sale, and as from the date of the registration of such declaration, section 1 of this Measure shall apply to the said right of patronage as if the two vacancies therein mentioned had occurred.

Presentation of a clergyman by himself, &c., made void.

3. If a right of patronage of a benefice after the passing of this Measure becomes vested by transfer or otherwise in a person who at the date of its becoming so vested is, or subsequently becomes, a clergyman, or in his wife, or in some one on his or her behalf, he shall not be presented to the benefice to which such right of patronage relates, and any such presentation shall be void.

Mortgages of patronage rights—saving in 61 & 62 Vict., c. 48. repealed.

4. In section 1, subsection (7), of the Benefices Act, 1898, the words "or in a mortgage the reservation of a right of redemption" are hereby repealed so far as a transfer of a right of patronage made after the passing of this Measure is concerned.

Repeals. 9 Geo. IV., c. 94. 61 & 62 Vict., c. 48 (Sched.).

5. The Act 9 Geo. IV., chapter 94, whereof the short title is "The Clergy Resignation Bonds Act, 1828," is hereby repealed, and in the Form of Declaration contained in the Schedule to the Benefices Act, 1898, the words "otherwise than as allowed by sections one and two of the Clergy Resignation Bonds Act, 1828" are hereby repealed, and the said Schedule is hereby amended by the addition after the word "agreement" in the third paragraph of the said Form of Declaration of the words following, that is to say, "(not being an agreement lawfully made for exchange of benefices)."

Right of patronage to include right to nominate.

6. A right of patronage of a benefice includes a right to nominate to the patron the person to be presented thereto.

Inconsistent enactments repealed.

7. All enactments dealing with rights of patronage of benefices whether contained in public or in private Acts of Parliament shall continue to have effect only so far as they are not inconsistent with the provisions of this Measure.

Application of Interpretation Act, 1889. 52 & 53 Vict., c. 63.

8. The Interpretation Act, 1889, shall apply to this Measure in like manner as it applies to an Act of Parliament.

Short title, &c. 61 & 62 Vict., c. 48.

9. This Measure shall be construed as one with the Benefices Act, 1898, and may be cited as "The Benefices Act 1898 (Amendment) Measure, 1923."

Printed by PERCY LUND, HUMPHRIES & CO. LTD.
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Union of Benefices Measure, 1923.

[14 & 15 GEO. 5. No. 2.]

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