A

MEASURE

PASSED BY

The National Assembly of the Church of England

To provide for the foundation of a Bishopric of Leicester. [31st July 1925.]

Short title.

1. This Measure may be cited as the Bishopric of Leicester Measure, 1925.

Public contributions to endowment fund.

2. The Ecclesiastical Commissioners shall receive all contributions which may be made by the public for the purposes of the endowment of a bishopric of Leicester, and carry the amount of such contributions to a fund to be called "the Leicester Bishopric Endowment Fund." Such contributions may include any gift or bequest of real or personal property not exceeding the limits prescribed by this Measure for the endowment of the bishopric, and the powers of the donors to bestow and of the Ecclesiastical Commissioners to receive such gifts shall be the same as those enacted in the Act of the second and third years of the reign of Queen Anne, chapter eleven, and of the Act of the forty-third year of the reign of King George the Third, chapter one hundred and seven, enabling donors to vest gifts in Queen Anne's Bounty for the benefit of ministers officiating in churches and chapels.

Contribution to endowment fund from bishopric of Peterborough.

3. There shall be transferred to the Leicester Bishopric Endowment Fund such portion of the endowment or income of the bishopric of Peterborough as would, if no deduction were made for first-fruits and tenths, yield a net annual sum of five hundred pounds, but such transfer shall be subject to the payment by the Bishop of Leicester of a proportionate part of the first-fruits and tenths payable by the Bishop of Peterborough:

Provided that this section shall have effect subject to the rights enjoyed by any person at the passing of this Measure, and the said transfer shall not be made so long as any pension payable out of the endowment or income of the bishopric of Peterborough at the passing of this Measure continues to be payable.

Establishment of bishopric on provision of sufficient endowment.

4. Whenever the Ecclesiastical Commissioners certify to His Majesty under their common seal either—

(1) that the annual value of the Leicester Bishopric Endowment Fund (when calculated in manner in this Measure mentioned) is not less than three thousand five hundred pounds a year, or

(2) that the annual value of such endowment fund, calculated as aforesaid, is not less than three thousand pounds a year, and that contributions to the fund sufficient to raise the same, within five years from the date of the certificate, up to three thousand five hundred pounds a year have been guaranteed to the satisfaction of the Commissioners,

His Majesty, by Order in Council, may found the bishopric of Leicester, with a diocese and cathedral church, in accordance with the provisions of this Measure, and may declare the time at which the Order is to come into operation.

His Majesty may, by Order in Council, constitute the Bishop of Leicester a body corporate, and invest the bishop with all such rights, privileges and jurisdictions as are now possessed by any other bishop in England, or such of them as to His Majesty may seem meet.

In calculating the annual value of the Leicester Bishopric Endowment Fund for the purposes of this Measure there shall be included—

(i) If a fitting episcopal residence has been provided by or to the satisfaction of the Ecclesiastical Commissioners, the annual value of such episcopal residence, which shall be reckoned at five hundred pounds; and

(ii) The net annual income of the part of the fund actually invested, and such sum as the Commissioners think will be the net annual income of the part of the fund not actually invested at the date of the certificate; and

(iii) When any contribution to the fund consists of an annual sum payable during life or other limited period, the whole of that sum, if in the opinion of the Commissioners the like annual sum will, at the termination of such life or other period, become payable as part of the fund.

Bishop to be subject to metropolitan jurisdiction.

5. The Bishop of Leicester shall be subject to the metropolitan jurisdiction of the Archbishop of Canterbury.

Cathedral church.

6. The collegiate church of S. Martin, Leicester, subject to the rights of the patron and incumbent of that church, shall be the cathedral church of Leicester.

Diocese.

7. The diocese of Leicester when constituted shall consist of the present archdeaconries of Leicester and Loughborough now in the diocese of Peterborough, and the parishes of Stanford-on-Avon, Little Bowden S. Nicholas and S. Mary-in-Arden, and Little Bowden S. Hugh, now in the archdeaconry of Northampton in the diocese of Peterborough.

Number of bishops in Parliament not to be increased.

8. The number of Lords Spiritual sitting and voting as Lords of Parliament shall not be increased by the foundation of the bishopric of Leicester; and whenever there is a vacancy among such Lords Spiritual by the avoidance of any of the sees of Canterbury, York, London, Durham, or Winchester, such vacancy shall be supplied by the issue of a writ of summons to the bishop acceding to the see so avoided; and if such vacancy is caused by the avoidance of any see other than one of the five sees aforesaid, such vacancy shall be supplied by the issue of a writ of summons to that bishop of a see in England who, having been longest bishop of a see in England, has not previously become entitled to such writ:

Provided that, when a bishop is translated from one see to another, and was at the date of his translation actually sitting as a Lord of Parliament, he shall not thereupon lose his right to receive a writ of summons to Parliament.

Appointment of Bishop of Leicester.

9.—(1) So long as there is not a dean and chapter of a new bishopric founded in pursuance of this Measure:—

(i) the Archdeacon of Leicester and any other archdeacons, if there be any, and the canons,

if any, and the honorary canons in the cathedral church of Peterborough holding benefices within the area of the diocese of Leicester shall be and shall be styled the Provisional Chapter of the said diocese;

(ii) the senior archdeacon of the diocese of Leicester shall be, and shall be styled the President of the Provisional Chapter of the diocese of Leicester;

(iii) upon the foundation of the diocese of Leicester, and upon any subsequent avoidance of the bishopric, His Majesty may grant to the Provisional Chapter thereof a licence under the Great Seal to proceed to the election of a bishop with a letter-missive as provided by the statute of the twenty-fifth year of the reign of King Henry the Eighth, and all such further proceedings shall be had as if the said Provisional Chapter were the dean and chapter pertaining to a bishopric in England founded before the passing of the Bishoprics Act, 1878:

Provided that if honorary canonries are founded in the cathedral church of the new bishopric of Leicester, the holders of such honorary canonries shall, together with and under the presidency of the archdeacon mentioned in this section, constitute the Provisional Chapter in lieu of the canons and honorary canons in the cathedral church of Peterborough.

(2) From and after the foundation of such dean and chapter, a vacancy in that bishopric shall be filled in the same manner as a vacancy in any other bishopric in England founded before the passing of the Bishopric of St. Albans Act, 1875.

Certain parishes to be transferred to dioceses of Peterborough, Leicester, and Southwell or Derby.

10. Upon the foundation of the bishopric of Leicester, His Majesty may, by Order in Council, transfer—

(i) to the diocese of Peterborough all or any of the parishes now in the diocese of Ely which are specified in Part I. of the Schedule to this Measure;

(ii) to the diocese of Leicester all or any of the parishes now in the diocese of Southwell which are specified in Part II. of the said Schedule; and

(iii) to the diocese of Southwell, or to the diocese of Derby if it shall have been constituted under the provisions of the Diocese of Southwell (Division) Measure, 1923, either or both of the parishes specified in Part III. of the said Schedule; and an Order in Council under this section may contain such consequential or supplemental provisions as may appear to His Majesty necessary for giving effect to the Order.

Scheme of Ecclesiastical Commissioners approved by Order in Council as to incidental arrangements for constituting diocese of Leicester.

11. Whenever such certificate as is in this Measure mentioned has been given by the Ecclesiastical Commissioners with respect to the Leicester Bishopric Endowment Fund, the Commissioners shall lay before His Majesty in Council for confirmation a scheme for all or any of the following matters (that is to say):—

(1) For assigning to the Bishop of Leicester all or any such courts, offices and jurisdiction belonging to any bishop in England as it may be thought expedient to assign, and for dispensing with the confirmation or other agency of a dean and chapter in relation to any matters in which such confirmation or otherwise be required, and for the custody of the spiritualities during a vacancy in the see by the Archbishop of Canterbury; and

(2) For making such arrangements as may be thought expedient by the creation and endowment of new archdeaconries or otherwise for the archidiaconal supervision of the parishes affected by the foundation of the bishopric, and for transferring any archidiaconal dignity from the cathedral church of Peterborough to the cathedral church of Leicester; and

(3) For transferring (subject to any right enjoyed by any person at the passing of this Measure) to the Bishop of Leicester any rights of patronage (whether sole or otherwise) affecting ecclesiastical dignities and beneficiaries situate in the diocese of Leicester, which immediately before the foundation of the bishopric are vested in the Bishop of Peterborough; and

(4) For enabling any archdeacon whose archdeaconry is affected by the foundation of the bishopric to

reside in any place in which he is residing at the date of the scheme, and for making such arrangements as may seem to the Ecclesiastical Commissioners requisite to preclude any officer holding office at the passing of this Measure from being prejudiced by this Measure or any Order in Council or scheme thereunder; and

(5) For founding honorary canonries in the cathedral church of Leicester, with power to dispense with the consent of any dean and chapter so long as there is no dean and chapter in existence for the bishopric, and to provide for the transfer to the cathedral church of Leicester of such non-residentiary or honorary canons in the cathedral church of Peterborough as on the foundation of the bishopric hold benefices in the diocese of Leicester, and consent to the transfer; and

(6) For providing for the transfer, so soon as possible, to the registrar, or other officer of the diocese of Leicester, from the bishop's registrar or diocesan officer in possession of the same, of all terriers, tithe apportionments, maps, plans and other documents, relating to the several ecclesiastical parishes situate in the diocese of Leicester; and

(7) For the rearrangement of the boundaries of the dioceses of Leicester and Peterborough and of any diocese contiguous to either of them, and in relation to such rearrangement for providing, in reference to archdeaconries and archdeacons, for patronage, for the transfer of non-residentiary or honorary canons, for the transfer of terriers, tithe apportionments, maps, plans and other documents, and for such other arrangements and matters, so nearly as circumstances admit, as are authorised in relation to the bishoprics of Leicester and Peterborough in reference to each other; and

(8) For making provision, if the Commissioners deem it advisable, whereby the annual income provided under this Measure for the Bishop of Liecester may be divided into two portions, namely, a personal stipend and a fund for official expenses; and

(9) For making such other provisions and arrangements, whether similar or not to the foregoing, as may be necessary for carrying into complete effect the foundation of the bishopric and the scheme.

Trusts of Bishopric Endowment Fund.

12.—(1) The Leicester Bishopric Endowment Fund shall be held by the Ecclesiastical Commissioners upon the trusts following (that is to say):—

Upon trust to provide a net annual income not exceeding three thousand pounds a year and a fitting residence for the Bishop of Leicester, and subject as aforesaid upon trust for the foundation of a dean and chapter for the bishopric in such manner as may from time to time be provided by Order in Council.

(2) All annual income arising from the fund shall, until the bishopric is founded as provided by this Measure, be invested and accumulated as part of the fund; but the Commissioners shall have full power to sell (discharged from all trusts), invest, manage, lease and otherwise deal with the fund and the property on which it may for the time being be invested in such manner as they may deem most expedient for the purposes of their trust.

(3) The Commissioners may invest the whole or any part of the fund in the purchase of land, and may hold such land without any licence in mortmain, and may from time to time, but after the appointment of the bishop, with the consent of the Bishop of Leicester for the time being, assign to the bishop and his successors as an endowment for the bishopric the lands so purchased, if convenient, to be held by the bishopric:

Provided that there shall not be assigned as an endowment to the bishopric, exclusive of an episcopal residence, a greater extent of land than will, after deducting the costs of management, produce as nearly as may be a net annual income of three thousand pounds.

(4) The endowment of the bishopric under this Measure shall be deemed to be for all purposes subject to the same laws as the temporalities and endowment of any other bishopric in England.

Confirmation of scheme and validity and publication of Orders in Council.

13.—(1) It shall be lawful for His Majesty in Council to confirm a scheme laid before His Majesty in pursuance of this Measure, and a scheme made in pursuance of this Measure shall be of no effect until it has been so confirmed.

(2) An Order in Council made in pursuance of this Measure shall have effect as if it were enacted in this Measure.

(3) An Order in Council made in pursuance of this Measure shall be published in the "London Gazette," and shall as soon as practicable after the making thereof be laid before both Houses of Parliament.

Saving as to service as incumbent or curate in transferred parishes.

14. The service of any person, either before or partly before, and partly after the foundation of the bishopric of Leicester, or before or partly before and partly after a transfer is made under this Measure of an ecclesiastical parish from one diocese to another diocese as incumbent or curate in any ecclesiastical parish which, in pursuance of this Measure, is constituted part of a different diocese from that of which it formed part prior to such foundation or transfer, shall, for the purpose of qualifiying such incumbent or curate to be presented or nominated to any benefice in the patronage of the chapter of any cathedral or collegiate church, be deemed to be service in the diocese in which such parish is situate at the time of the foundation or transfer, or in the diocese in which such parish is situate at the date of the presentation or nomination.

Substitution of *ex officio* trustees.

15.—(1) Where the bishop of any other diocese or the holder of any ecclesiastical office in any other diocese is at the passing of this Measure, by virtue of his bishopric or office and not otherwise, a member of any body in whom is vested the rights of patronage in, or the legal estate of any trust property of or belonging to any parish, which after the passing of this Measure is or becomes situate within the dioceses of Peterborough or Leicester, the bishop of the diocese within which such parish is or becomes situate, or the person holding the ecclesiastical office in the said diocese corresponding to the office held by that person in such other diocese as aforesaid, as the case may be, shall, by virtue of this section and without any deed of transfer or other instrument, be substituted for the bishop or person who was, immediately before the passing of this Measure, a member of such body as aforesaid.

(2) In this section the expression "ecclesiastical office" includes the office of dean, archdeacon, rural dean, and chancellor or commissary, and this section shall apply to a dean and chapter in like manner as it applies to a dean.

16. In this Measure the expression "ecclesiastical parish" means a parish, new parish, ecclesiastical district, or place, within the limits of which any parson has the exclusive cure of souls. Meaning of "ecclesiastical parish."

SCHEDULE.

PART I.

PARISHES NOW IN THE DIOCESE OF ELY.

Stanground. Woodstone. Fletton.

PART II.

PARISHES NOW IN THE DIOCESE OF SOUTHWELL.

Measham.
Donisthorpe.
Ravenstone.
Stretton-en-le-Field.
Willesley.

PART III.

PARISHES NOW IN THE DIOCESE OF PETERBOROUGH.

Over and Nether Seal. Woodville.

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