

ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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CAP. XXXVII.

An Act to amend the Law relative to the Assignment of Ecclesiastical Districts.

[14th *August* 1848.]

WHEREAS an Act was passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for building and promoting the building of additional Churches in populous Parishes:* And whereas another Act was passed in the Fifty-ninth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to amend and render more effectual an Act passed in the last Session of Parliament, for building and promoting the building of additional Churches in populous Parishes:* And whereas another Act was passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend and render more effectual an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty, intituled 'An Act to amend 'the Acts for building and promoting the building of additional 'Churches in populous Parishes:'* And whereas another Act was passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for the further Amendment of the Church Building Acts:* And whereas it is expedient that Power should be given to sub-divide, for ecclesiastical

58 G. 3. c. 45.

59 G. 3. c. 134.

1 & 2 W. 4. c. 38.

8 & 9 Vict. c. 70.

 Purposes,

Purposes, a District formed under the Provisions of the herein-before recited Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth: 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, That, for the Purposes of forming a District Parish, a District Chapelry, or Consolidated Chapelry under the herein-before recited Acts passed in the Fifty-eighth and Fifty-ninth Years of the Reign of His Majesty King *George* the Third, the Eighth and Ninth Years of the Reign of Her present Majesty respectively, or any or either of them, or for the Purpose of forming another particular District under the herein-before recited Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, a particular District before formed under the Act herein-before last mentioned shall be considered to be an original Parish for such Ecclesiastical Divisions respectively; and the Patron and Incumbent for the Time being of such particular District shall be entitled to the same Rights, Privileges, and Notices as appertain to the Incumbent and Patron of an original Parish touching such Ecclesiastical Divisions respectively; and such District Parish, District Chapelry, Consolidated Chapelry, and particular District, so formed as aforesaid, shall be formed by the like Authority, and shall be under and be subject to the same Provisions and Regulations as are provided and specified touching such Ecclesiastical Divisions respectively in the several Acts recited in the Preamble to the herein-before recited Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, except so far as such Provisions and Regulations are altered or affected by this Act.

A District formed under the 1 & 2 W. 4. c. 38. shall be considered to be an original Parish for the Purposes of further Ecclesiastical Divisions.

II. And whereas it may be expedient to alter the Boundaries of a particular District assigned under the Provisions of the Act herein-before recited, passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth; be it therefore enacted, That where a particular District has been or may hereafter be assigned under such last-mentioned Act to any Church or Chapel already or to be hereafter built or purchased and endowed, and the Patronage thereof granted, under the Provisions of such last-mentioned Act, it shall be lawful at any Time for Her Majesty's Commissioners for building New Churches, if they shall think fit, with the Consent of the Bishop of the Diocese, under his Hand and Seal, in any Case in which the said Commissioners shall have assigned such particular District, or for the said Bishop of the Diocese in any Case in which he shall have assigned such particular District, if he shall think fit, to alter the Boundaries of such particular District, by an Order under their Common Seal, or under the Hand and Seal of the said Bishop; and the said Commissioners or the said Bishop respectively, as the Case may be, shall cause a Description of the Boundaries so altered to be registered in the Registry of the Diocese, and such Alteration of Boundaries shall be valid in Law, for the Purpose of substituting such altered Boundaries in lieu of the former Boundaries of such particular District as aforesaid: Provided always, nevertheless, that, previous to such Alteration of Boundaries being made either by the

Boundaries of a District formed under the 1 & 2 W. 4. c. 38. may be altered, subject to certain Notices to Patron and Incumbent.

the said Commissioners or by the Bishop of the Diocese, as the Case may be, a Draft or Copy of the Instrument by which such Alteration is proposed to be effected shall be delivered or transmitted to the Incumbent or Incumbents and Patron or Patrons of the original Parish or Parishes out of which such particular District shall have been taken, in order that such Incumbent or Incumbents, Patron or Patrons, may have an Opportunity of submitting to the said Commissioners or the said Bishop, as the Case may be, any Observations or Objections upon or to the Alteration of Boundaries proposed; and the said Commissioners or the said Bishop, as the Case may be, shall not effect such Alteration of Boundaries until after the Expiration of One Calendar Month after such Draft or Copy shall have been so delivered or transmitted, unless such Incumbent or Incumbents and Patron and Patrons shall in the meantime consent to the same: Provided further, that if the Consent of the Incumbent or Incumbents of such original Parish or Parishes is not obtained to such Alteration of Boundaries, such Alteration of Boundaries shall not take effect until after the next Avoidance of the Parish Church or Churches of such original Parish or Parishes.

Church Building Commissioners may, with certain Consents, annex a Portion of an adjacent Parish to a District Chapelry already formed.

III. And be it enacted, That it shall be lawful for Her Majesty's said Commissioners, if they shall think fit, with the Consent of the Bishop of the Diocese, to represent to Her Majesty in Council the Expediency of altering the Boundaries of any District Chapelry formed under the Provisions of the Act herein-before recited, passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, by adding to such District Chapelry any Portion or Portions of any adjacent Parish or Parishes, and if thereupon Her Majesty in Council shall think fit to order such Alteration such Order shall be good and valid for the Purpose of effecting the same: Provided always, that such Alteration shall not be made without the Consent in Writing under their respective Hands and Seals of the Patron and Incumbent of such District Chapelry and of the Patron and Incumbent of any such Parish, and that such District Chapelry when its Boundaries shall have been so altered shall be subject nevertheless to the same Rules, Regulations, and Provisions, except as are herein excepted, as are applicable to other District Chapelries formed under the Church Building Acts.

Removal of Doubts as to Extent and Meaning of 8 & 9 Vict. c. 76. s. 23.

IV. And whereas by one of the Provisions of the herein-before recited Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty it is provided, that if before or during the building of any new Church, or previous to its Consecration, the Bishop of the Diocese, and the Patron and Incumbent of the Parish in which such new Church has been or is intended to be built, shall enter into an Agreement in Writing that the Right of Nomination to such new Church should, on its Consecration, belong to and be exercised by any Body Corporate, Aggregate, or Sole, or by any Person or Persons, such Agreement should be binding on such respective Parties, their Successors, Heirs, and Assigns, and they should be compellable to fulfil the same: And whereas Doubts have been entertained whether such Provision extends beyond a Power on the Part of such Bishop, Patron, and Incumbent to enter into such Agreement

ment for more than One Turn or Right of Presentation, and it is expedient that such Doubts should be removed; be it therefore enacted and declared, That any Agreement already made or hereafter to be made between such Bishop, Patron, and Incumbent under the Provisions of the herein-before recited Act, purporting to be an Agreement made between such Parties with respect to any new Church before or during its building, or previous to its Consecration, that the Right of Presentation thereto should, on its Consecration, be vested either in perpetuity or otherwise in any Body Corporate, Aggregate, or Sole, or any Person or Persons, their Heirs or Assigns, shall be valid and effectual for the Purpose of vesting such Patronage according to such Agreement.

To what Places this Act shall extend.

V. And be it enacted, That this Act shall extend only to that Part of the United Kingdom called *England* and *Wales*, and to the *Isle of Man*, and to the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*.

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