A

MEASURE

PASSED BY

The National Assembly of the Church of England

To enable the Archbishops of Canterbury and York to make regulations for the more effective exercise of the cure of souls in the event of war, and to enable the Ecclesiastical Commissioners and Queen Anne's Bounty to make financial provision in respect thereof.

[28th July 1939.]

Interpretation.

1. In this Measure—

The expression "period of emergency" means a period during which a state of war may exist between His Majesty and any foreign power and a period of three months thereafter:

The term "bishop" means the bishop of a diocese in the provinces of Canterbury and York, and in relation to the diocese of an archbishop includes an archbishop:

The expression "clerk in Holy Orders" includes any bishop diocesan or other within the said provinces.

Power to Archbishops to make Regulations.

2.—(1) In the event of a period of emergency it shall be lawful during such period for the Archbishops of Canterbury and York (or for either of them during a vacancy in one of the archiepiscopal sees or in the event of the incapacity of the other archbishop to act under this Measure) from time to time to make, vary and rescind such Regulations as they or he may think proper for the more effective exercise of the cure of souls within

the provinces of Canterbury and York, and in particular for enabling a bishop during the period of emergency—

(*a*) to give directions from time to time, after consultation, if possible, with the rural dean of the deanery concerned, as to the use or disuse of any church, chapel or other place of public worship within his diocese or for limiting the number of services to be held therein;

(*b*) to grant unlimited leave of absence from his parish to any incumbent within his diocese; and

(*c*) to require any clerk in Holy Orders serving in any parish or place within his diocese to serve in some other parish or place in the same diocese where the bishop, after consultation, if possible, with the archdeacons of the diocese, may be of opinion that his help is more needed, or (with the consent of the clerk and of the bishop of the other diocese concerned) in any other diocese.

(2) No clerk in Holy Orders shall be liable to any penalty or to any action or other legal proceeding, in respect of the omission of all or any public services or duties in or in connection with any church, chapel, or other place of public worship, if the omission of those services or duties is for the time being directed or authorised in writing by the bishop of the diocese in pursuance of any Regulation made under this Measure.

(3) Where under this Measure or any Regulations made thereunder the services in any church, chapel or other place of worship are entirely suspended, banns of marriage of persons entitled to be married therein may be published, and marriages of such persons may be solemnized in such other church, chapel or place of worship within his diocese as the bishop shall in writing direct.

(4) During a vacancy in any bishopric or in the event of the incapacity of any bishop to act under this Measure any powers exercisable by a bishop under this Measure may be exercised by such other ecclesiastical person as the said Archbishops or either of them may appoint in that behalf.

(5) Notice of the making of Regulations under the Measure shall be published, forthwith after they are made, in each diocese in the Provinces of Canterbury and of York, by means of a notice in some newspaper circulating in the diocese, stating that the Regulations have been made and that a copy of them has been deposited and may be inspected at the office of the registrar of the diocese and stating also the place where copies can be purchased.

(6) Every Regulation made under this Measure shall forthwith be laid before both Houses of Parliament, and if either House of Parliament within the next subsequent twenty-eight days on which that House has sat resolves that any such Regulation shall be annulled, such Regulation shall forthwith be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new Regulation.

Powers of Ecclesiastical Commissioners and Queen Anne's Bounty.

3.—(1) In the event of a period of emergency it shall be lawful during such period for the Ecclesiastical Commissioners and Queen Anne's Bounty from time to time at their discretion to make such variations in the disposal of the income of any funds held or administered by them respectively as may best accord with any varied arrangements for the exercise of the cure of souls, having regard to the financial exigencies of the time; and in particular—

(*a*) The Ecclesiastical Commissioners and Queen Anne's Bounty or either of them may make additional provision for any clerk in Holy Orders whose financial position appears to them to be prejudiced by this Measure or by any Regulations made thereunder; and

(*b*) If a clerk in Holy Orders holding any benefice or other preferment receives remuneration as chaplain to the Forces or otherwise in respect of work undertaken by him in substitution for or in addition to the duty of his benefice or other preferment, the Ecclesiastical Commissioners or Queen Anne's Bounty or either of them may at their discretion (but wherever possible after consultation with the clerk concerned and the bishop of his diocese) abate any payments falling due to him in respect of

his benefice or other preferment by amounts not exceeding in the aggregate the net amount received by him as remuneration for the substituted or additional duty performed during the period to which the payment so abated related, or any period previous thereto.

(2) All sums retained by the Ecclesiastical Commissioners or Queen Anne's Bounty under paragraph (*b*) of the last preceding subsection shall be expended for the purposes mentioned in paragraph (*a*) of that subsection or otherwise in making additional provision for the cure of souls.

(3) For the purposes of this section any payment made towards the maintenance of an assistant curate shall be deemed to be a payment falling due to that assistant curate in respect of his assistant curacy.

Saving.

4. Nothing in this Measure or in any Regulations made thereunder shall affect the status or rights of any clerk in Holy Orders except during the continuance of a period of emergency.

Duration.

5. This Measure shall expire at the end of five years from its passing: Provided that if at the end of such five years a period of emergency shall be in existence, this Measure shall not then expire but shall continue until the period of emergency shall terminate.

Short title.

6. This Measure may be cited as the Clergy (National Emergency Precautions) Measure, 1939.

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