A

MEASURE

PASSED BY

The National Assembly of the Church of England

To remove doubts as to the power of bishops to license chapels in certain districts for the solemnization therein of certain marriages.

[13th April 1938.]

WHEREAS by section twenty-six of the Marriage Act, 1836, it is enacted that with the consent under the hand and seal of the patron and incumbent respectively of the church of the parish or district (each of which in this Measure is included in the expression "parish") in which may be situated any public chapel with or without a chapelry thereunto annexed, or any chapel duly licensed for the celebration of divine service according to the rites and ceremonies of the Church of England or any chapel the minister whereof is duly licensed to officiate therein according to the rites and ceremonies of the Church of England (any such chapel being in this Measure referred to as a "public chapel") or without such consent after two calendar months' notice in writing given by the registrar of the diocese to such patron and incumbent respectively, the bishop of the diocese may, if he shall think it necessary for the due accommodation and convenience of the inhabitants, authorise by a licence under his hand and seal the solemnization of marriages in any public chapel for persons residing within a district the limits whereof shall be specified in the bishop's licence, and under such provisions as to the amount, appropriation or apportionment of the dues and as to other particulars as to the said bishop may seem fit, and as may be specified in the said licence: 6 & 7 Will. 4. c. 85.

And whereas doubts have arisen as to whether under the said enactment bishops have been and will be enabled to authorise the solemnization of marriages in a public chapel for persons residing within a district which does

not lie wholly within the parish in which such chapel is situate:

And whereas it is expedient that such doubts should be removed:

Licensing for marriages of chapel of district taken from more than one parish.

1. Section twenty-six of the Marriage Act, 1836, shall be deemed always to have had effect and shall hereafter have effect as if it had expressly provided that the bishop of the diocese might (subject to the provisions of that Act as explained and extended by this Measure) authorise by a licence under his hand and seal the solemnization of marriages in any public chapel for persons residing within a district the limits whereof should be specified in the bishop's licence notwithstanding that such district has been or may be taken out of more than one parish, and no marriage heretofore solemnized in any public chapel shall be or be deemed to be invalid by reason only that the district specified in the bishop's licence was taken out of more than one parish.

Meaning of "patron" and "incumbent" in sections 26 and 28 of the Marriage Act, 1836.

2. In any case where the bishop's licence is granted after the passing of this Measure and specifies a district taken out of more than one parish the expressions "patron" and "incumbent" wherever used in section twenty-six or section twenty-eight of the Marriage Act, 1836, shall respectively mean the patron or the incumbent (as the case may be) of the church of every parish out of which the district specified is taken.

Meaning of "parish church" in section 33 of the Marriage Act, 1836.

3. In case of the revocation after the passing of this Measure of a licence to solemnize marriages in any public chapel for persons residing in a district taken out of more than one parish, the expression "parish church" wherever used in section thirty-three of the Marriage Act, 1836, shall mean the church of the parish in which such public chapel is situate.

Extent and short title.

4.—(1) This Measure shall extend to the whole of the Provinces of Canterbury and York except the Channel Islands and the Isle of Man.

(2) This Measure may be cited as the Marriage (Licensing of Chapels) Measure, 1938.

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