

CHAP. 90.

An Act to amend the Law relating to the Union of Benefices. A.D. 1871.

[21st August 1871.]

WHEREAS provisions are contained in the Acts passed in the session of Parliament held in the first and second years of the reign of Her present Majesty, chapter one hundred and six, and in the session of Parliament held in the thirteenth and fourteenth years of the same reign, chapter ninety-eight, for the union of contiguous benefices, of which the aggregate population does not exceed one thousand and five hundred persons, and it is expedient to extend the said provisions, and to provide in certain cases for the establishment of a single church as a parish church in united benefices: 1 & 2 Vict. c. 106. 13 & 14 Vict. c. 98.

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, as follows:

1. This Act may be cited as "The Union of Benefices Acts Amendment Act." Short title.

2. This Act shall be construed as one with the above-mentioned Acts. Act to be construed with recited Acts.

3. Where two or more benefices are united, or two or more portions of the same benefice, or of different benefices, are constituted a separate benefice, and held by one incumbent, and there are more churches than one situate within the limits of such united or separate benefice, it shall be lawful for the bishop of the diocese, upon the application and with the consent in writing of the incumbent and patron or patrons of the benefice, and with the consent of two thirds of the parishioners within the limits of such united or separate benefice in vestry assembled, by a faculty from his consistorial court, to decree that one of such churches shall henceforth be constituted the parish church of such united or One church to be the parish church of an united or separate benefice.

A.D. 1871.

separate benefice, and that any other church or churches within the limits of such united or separate benefice may be either wholly or partly pulled down or suffered to remain standing or still be used for the purposes of Divine Service, either as a chapel or chapels of ease to the parish church or otherwise, or be converted into a mortuary chapel or mortuary chapels; and the vestry room of the church so constituted the parish church shall be held to be the vestry room of the parishes or places constituting such united or separate benefice for the use of the parishioners thereof; provided, that the said bishop shall not make any such decree for the pulling down either the whole or part of any such church or churches until a sum sufficient to defray the expenses of the transfer as herein-after prescribed of the tombstones, monuments, tablets, and monumental inscriptions in the church so to be wholly or partly pulled down has been collected by voluntary subscriptions, and placed in the hands of two or more trustees to be applied to such purpose.

Site of disused church to be preserved.

Burials.

4. The site of any church which shall be wholly or partly pulled down, and the churchyard belonging thereto, shall be properly fenced in and preserved and kept free from desecration, and until such churchyard shall be legally closed for interments the persons for the time being having rights of burial in such churchyard shall not be entitled to rights of burial in any other churchyard within the limits of the same united or separate benefice: Provided always, that nothing in this Act contained shall apply to any proceedings for the union of benefices taken under the provisions of the twenty-third and twenty-fourth Victoria, chapter one hundred and forty-two.

Tombstones, &c. to be transferred from disused church to parish church.

Repair fund, &c.

5. The tombstones, monuments, tablets, and monumental inscriptions in any church so wholly pulled down, or in such part of any church as is pulled down, shall be transferred to the parish church of such united or separate benefice, or in the case where the removal is from such part of a church as has been pulled down, to the part of the church which is suffered to remain standing; and the font, communion table, and plate used for the purposes of the Holy Communion belonging to or held in trust for any church so wholly pulled down shall be transferred to such parish church; and all lectureships attached to any church so wholly pulled down or disused for the purposes of Divine Service shall be transferred to the parish church of such united or separate benefice; and all sums of money or other property held by any body or person or persons in trust for the maintenance, repair,

or insurance of any church which shall cease to be used for the purposes of Divine Service or for a mortuary chapel under the provisions of this Act shall thereupon be held upon the like trusts for such parish church.

Rights of parishioners.

6. When any church shall have been so constituted a parish church the persons residing within the limits of the said united or separate benefice shall, subject as in this Act mentioned, have the same rights, be entitled to the same privileges, and be subject to the same obligations in relation to such church as if the same church had always existed as such parish church.

Bishop to direct the arrangement of the seats in church, which shall be of an uniform pattern.

7. Upon any union of benefices the bishop of the diocese, under his hand and seal, shall and he is hereby authorised by faculty from his court to alter and readjust the seats and the appropriation thereof in the church of the united or separate benefice so that not less than one half of the sittings in such church shall be left unappropriated; and all the seats whether appropriated or free under any new arrangement made under this provision shall be made as near as possible of the same size and general appearance.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1871.