A MEASURE

PASSED BY
THE NATIONAL ASSEMBLY OF THE CHURCH OF ENGLAND

To enable the guardian of the spiritualities of a see to act during a vacancy thereof in place of the bishop for the purposes of certain enactments and for purposes connected therewith. [25th March, 1959]

Transfer of rights of patronage by scheme.

1. In the case of the transfer of the right of patronage by scheme under the provisions of the Acts mentioned in the Schedule to this Measure any consent of a bishop or an archbishop required to be given under the provisions of the relevant section of the first of those Acts may during a vacancy of the see of the bishop or archbishop be given by the guardian of the spiritualities of the see.

Private chapels.

2.—(1) Any references to a bishop in the Private Chapels Act, 1871, shall during a vacancy of the see of the bishop be deemed to be references to the guardian of the spiritualities of the see.

(2) Any reference to the ordinary in the last mentioned Act shall in the case of a chapel whereof a bishop is the ordinary be deemed during a vacancy of the see of the bishop to be a reference to the guardian of the spiritualities of the see.

Loans to incumbents.

3. In the case of a loan to the incumbent of a benefice whereof a bishop is the ordinary any notification or consent required to be given to or by the ordinary under the regulations contained in the Second Schedule to the Loans (Incumbents of Benefices) Amendment Act, 1918, or under any regulations replacing varying or amending the same may during a vacancy of the see of the bishop be given to or by the guardian of the spiritualities of the see.

Stipends of curates.

4. Any references to a bishop in the provisions of Part II of the Benefices (Ecclesiastical Duties) Measure, 1926 (which Part makes provision for the stipends of curates) shall during a vacancy of the see of the bishop be deemed to be references to the guardian of the spiritualities of the see.

Sequestrations.

5.—(1) Any references to a bishop in the Benefices (Sequestrations) Measure, 1933, shall during a vacancy of the see of the bishop be deemed to be references to the guardian of the spiritualities of the see.

(2) During a vacancy of a see an archdeacon shall be capable of exercising all powers delegated to him under the provisions of subsection (3) of section two of the last mentioned Measure which were capable of being exercised by him immediately before the vacancy occurred, provided that the guardian of the spiritualities of the see may revoke any such delegation.

Houses of residence of cathedrals.

6. Any references to a bishop in the Cathedrals (Houses of Residence) Measure, 1936, shall during a vacancy of the see of the bishop be deemed to be references to the guardian of the spiritualities of the see.

Provisions in relation to the Ecclesiastical Leasing Acts.

7.—(1) Any references to a bishop in subsection (1) or subsection (3) of section eight of the Ecclesiastical Commissioners (Powers) Measure, 1936 (which contains provisions in relation to the Ecclesiastical Leasing Acts in the case of the vacancy of a benefice or see) shall during a vacancy of the see of the bishop be deemed to be references to the guardian of the spiritualities of the see.

(2) The following subsection shall be substituted for subsection (2) of section eight of the Ecclesiastical Commissioners (Powers) Measure, 1936:—

"(2) Any notice required to be given to a bishop under the provisions of the Ecclesiastical Leasing Acts may during a vacancy of the see of the bishop be given to the guardian of the spiritualities of the see."

Tables of parochial fees.

8. In sub-section (10) of section one of the Ecclesiastical Commissioners (Powers) Measure, 1938 (which provides for the establishment of tables of parochial fees) the following definition shall be substituted for the definition of the expression "the bishop":—

"In relation to any parish as aforesaid 'the bishop' shall mean the bishop of the diocese in which such parish is situated and during a vacancy of the see shall include the guardian of the spiritualities of the see."

Short title.

9. This Measure may be cited as the Vacancies in Sees Measure, 1959.

SCHEDULE

Section 1

ACTS RELATING TO THE TRANSFER OF RIGHTS OF PATRONAGE BY SCHEME

Short Title	Relevant Section
Ecclesiastical Commissioners Act, 1840	73
Ecclesiastical Commissioners Act, 1841	22
Ecclesiastical Commission Act, 1868	12
Church Patronage Act, 1870	1

Table of Enactments referred to in this Measure

Short Title	Session and Chapter
Ecclesiastical Commissioners Act, 1840	3 & 4 Vict. c. 113.
Ecclesiastical Commissioners Act, 1841	4 & 5 Vict. c. 39.
Ecclesiastical Commission Act, 1868	31 & 32 Vict. c. 114.
Church Patronage Act, 1870	33 & 34 Vict. c. 39.
Private Chapels Act, 1871	34 & 35 Vict. c. 66.
Loans (Incumbents of Benefices) Act, 1918 ...	8 & 9 Geo. 5. c. 42.
Benefices (Ecclesiastical Duties) Measure, 1926 ...	16 & 17 Geo. 5. No. 8.
Benefices (Sequestrations) Measure, 1933 ...	23 & 24 Geo. 5. No. 1.
Cathedrals (Houses of Residence) Measure, 1936	26 Geo. 5 & 1 Edw. 8. No. 4.
Ecclesiastical Commissioners (Powers) Measure, 1936	26 Geo. 5 & 1 Edw. 8. No. 5.
Ecclesiastical Commissioners (Powers) Measure, 1938	1 & 2 Geo. 6. No. 4.

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