



# Ecclesiastical Jurisdiction and Care of Churches Measure 2018

2018 No. 3

## PART 3

### CARE OF CHURCHES ETC.

#### *Parochial libraries*

#### **54 Preservation etc. of parochial libraries**

- (1) A parochial library is to be preserved for the uses for which it was founded; and the orders and rules of the founder of the library are to be kept and observed.
- (2) If a book belonging to a parochial library is removed and detained, the minister of the parish concerned, or any other person, may bring a claim for conversion in the name of the bishop of the diocese.
- (3) On hearing a claim under subsection (2), the court may award damages of up to three times the amount that would be payable if the book belonged to the claimant and may award costs on an indemnity basis; and damages awarded under this subsection must be applied for the use and benefit of the library.
- (4) The bishop of the diocese in which a parochial library is situated (or his or her commissary or official) or the archdeacon of the archdeaconry in which a parochial library is situated (or, where he or she so directs, his or her deputy)—
  - (a) may, on a visitation, enquire into the state and condition of the library and may make such changes or take such remedial action as he or she thinks appropriate for dealing with grievances and defects relating to the library;
  - (b) has free access to the library at such time or times as he or she may appoint.
- (5) Subsection (4) does not apply to an archdeacon (or to his or her deputy) if the archdeacon is the incumbent of the place where the library is situated.

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**Changes to legislation:** There are currently no known outstanding effects for the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, Cross Heading: Parochial libraries. (See end of Document for details)

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- (6) The bishop of the diocese in which a parochial library is situated may appoint a person to view the state and condition of the library.
- (7) For the purpose of better preserving the books belonging to a parochial library, and of showing the benefactions given to it, a book is to be kept in the library for entering and registering the books and benefactions; and the minister must enter, or cause to be entered, such benefactions and an account of all such books as are from time to time given and by whom they are given.
- (8) For the purpose of better governing a parochial library and preserving it, the bishop of the diocese and the donor of a benefaction to the library acting jointly or (after the death of the benefactor) the bishop alone may make such rules and orders relating to the library, in addition to and consistent with those the benefactor thinks necessary and appropriate.
- (9) Any rules and orders made under subsection (8) are to be entered in the book kept under subsection (7) or some other book prepared for the purpose and kept in the library.
- (10) Subject to section 67 (which permits the granting of a faculty for the sale of a book in a parochial library), no book which was given to a parochial library before 1 January 1708 may be transferred; and any book given by a benefactor to the library on or after that date may be transferred only if the bishop consents and there is a duplicate of the book.
- (11) The reference in each of subsections (4) and (5) to an archdeacon's deputy is—
  - (a) if the archdeacon still has an official principal, a reference to that person, or
  - (b) in any other case, and by virtue of section 34(2), a reference to the chancellor of the diocese in which the parochial library is situated.

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**Commencement Information**

**II** S. 54 in force at 1.9.2018 by S.I. 2018/720, art. 2

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