Ecclesiastical Jurisdiction Act 1847

1847 CHAPTER 98

An Act to amend the Law as to Ecclesiastical Jurisdiction in *England*. [22d July 1847]

WHEREAS much Inconvenience ensues from the continued Suspension of the Jurisdiction of the several Diocesan Courts in *England* within those Parts of the Dioceses which have been added thereunto under the Authority of an Act passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in* England *and* Wales *with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage* ; and it is expedient that some Remedy be thereunto applied :

Be it 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,

Bishop to exercise Jurisdiction throughout his Diocese, save in Causes testamentary.

That the Bishop of every Diocese in *England* shall, by himself or his Officers exercise throughout the whole of his Diocese as it now is or hereafter may be limited or constituted, save only in Causes and Matters testamentary or relating to the Administration of the personal Estate of Intestates, the same Jurisdiction and Authority which before the passing of this Act he or any Bishop lawfully could or might exercise by himself or his Officers within any Part of such Diocese.

II Officers of Diocesan Courts to account for all Fees, &c. received by them.

And be it enacted, That the Officers of the several Diocesan and other Courts shall keep an Account in Writing of the gross and net Amount of all Fees, Allowances, Gratuities, Perquisites, and Emoluments received by them respectively on account of their several Offices or Employments in respect of any Causes or Matters arising within the Diocese which during the Continuance of the temporary Provisions of the first-recited Act were not within the Jurisdiction of the Bishop of the Diocese or other Ecclesiastical Authority, and shall from Time to Time, once at least in every Quarter of a Year, and, on Demand, at any other Time, pay over the net Amount thereof to the

Treasurer of the Governors of the Bounty of Queen Anne, to be .by him carried to a separate Account, and retained until Parliament shall provide for the Appropriation thereof; and in case any Person required to pay over any Money under this Act shall die or resign or be dismissed from his Office while any such Money remains unpaid by him, the Executors or Administrators of the Person so dying, or the Person himself so resigning or dismissed, shall be required to pay the Balance of the Money so remaining due and unpaid.

III Jurisdiction in Causes testamentary to continue unaltered by Change of Province, &c.

And be it enacted, That the Jurisdiction of every Ecclesiastical Court in *England* in Causes and Matters testamentary or relating to the Administration of the personal Estate of Intestates shall continue unaltered by any Change of Province, Diocese, Archdeaconry, or other Jurisdiction whatever within the same Limits and in like Manner as was by Law allowed before the passing of the herein-before recited Act.

IV Law of Bona notabilia to continue unaltered by Change of Province, &c.

And be it enacted, That the Law of *Bona notabilia* shall be continued unaltered by any Change of Province, Diocese, Archdeaconry, or other Jurisdiction whatsoever under the Authority of the first-recited Act as it was before the passing of the herein-before recited Act.

V Certain Authorities may continue to grant Marriage Licences as heretofore. Jurisdiction of Bishops to grant Licences not to be interfered with.

And be it enacted, That all Authorities, save and except the Authority of the Bishop of whose Diocese any Portion has been or may hereafter be taken away and added to another Diocese under the Provisions of the herein-before recited Act, shall continue to grant Marriage Licences in the same Manner and within the same District as they might have done before the passing of the said Act: Provided always, that nothing herein contained shall be construed to interfere with the Jurisdiction or concurrent Jurisdiction, as the Case may be, of the Bishops of the several Dioceses in *England* to grant Marriage Licences in and throughout the whole of their Dioceses, as such are now or hereafter may be limited or constituted.

VI Temporary Provisions of 6 & 7 W.4 c.77 continued by 7 & 8 Vict. c.68 to cease on 2d Nov. 1847.

And be it enacted, That the temporary Provisions of the hereinbefore recited Act which by an Act passed in the Eighth Year of the Reign of Her Majesty, intituled *An Act to suspend, until the Thirty-first Day of* December *One thousand eight hundred and forty-seven, the Operation of the new Arrangement of Dioceses, so far as it affects the existing Ecclesiastical Jurisdictions, and for obtaining Returns from and the Inspection of the Registries of Jurisdictions*, now stand continued until the Thirty-first Day of *December* next, shall continue in force until the Second Day of *November* in this Year, and shall then cease to be in force.

VII Commencement and Continuance of Act.

And be it enacted, That so much of this Act as is hereinbefore contained shall commence and come into force on the First Day of *November* in this Year One thousand eight hundred and forty-seven, and shall continue until the First Day of *August* in the Year One thousand eight hundred and forty-eight, and, if Parliament be then sitting, until the End of the then Session of Parliament.

VIII Confirming certain Acts of Jurisdiction.

And be it enacted, That where under the Provisions of the first-recited Act any Parish or Place shall have been brought within any Diocese to which it did not belong before the passing of the first-recited Act, and any Act of Jurisdiction or Authority shall have been exercised as to such Parish or Place since the passing of the first-recited Act, and before the First Day of *November* in this Year, by the Bishop or any Officer of the Bishop of the Diocese or any Archdeacon of the Diocese to which such Parish or Place belonged, either before or since the passing of the first-recited Act, which does not conflict with any similar Act of Jurisdiction or Authority previously and since the passing of the first-recited Act exercised as to such Parish or Place by any other Bishop or Officer of any other Bishop or Archdeacon having or claiming to have Jurisdiction as to such Parish or Place, the same shall be deemed as good and valid as if such Parish or Place had then been wholly and undoubtedly within the Diocese and Jurisdiction of the Bishop by whom, or by any Officer of whom, such Act of Jurisdiction or Authority shall have been exercised.

IX Officers appointed under this Act to be subject to Regulations hereafter made by Parliament.

And be it enacted, That every Person who shall have been appointed after the passing of the first-recited Act, except as therein excepted, or who shall be appointed after the passing of this Act, to the Office of Judge, Registrar, or other Officer of any Ecclesiastical Court in *England*, shall hold the same subject to all Regulations and Alterations affecting the same which may hereafter be made by Authority of Parliament; nor shall any Person by his Appointment to any such Office acquire any Claim or Title to Compensation in case the same be hereafter altered or abolished by Act of Parliament.

X Act may be amended, &c.

And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.