



# Parochial Registers and Records Measure 1978

1978 No. 2

## *Registration of baptisms and burials*

### **1 Provision of register books of baptisms and burials.**

- (1) A register book of public and private baptisms shall be provided for every parish or, in the case of a parish which has more than one parish church, for each such church, and a register book of burials shall be provided for every parish which has a burial ground in use or, in the case of a parish which has more than one such ground, for each such ground.
- (2) The register books referred to in subsection (1) above shall be provided by, and shall be deemed to belong to, the parochial church council of the parish.
- (3) Such register books shall be of durable material and the heads of information required by this Measure to be entered therein shall in the case of every such book provided after the commencement of this Measure be printed on every leaf thereof.
- (4) Every place of entry in every such register book shall be numbered progressively from the beginning to the end of the book, beginning with the number one, and every entry shall be divided from the following entry by a printed line.

### **2 Registration of baptisms.**

- (1) Where the ceremony of baptism according to the rites of the Church of England is performed—
  - (a) in the parish church of a parish or, in the case of a parish having more than one such church, any parish church thereof, or
  - (b) in any other place in a parish by a minister of the parish,the person by whom the ceremony was performed shall as soon as possible thereafter enter in the appropriate register book of baptisms the particulars required in Form No. 1 in Schedule 1 to this Measure and shall sign the register in the place provided.

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- (2) Where the ceremony of baptism according to the said rites is performed in any place in a parish other than a parish church by a person who is not a minister of the parish, the person by whom the ceremony was performed shall as soon as possible thereafter send to the incumbent or priest in charge of the parish a certificate signed by him certifying when and where the ceremony was performed and containing the other particulars required in Form No. 1 in the said Schedule 1.
- [<sup>F1</sup>(3) Where the ceremony of baptism according to the said rites is performed in an extra-parochial place or an institution in respect of which a clerk in Holy Orders is for the time being licensed under section 2 of the Extra-Parochial Ministry Measure 1967 to perform any offices or services, then, unless the ceremony is performed in a church, chapel or institution for which a register book of baptisms has been provided by virtue of section 5 of this Measure or any enactment repealed by this Measure, the person by whom the ceremony was performed shall as soon as possible thereafter send a certificate signed by him, certifying when and where the ceremony was performed and containing the other particulars required in Form No.1 in the said Schedule 1, to the incumbent or priest in charge of—
- (a) in the case of a ceremony performed in an extra-parochial place, such of the adjoining parishes as the bishop in whose diocese that place is may direct; or
  - (b) in the case of a ceremony performed in such an institution, the parish in which the institution is.]
- (4) On receiving a certificate under subsection (2) or (3) above the incumbent or priest in charge shall enter particulars of the baptism to which the certificate relates in the appropriate register book of baptisms and shall add to the entry the following words “According to the certificate of received by me on the day of”.
- (5) In this section “minister”, in relation to a parish, means the incumbent of the benefice to which the parish belongs, a vicar in a team ministry for the area of that benefice, the priest in charge of the parish and any curate licensed to officiate in the parish.

#### Textual Amendments

- F1** S. 2(3) substituted (1.1.1993) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 4(1), **Sch. 1 para.2**; Instrument dated 7.9.1992 made by the Archbishops of Canterbury and York.

### 3 Registration of burials.

- (1) Subject to subsection (4) below, the minister officiating at a burial according to the rites of the Church of England shall as soon as possible after the burial has taken place enter in the appropriate register book of burials the particulars required in Form No. 2 in Schedule 1 to this Measure and shall sign the register in the place provided.
- [<sup>F2</sup>(2) Subject to subsection (4) below, where a burial according to the said rites takes place in an extra-parochial place or an institution in respect of which a clerk in Holy Orders is for the time being licensed under section 2 of the Extra-Parochial Ministry Measure 1967 to perform any offices or services, then unless the burial takes place in the burial ground of a church, chapel or institution for which a register book of burials has been provided by virtue of section 5 of this Measure or any enactment repealed by this Measure, the minister officiating at the burial shall as soon as possible after the burial has taken place send a certificate signed by him, certifying when and where the

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burial took place and containing the other particulars required in Form No.2 in the said Schedule 1, to the incumbent or priest in charge of—

- (a) in the case of burial in an extra-parochial place, such of the adjoining parishes as the bishop in whose diocese that place is may direct; or
  - (b) in the case of a burial in the burial ground of such an institution, the parish in which the institution is.]
- (3) On receiving such certificate the incumbent or priest in charge shall enter particulars of the burial to which the certificate relates in the appropriate register book of burials and shall add to the entry the following words “According to the certificate of received by me on the day of”.
- (4) Subsections (1) and (2) above shall not apply in relation to a burial which takes place in a cemetery to which an Act incorporating the <sup>M1</sup>Cemeteries Clauses Act 1847 applies or in a cemetery provided and maintained by a burial authority within the meaning of section 214 of the <sup>M2</sup>Local Government Act 1972.
- (5) In this section “minister” means any person who is authorised to bury the dead according to the rites of the Church of England.

#### Textual Amendments

- F2** S. 3(2) substituted (1.1.1993) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 4(1), **Sch. 1 para.3**; Instrument dated 7.9.1992 made by the Archbishops of Canterbury and York.

#### Marginal Citations

- M1** 1847 c. 65.  
**M2** 1972 c. 70.

## 4 Corrections of errors in register book of baptisms or burials.

- (1) A person required to register a baptism or a burial under this Measure who discovers an error in the form or substance of an entry made in the register book of baptisms or burials, as the case may be, shall not be liable to any penalty under the <sup>M3</sup>Forgery Act 1913 by reason only that within one month after the discovery of the error he corrects the erroneous entry in the presence of the persons specified in subsection (2) below by entry in the margin of the register book, without any alteration of the original entry.
- (2) The persons referred to in subsection (1) above are—
  - (a) in the case of an erroneous entry in a register book of baptisms, either or both of the parents of the child to whom the entry relates or, in the case of the death or absence of both of them, the churchwardens of the parish to which the register book belongs; and
  - (b) in the case of an erroneous entry in a register book of burials, two persons who were present at the burial to which the entry relates or the churchwardens of the parish to which the register book belongs.
- (3) Any such marginal entry as is referred to in subsection (1) above shall be signed by the person by whom the entry is made and shall be attested by the persons in whose presence the entry is required to be made, and the person by whom the entry is made shall add the date when it is made.

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#### Marginal Citations

M3 1913 c. 27.

## 5 Application of ss. 1 to 4 to cathedrals, etc.

The preceding provisions of this Measure shall, so far as applicable and with the necessary modifications, apply in relation to

- [<sup>F3</sup>(a) the provision of register books of baptisms or burials for—
- (i) any cathedral or collegiate church; or
  - (ii) any other church or chapel which does not belong to a parish; or
  - (iii) any institution in respect of which a clerk in Holy Orders is for the time being licensed under section 2 of the Extra-Parochial Ministry Measure 1967 to perform any offices or services;
- (b) the registration of baptisms performed in any such church, chapel or institution; and
- (c) the registration of burials which take place in any burial ground belonging to any such church, chapel or institution]

#### Textual Amendments

F3 Words in s. 5 substituted (1.1.1993) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 4(1), **Sch. 1 para.4**; Instrument dated 7.9.1992 made by the Archbishops of Canterbury and York.

### *Custody of register books in parochial custody*

## 6 Custody of register books in parochial custody.

- (1) The incumbent of the benefice to which a parish belongs shall have the custody of the register books of baptisms, confirmations, banns of marriage, marriages, burials or services which in accordance with any enactment or Canon are provided for any parish church or other place of public worship in the parish.
- (2) During a vacancy in a benefice the churchwardens of the parish, or of each of the parishes, belonging to the benefice shall, subject to subsection (3) below, have the custody of the register books mentioned in subsection (1) above.
- (3) Where the bishop appoints a priest in charge for any benefice to which a suspension period within the meaning of the <sup>M4</sup>Pastoral Measure 1968 applies, the priest in charge shall during that period have the custody of the said books.
- (4) The preceding provisions do not apply to any register books which are for the time being deposited in a diocesan record office.

#### Marginal Citations

M4 1968 No. 1.

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### *Diocesan record offices*

#### **7 Provision of diocesan record offices.**

- (1) Subject to subsection (2) below, there shall be a diocesan record office for every diocese.
- (2) If the bishop of a diocese considers it necessary for the diocese to have more than one diocesan record office, he shall divide the diocese into parts for the purpose of this section, and there shall be a diocesan record office for each part.
- (3) The diocesan record office for a diocese or part thereof shall be the place which is for the time being designated by the bishop of the diocese as such an office by an instrument in writing.
- (4) The bishop of a diocese shall not designate a place as a diocesan record office unless that place—
  - (a) is a depository provided by a local authority under the <sup>M5</sup>Local Government (Records) Act 1962 or the <sup>M6</sup>Local Government Act 1972 for documents deposited with or belonging to that authority; or
  - (b) is a place of deposit appointed under the <sup>M7</sup>Public Records Act 1958; or
  - (c) is in the opinion of the bishop a suitable place to be appointed as a place of deposit under that Act;and before he designates any such place as a diocesan record office he shall obtain the agreement of the authority who will be responsible for register books and records deposited in that place under this Measure.
- (5) Where the bishop of a diocese makes an instrument under this section, he shall notify the diocesan synod that he has done so and of the effect of the instrument.
- (6) Where a diocese has more than one diocesan record office, any question which arises under this Measure by reason of that fact shall be determined by the bishop of the diocese.
- (7) Any place which immediately before the commencement of this Measure is the diocesan record office for a diocese or part thereof under the <sup>M8</sup>Parochial Registers and Records Measure 1929 shall be deemed to have been duly designated by the bishop of the diocese under this section as such office; but the preceding provision shall not be taken as affecting the right of the bishop of the diocese to withdraw the designation or the right of the authority responsible for register books and records deposited in such office to withdraw its agreement to the designation.

#### **Marginal Citations**

- M5** 1962 c. 56.  
**M6** 1972 c. 70.  
**M7** 1958 c. 51.  
**M8** 1929 No. 1.

#### **8 Use of diocesan record office as place of deposit for manorial documents, etc.**

- (1) A diocesan record office may be used as a place of deposit for manorial documents within the meaning of section 144A of the <sup>M9</sup>Law of Property Act 1922 or documents

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to which section 36(2) of the Tithe <sup>M10</sup>Act 1936 applies if it has been approved by the Master of the Rolls under any rules made by him under the said section 144A or the said section 36, as the case may be, as a place of deposit for such documents.

- (2) Without prejudice to subsection (1) above nothing in this Measure shall be taken to affect the provisions of the said section 144A or of section 36(2) of the Tithe <sup>M11</sup>Act 1936 (which respectively provide that manorial documents and sealed copies of certain documents made pursuant to the Tithe Acts 1836 to 1951 shall be under the charge and superintendence of the Master of the Rolls) or of any rules made under either of those sections.

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**Marginal Citations**

**M9** 1922 c. 16.

**M10** 1936 c. 43.

**M11** 1936 c. 43.

*Preservation and care of register books and records in parochial custody*

**[<sup>F49</sup> Inspection of register books and records in parochial custody.**

- (1) Every archdeacon shall cause the register books and records in parochial custody in his archdeaconry, including register books in use for the purpose of making entries therein, to be inspected and reported on periodically by such person or persons as he may appoint.
- (2) Before making an appointment under subsection (1) above the archdeacon shall consult the chief officer of the diocesan record office or, where the diocese has more than one such office, the chief officer of the appropriate office.
- (3) The archdeacon shall cause every inspection under this section affecting a particular parish to be begun not more than five years after the date on which the immediately preceding inspection affecting that parish was completed.
- (4) A report under this section shall be made to the archdeacon or to such person as he may designate for the purpose.
- (5) Any person carrying out an inspection under this section shall compile a list of the register books, and a list describing the records, which have been inspected by him under this section.
- (6) In the case of any inspection affecting a particular parish under this section any person carrying out the inspection may comply with subsection (5) above by certifying in writing that any such list previously compiled on an inspection affecting that parish, with such additions or omissions, if any, as are specified in the certificate is a list of the register books or a list describing the records, as the case may be, which have been inspected by him under this section.
- (7) The person in whose custody such books or records are shall allow any person carrying out an inspection under this section to have access to those books and records at any reasonable time and shall give him such facilities as he may reasonably require to enable him to carry out his functions under this section.

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(8) Any person carrying out an inspection under this section shall send a copy of any list or certificate compiled or issued by him thereunder to—

- (a) the archdeacon,
- (b) the chief officer of the diocesan record office or, where the diocese has more than one such office, the chief officer of the appropriate office,
- (c) the minister concerned, and
- (d) the parochial church council of the parish affected,

with, in the case of the copy sent to such council, an instruction that it be inserted in or annexed to the inventory of articles appertaining to the parish church and the date or dates on which the inspection was carried out be inserted in the log book relating to the church.

In this subsection “minister” means an incumbent or priest in charge.

(9) Any expenses incurred by a person carrying out an inspection under this section in complying with the provisions thereof shall be paid by the parochial church council of the parish affected.]

#### Textual Amendments

**F4** S. 9 substituted (1.1.1993) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 4(1), **Sch. 1 para.5**; Instrument dated 7.9.1992 made by the Archbishops of Canterbury and York.

#### Modifications etc. (not altering text)

**C1** S. 9(3) modified (1.1.1993) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 4(2); Instrument dated 7.9.1992 made by the Archbishops of Canterbury and York.

### [<sup>F5</sup>9A Closure of old register books.

- (1) Any register book to which this section for the time being applies shall be closed and no further entries shall be made therein.
- (2) This section applies to any register book wherein the earliest entry has (at any time, whether at the coming into force of this section or subsequently) been in existence for one hundred and fifty years or more, other than a register book of marriages wherein the earliest entry was made on or after 1st July 1837.]

#### Textual Amendments

**F5** S. 9A inserted (1.1.1993) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 4(1), **Sch. 1 para.6**; Instrument dated 7.9.1992 made by the Archbishops of Canterbury and York.

### 10 Deposit of register books, etc. in diocesan record office.

- (1) Subject to section 11(3) of this Measure, every person—
  - (a) who by virtue of section 6 of this Measure has the custody of any register book belonging to a parish in a diocese, being a register book to which this subsection applies, or
  - (b) who has the custody of any record in parochial custody in such a parish, being a record to which this subsection applies,

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shall as soon as practicable after the first and each subsequent inspection under section 9 of this Measure affecting that parish is begun deposit that book or record in the diocesan record office or, where the diocese has more than one such office, in such of those offices as the bishop of the diocese may specify.

(2) Subsection (1) above applies to—

- (a) any register book wherein the date of the latest entry is one hundred years or more earlier than the relevant date, other than a book in use for the purpose of making entries therein, and
- [<sup>F6</sup>(aa) any register book to which section 9A of this Measure applies, and]
- (b) any record which was completed one hundred years or more before the relevant date.

In this subsection “relevant date” means the date on which each of the inspections referred to in subsection (1) above is begun.

(3) Without prejudice to subsection (1) above, any person—

- (a) who by virtue of section 6 of this Measure has the custody of any register books belonging to a parish in a diocese, or
  - (b) who has the custody of any records in parochial custody in such a parish,
- may, with the consent of the parochial church council of the parish, deposit any of those books or records, except a register book in use for the purpose of making entries therein, in the diocesan record office for the diocese or, where the diocese has more than one such office, in such of those offices as the bishop of the diocese may specify.

(4) Any deposit under this section shall be accompanied by—

- (a) a list of the register books, and a list describing the records, which are being deposited; and
- (b) a list of the register books, and a list describing the records, which are being retained in parochial custody, other than register books in use for the purpose of making entries therein.

(5) Each of the lists referred to in subsection (4)(b) above shall specify the usual place of custody of the books or records to which the list relates.

(6) A copy of each of the lists referred to in subsection (4) above shall be sent to the bishop of the diocese concerned or to such person as he may designate for the purpose.

(7) Any person who under this section deposits any register books or records in a diocesan record office shall obtain from the chief officer of that office a receipt for the books or records deposited, and that receipt shall be [<sup>F7</sup>inserted in or annexed to the inventory of articles appertaining to the parish church concerned.]

#### Textual Amendments

- F6** S. 10(2)(aa) inserted (1.1.1993) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 4(1), **Sch. 1 para. 7(a)**; Instrument dated 7.9.1992 made by the Archbishops of Canterbury and York.
- F7** Words in s. 10(7) substituted (1.1.1993) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 4(1), **Sch. 1 para. 7(b)**; Instrument dated 7.9.1992 made by the Archbishops of Canterbury and York.



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**Modifications etc. (not altering text)**

- C2** S. 10(1) applied (1.3.1993) by [Care of Churches and Ecclesiastical Jurisdiction Measure 1991 \(No. 2, SIF 21:8\)](#), **ss. 21(7)**, (with s. 31(6)); [Archbishops' Instrument dated 16.2.1993](#).

**11 Care, etc. of register books and records in parochial custody.**

- (1) Every person having the custody of any register books or records in parochial custody shall be responsible for their safe-keeping, care and preservation.
- (2) The provisions contained in Schedule 2 to this Measure shall apply to any register book or record which is retained in parochial custody under an authorisation issued under subsection (3) below.
- (3) Where the bishop of a diocese issues an authorisation in writing to that effect, any register book or record which is required by section 10(1) of this Measure to be deposited in a diocesan record office for the diocese and is specified in the authorisation may be retained in parochial custody.
- (4) An application for an authorisation under subsection (3) above shall be made in writing by the person or persons having the custody of the book or record in question, and the bishop shall issue the authorisation if he is satisfied that the provisions of the said Schedule 2 are being and will be complied with as respects that book or record.
- (5) If it appears to the bishop of a diocese that any such provisions are not being complied with as respects any book or record to which an authorisation issued by him or a predecessor in office of his under subsection (3) above relates, he shall revoke the authorisation.
- (6) The bishop of a diocese shall from time to time issue directions with respect to the safe-keeping, care and preservation of the other register books and records in parochial custody in his diocese; and all persons concerned shall comply with such directions.
- (7) Subject to subsection (8) below, directions under subsection (6) above shall require the register books and records to which the directions apply to be kept in the appropriate parish church or other place of public worship and shall include directions with respect to the type of container in which those books and records are to be kept.
- (8) The bishop may if he thinks it necessary to do so issue further or different directions under subsection (6) above to a particular incumbent, priest in charge or parochial church council or to particular churchwardens or with respect to particular registers or records in parochial custody.
- (9) The expense of complying with directions issued under this section and with the provisions of the said Schedule 2 (if applicable) shall be met by the parochial church council concerned.

**12 Order for deposit of register books, etc. in diocesan record office.**

- (1) If it appears to the bishop of a diocese—
  - (a) that section 10(1) of the Measure has not been complied with as respects any register book or record in parochial custody in the diocese to which that subsection applies, or

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- (b) that the provisions of Schedule 2 to this Measure have not been complied with as respects any such book or record to which those provisions apply by virtue of section 11(2) of this Measure, or
- (c) that directions issued by him under the said section 11 with respect to register books and records in parochial custody in the diocese have not been complied with, or
- (d) that any such books or records are for any other reason exposed to danger of loss or damage,

he shall notify the persons who have the custody of that book or record or those books or records, as the case may be, and the parochial church council concerned of the facts as they appear to the bishop and inform them that he will consider any written representations made to him by any of them before a date specified in the notice, being a date not less than twenty-eight days after service of the notice.

- (2) Where any such matters as are mentioned in subsection (1) above have become known to the bishop in consequence of a report under section 9 of this Measure, the notice under that subsection shall be accompanied by a copy of the report.
- (3) If after considering any representations duly made to him under subsection (1) above the bishop is of opinion that the matter is urgent and the circumstances are such that delay must be avoided, then, subject to subsection (6) below, he may order that such of those books or records as are specified in the order shall be deposited in the diocesan record office within the period of seven days beginning with the date of service of the order.
- (4) If after considering any such representations the bishop is of opinion that action by him under subsection (3) above is unnecessary but that he should proceed under this subsection, he shall serve a further notice on the persons referred to in subsection (1) above informing them that he will make an order under subsection (5) below unless within such period as may be specified in the notice they satisfy him—
  - (a) that section 10(1) of this Measure has been complied with as respects any register book or record in their custody to which that subsection applies, or
  - (b) that the provisions of Schedule 2 to this Measure, so far as applicable, and the directions issued by him under section 11 thereof are being and will be complied with, or
  - (c) that adequate steps have been taken to remove the danger of loss of, or damage to, the register books or records in their custody,
 as the circumstances of the case require.
- (5) If at the expiration of the period specified in a notice served by him under subsection (4) above the bishop is not satisfied as to the matters so specified then, subject to subsection (6) below, he shall order that such of the register books or records in parochial custody as are specified in the order shall be deposited in the diocesan record office within the period of seven days beginning with the date of service of the order.
- (6) No order shall be made under this section in relation to register books which are in use for the purpose of making entries therein.
- (7) An order under this section shall be directed to, and served on, the person or persons having the custody of the register books or records specified in the order.

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- (8) Where a diocese has more than one diocesan record office, an order under this section shall specify the office in which any register books or records are to be deposited in accordance with the order.
- (9) If any person on whom an order made by the bishop of a diocese under this section is served refuses or fails to comply with the order, the bishop of that diocese may apply to the county court for the district in which the register books or records to which the order relates are for an order that that person do deliver those books or records to the diocesan record office specified in the first-mentioned order, and the court, if satisfied that that order was made in accordance with the provisions of this section, may make an order accordingly.

**[<sup>F8</sup>12A Faculty not required for deposit of register books, etc. in diocesan record office.**

A book or record may be deposited in the diocesan record office in pursuance of this Measure without a faculty.]

**Textual Amendments**

- F8** S. 12A inserted (1.1.1993) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\)](#), s. 4(1), [Sch. 1 para.8](#); Instrument dated 7.9.1992 made by the [Archbishops of Canterbury and York](#).

**13 Return to parochial custody of register books, etc. deposited in diocesan record office.**

- (1) Where any register books or records have been deposited in the diocesan record office for a diocese or any part thereof in pursuance of this Measure, then, subject to subsection (2) below, if an application in that behalf is made to the bishop of the diocese by any person who would have been entitled to have the custody of them had they not been so deposited, the bishop shall order that those books or records or such of them as may be specified in the order shall be returned to and placed in the custody of that person.
- (2) A bishop shall not make an order under this section unless he is satisfied—
  - (a) in the case of a register book or record the retention of which in parochial custody requires his authorisation under section 11(3) of this Measure, that the provisions of Schedule 2 to this Measure, and
  - (b) in the case of any other such book or record, that the directions issued by him under that section,will be complied with by the applicant for the order.
- (3) At least one month before making an order under this section the bishop shall give to the chief officer of the diocesan record office in which the register books or records in question were deposited written notice of his intention, containing particulars of such books or records and stating the name and address of the person into whose custody they are to be returned.
- (4) The making of an order under this section with respect to any books or records shall not be taken as preventing the subsequent deposit of those books or records in a diocesan record office under section 10 of this Measure or as affecting the power to make an order under section 12 thereof with respect to them.

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*Custody, care, etc. of certain books and records held in diocesan record office*

**14 Custody, care, etc. of certain books and records held in diocesan record office.**

The chief officer of a diocesan record office shall have the custody of any register books or records which are deposited in that office in pursuance of this Measure and shall be responsible for their safe-keeping, care and preservation.

**15 Transfer of certain books and records from one record office to another.**

- (1) Where in consequence of the foundation of a new diocese or an alteration in the areas of dioceses any part of a diocese becomes part of another diocese, any register books or records belonging to parishes in that part which have been deposited in a diocesan record office may be transferred to the diocesan record office for that other diocese.
- (2) Where a diocesan record office is established for part of a diocese, any register books or records belonging to parishes in that part which have been deposited in another such office may be transferred to the office for that part.

*Making register books and records available for purposes of exhibition, research, etc.*

**16 Making register books and records in parochial custody available for certain purposes.**

- (1) Subject to subsection (2) below, any person having the custody of any register books or records in parochial custody may deposit any of them for a limited period in a diocesan record office or other suitable and safe place approved by the bishop of the diocese in which they are for the purpose of exhibition or research or for the purpose of enabling copies or lists to be made of them or copies of any part thereof.
- (2) The power conferred by subsection (1) above on a person having the custody of such books or records may be exercised at the request of any other person, but, whether or not any such request is made, the first mentioned person, if not the parochial church council concerned, may exercise that power only with the consent of that council.
- (3) Where a request for the deposit in accordance with subsection (1) above of any such books or records is made to the person having the custody of them, then—
  - (a) if that person refuses or fails to comply with the request, or
  - (b) where subsection (2) above applies, the parochial church council refuses to consent to the deposit being made,
 the bishop of the diocese in which such books or records are, on the application of the person who made the request and after giving the parochial church council concerned and any other person who has the custody of them an opportunity to make representations to him, may order them to be deposited for a period specified in the order in a diocesan record office or other suitable and safe place approved by him for any of the purposes mentioned in subsection (1) above.
- (4) Before approving a place as a suitable and safe place for the purposes of this section the bishop of a diocese shall consult the chief officer of the diocesan record office or, where the diocese has more than one such office, the chief officer of the appropriate office.

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*Status: Point in time view as at 01/07/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Parochial Registers and Records Measure 1978. (See end of Document for details)*

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**17 Making certain books and records in diocesan record office available for exhibition or research.**

- (1) Subject to the provisions of this section and of section 18(1), where a request in that behalf is made to the chief officer of a diocesan record office, he may authorise such of the register books or records in his custody by virtue of this Measure as may be specified in the authorisation to be transferred to, and deposited for such period as may be so specified in, a suitable and safe place for the purpose of exhibition or research.
- (2) Where a request under this section is made by the parochial church council of the parish to which the register books or records in question belong, the chief officer shall issue the authorisation requested if he is satisfied that the place of deposit specified in the request is a suitable and safe place.
- (3) Where a request under this section is made by any person other than the parochial church council of the parish to which the register books and records in question belong, the chief officer may issue the authorisation requested only with the consent of that council.

**18 Provisions ancillary to ss. 16 and 17.**

- (1) The period during which any register books or records may be deposited in any place by virtue of any provision of section 16 or 17 of this Measure shall not exceed one year; but the person by whom that period was fixed shall have power, exercisable with the consent of the parochial church council concerned, to extend that period for a further period, not exceeding one year; and the said power may be exercised from time to time before or after the expiration of any extension of a period of deposit.
- (2) The expenses arising out of the transfer, deposit and return of register books and records in pursuance of any provision of the said section 16 or 17 shall be paid by the person at whose request the deposit is made.
- (3) Before—
  - (a) any person agrees to comply with a request for the deposit in accordance with section 16(1) of this Measure of any such register books or records as are referred to therein, or
  - (b) a bishop makes an order under section 16(3) of this Measure on the application of the person who made such request, or
  - (c) the chief officer of a diocesan record office issues an authorisation under section 17 of this Measure at the request of any person other than the parochial church council of the parish to which the books and records described in the request belong,

he may require the person who made the request to effect with the Ecclesiastical Insurance Office Ltd. or such other insurance office as may be agreed between that person and that council insurance against risks of loss of, or damage to, the register books and records while in transit to or from the place in which they are to be deposited in accordance with the request, order or authorisation, as the case may be, or while so deposited in that place, for such sum as may be so agreed.

*Status: Point in time view as at 01/07/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Parochial Registers and Records Measure 1978. (See end of Document for details)*

### Miscellaneous

#### 19 Disposal of register books and records on dissolution of parish, etc.

- (1) Where a parish is dissolved by a pastoral scheme, whether in consequence of a union of parishes or otherwise, then, subject to the provisions of that scheme, the register books belonging to that parish and any records in parochial custody therein shall be dealt with in such manner as the bishop of the diocese concerned may direct.
- (2) Subject to the provisions of section 62 of the <sup>M12</sup>Marriage Act 1949 (disposal of register books of marriage on church ceasing to be used for solemnisation of marriages), where a church within the meaning of the <sup>M13</sup>Pastoral Measure 1968 ceases to be used as such, whether by reason of a declaration of redundancy, demolition or otherwise, then, unless the bishop of the diocese in which that church is otherwise directs or any pastoral scheme otherwise provides, the register books and records kept in or relating to that church shall be deposited in the diocesan record office for the diocese or part thereof in which the church is situated.
- (3) Subsections (1) and (2) above are without prejudice to the power of the bishop of the diocese referred to therein to make an order under section 12 of this Measure with respect to such books or records, and section 13 thereof, with the omission of subsection (3), shall apply in relation to any such books or records which in compliance with the direction of the bishop have been deposited in a place which is not a diocesan record office.
- (4) ..... <sup>F9</sup>

#### Textual Amendments

<sup>F9</sup> S. 19(4) repealed by [Pastoral Measure 1983 \(No. 1, SIF 21:4\)](#), s. 93, [Sch. 9](#)

#### Marginal Citations

<sup>M12</sup> 1949 c. 76.

<sup>M13</sup> 1968 No. 1.

#### 20 Searches of certain register books.

- (1) Every person having the custody of any register book of baptisms or burials, being an incumbent, priest in charge or churchwarden, shall at all reasonable hours allow searches to be made in that book on payment of such fee, if any, as may be prescribed by any order for the time being in force made under the <sup>M14</sup>Ecclesiastical Fees Measure 1962 and shall, if requested to do so, give a copy certified under his hand of any entry in that book on payment of such fee, if any, as may be so prescribed.
- (2) Where any register books of baptisms or burials are deposited in a diocesan record office—
  - (a) the chief officer of that office shall at all reasonable hours allow searches to be made in any such book and shall, if requested to do so, give a copy certified under his hand of any entry therein; and
  - <sup>F10</sup>(b) the authority under whose control that office is, not being a local authority, may charge such fees, if any, for allowing a search to be made in any such book or for providing a copy of an entry therein as is payable to an <sup>F11</sup>diocesan

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board of finance] for the same service by virtue of any order for the time being in force made under the Ecclesiastical Fees Measure 1962.]

- (3) Where any register books of marriages are deposited in a diocesan record office, section 63 of the <sup>M15</sup>Marriage Act 1949 (searches in marriage register books) shall have effect as if for references therein to an incumbent [<sup>F12</sup>and to the parochial church council of the parish] there were substituted references to the chief officer of that office.
- [<sup>F13</sup>(3A) Where a search is made under subsection (1) or (2) above or, in the case of a register book of marriages wherein the first entry was made before 1st July 1837, under the said section 63 the person having the custody of the register book or the chief officer may require the search to be made in an authenticated photographic copy of the register book; and for the purposes of this subsection a copy shall be regarded as authenticated if it bears a certificate signed by the person who had the custody of the register book or the person who was the chief officer, as the case may be, at the time the certificate was issued to the effect that it is a true copy of the register book.
- (3B) Where a search is required under subsection (3A) above to be made in an authenticated photographic copy of a register book, the person making the search may request the person having custody of the register book (the “ custodian ”) or chief officer to allow the search to be made in the register book on the grounds that the copy is not accurate or that the quality of reproduction of the copy is not adequate for the purpose of the search; and thereupon the custodian or chief officer, if satisfied that the grounds for the request are reasonable or if directed to do so by the archdeacon under subsection (3C) below, shall allow the search to be made in the register book, but only under the supervision of the custodian or chief officer or other person designated by the custodian or chief officer for the purposes of this subsection.
- (3C) Where a search is required under subsection (3A) above to be made in an authenticated photographic copy of a register book and a request made under subsection (3B) above is refused, the person making the search may refer the matter to the archdeacon of the archdeaconry in which the parish to which the register book belongs is situated; and thereupon the archdeacon, if satisfied that the grounds for the request are reasonable, may direct the custodian or chief officer to allow the search to be made in the register book.]
- (4) No part of any fee paid to the chief officer of a diocesan record office by virtue of this section shall be payable by him to any person who would have had the custody of any register book had it not been deposited in that office.
- [<sup>F14</sup>(5) Nothing in subsections (2) and (3) above shall be taken as affecting the powers of local authorities under section 1 of the Local Government (Records) Act 1962 (power to promote adequate use of records).]
- [<sup>F15</sup>(6) This section shall so far as applicable and with the necessary modifications, apply in relation to the custody or deposit of register books of baptisms, burials or marriages provided for any cathedral or collegiate church or any other church or chapel which does not belong to a parish.]

#### Textual Amendments

- F10** Words substituted by [Church of England \(Miscellaneous Provisions\) Measure 1978 \(No. 3, SIF 21:8\)](#), s. 6

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*Changes to legislation: There are currently no known outstanding effects for the Parochial Registers and Records Measure 1978. (See end of Document for details)*

- F11** Words in s. 20(2)(b) substituted (1.7.2011) by Ecclesiastical Fees (Amendment) Measure 2011 (No. 2), s. 6(2), **Sch. 2 para. 4(a)**; 2011 No. 1, art. 2
- F12** Words in s. 20(3) inserted (1.7.2011) by Ecclesiastical Fees (Amendment) Measure 2011 (No. 2), s. 6(2), **Sch. 2 para. 4(b)**; 2011 No. 1, art. 2
- F13** S. 20(3A)-(3C) inserted (1.1.1993) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 4(1), **Sch. 1 para. 9**; Instrument dated 7.9.1992 made by the Archbishops of Canterbury and York.
- F14** S. 20(5) substituted (1.7.2011) by Ecclesiastical Fees (Amendment) Measure 2011 (No. 2), s. 6(2), **Sch. 2 para. 4(c)**; 2011 No. 1, art. 2
- F15** S. 20(6) inserted (1.9.1995) by 1995 No. 2, **s.10**; Instrument dated 26.7.1995 made by Archbishops of Canterbury and York

#### Marginal Citations

- M14** 1962 No. 1.  
**M15** 1949 c. 76.

## 21 Recovery of register books in possession of unauthorised persons.

- (1) Where any register books which were originally in parochial custody in a diocese are in the possession of any other person who has no title to or right to the possession of them, the bishop of the diocese in which the parish in question is situated may apply to the county court for the district in which those books are for an order that that person do deliver those books to him, and the court if satisfied that that person has no title to or right to the possession of them may order him to deliver them to the bishop.
- (2) Register books delivered to a bishop in accordance with an order of the court under subsection (1) above may, as he thinks fit, be placed by him in the custody of the person who would have had the custody of them had they remained in parochial custody or be deposited by him in the diocesan record office for his diocese.
- (3) For the removal of doubt it is hereby declared that subject to the provisions of this Measure and of the <sup>M16</sup>Marriage Act 1949 the title to or right to the possession of register books in the custody of any person by virtue of this Measure is incapable of assignment whether for value or otherwise.

#### Marginal Citations

- M16** 1949 c. 76.

## 22 Special provisions as to marriage registers.

- (1) The chief officer of every diocesan record office who under this Measure has in his custody any register book of marriages solemnised after the passing of the <sup>M17</sup>Births and Deaths Registration Act 1836 shall—
  - (a) furnish the Registrar General with particulars of such books; and
  - (b) if any such book is required for the purpose of correcting any erroneous entry therein in accordance with section 61 of the <sup>M18</sup>Marriage Act 1949, deliver that book to the minister concerned and permit him to retain it for such period as may be necessary for that purpose.



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- (2) Nothing in this Measure shall authorise the deposit in a diocesan record office of any duplicate register book of marriages which, when filled, is to be delivered to a superintendent registrar in accordance with section 60 of the said Act of 1949.

**Marginal Citations**

**M17** 1836 c. 86.

**M18** 1949 c. 76.

*Supplemental*

**<sup>F16</sup>23 Appointment of deputy to perform functions of bishop.**

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**Textual Amendments**

**F16** S. 23 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 6](#) Group 5

**24 Service of notices and orders.**

- (1) Any notice or order required or authorised by this Measure to be served on or sent or given to any person may be served, sent or given by delivering it to him, or by leaving it at his proper address, or by post.
- (2) Any such notice or order required or authorised to be served on, sent or given to, a parochial church council shall be duly served, sent or given if it is served on or sent or given to the secretary of that council.
- (3) For the purposes of this section and of section 26 of the <sup>M19</sup>Interpretation Act 1889 in its application to this section, the proper address of the person on or to whom any such notice or order is required or authorised to be served, sent or given shall be the last known address of that person.

**Marginal Citations**

**M19** 1889 c. 63.

**25 Interpretation.**

- (1) In this Measure, except in so far as the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—
- [<sup>F17</sup>“burial” includes the disposal of cremated remains;]
- “records” means materials in written or other form setting out facts or events or otherwise recording information, other than register books, and “records in parochial custody” means records in the custody of an incumbent or priest in charge or of churchwardens or of a parochial church council or in the joint custody of any of them;

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“register books” means the register books mentioned in section 6(1) of this Measure and “register books in parochial custody” means register books in the custody of an incumbent or priest in charge or of churchwardens.

- (2) In this Measure references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment.

#### Textual Amendments

**F17** Words in s. 25 inserted (1.1.1993) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 4(1), **Sch. 1 para.10**; Instrument dated 7.9.1992 made by the Archbishops of Canterbury and York.

## 26 Amendments, repeals and transitional provisions.

- (1) The enactments specified in Schedule 3 to this Measure shall have effect subject to the amendments specified in that Schedule, being amendments consequential upon the provisions of this Measure.
- (2) The enactments specified in Schedule 4 to this Measure (which include enactments which were obsolete, spent or unnecessary before the passing of this Measure) are hereby repealed to the extent specified in column 3 of that Schedule.
- (3) Any registration effected, certificate or directions issued, order made, or other thing done under any enactment repealed by this Measure shall not be invalidated by the repeal effected by subsection (2) above but shall have effect as if effected, issued, made or done under the corresponding provision of this Measure.
- (4) Without prejudice to subsection (3) above, any reference in this Measure to a thing done under or for the purposes of a provision of this Measure shall, in so far as the context permits, be construed as including a reference to the corresponding thing done under or for the purposes of the corresponding provision of the enactments repealed by this Measure.
- (5) Nothing in subsection (1), (3) or (4) above shall be taken as prejudicing the operation of section 38 of the <sup>M20</sup>Interpretation Act 1889 (which relates to the effect of repeals) as applied by the <sup>M21</sup>Interpretation Measure 1925.

#### Modifications etc. (not altering text)

**C3** S. 26(1)(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M20** 1889 c. 63.

**M21** 1925 No. 1.

## 27 Short title, commencement and extent.

- (1) This Measure may be cited as the Parochial Registers and Records Measure 1978.

<sup>F18</sup>(2) .....

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- (3) This Measure shall extend to the whole of the provinces of Canterbury and York, except the Channel Islands and the Isle of Man, but may be applied to the Channel Islands, or either of them, as defined in the <sup>M22</sup>Channel Islands (Church Legislation) Measures 1931 and <sup>M23</sup>1957, in accordance with those Measures and may by Act of Tynwald be extended to the Isle of Man, with such exceptions, adaptations and modifications, if any, as may be specified in such Act.

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**Textual Amendments**

**F18** S. 27(2) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 6](#) Group 5

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**Modifications etc. (not altering text)**

**C4** 1.1.1979 appointed under s. 27(2)

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**Marginal Citations**

**M22** 1931 No. 4.

**M23** 1957 No. 1.

**Status:**

Point in time view as at 01/07/2011.

**Changes to legislation:**

There are currently no known outstanding effects for the Parochial Registers and Records Measure 1978.