



Parochial Registers and Records Measure 1978

1978 No. 2

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 ^{M1}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 ^{M2}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) ^{F1}

Textual Amendments

F1 S. 19(4) repealed by Pastoral Measure 1983 (No. 1, SIF 21:4), s. 93, Sch. 9

Status: Point in time view as at 01/02/1991.

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

Marginal Citations

- M1** 1949 c. 76.
M2 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 ^{M3}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
 - ^[F2](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 incumbent 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 ^{M4}Marriage Act 1949 (searches in marriage register books) shall have effect as if for references therein to an incumbent there were substituted references to the chief officer of that office.
- (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.
- (5) Nothing in subsection (1) above shall be taken as affecting section 2(6) of the ^{M5}Ecclesiastical Fees Measure 1962 (during vacancy in benefice certain fees to be paid to the sequestrators) ^[F3]and 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)].

Textual Amendments

- F2** Words substituted by [Church of England \(Miscellaneous Provisions\) Measure 1978 \(No. 3, SIF 21:8\), s. 6](#)
- F3** Words inserted by [Church of England \(Miscellaneous Provisions\) Measure 1978 \(No. 3, SIF 21:8\), s. 6](#)

Marginal Citations

- M3** 1962 No. 1.
M4 1949 c. 76.
M5 1962 No. 1.

Status: Point in time view as at 01/02/1991.

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

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 ^{M6}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

M6 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 ^{M7}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 ^{M8}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.
- (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

M7 1836 c. 86.

M8 1949 c. 76.

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Parochial Registers and Records Measure 1978, Cross Heading: Miscellaneous.