



Parochial Registers and Records Measure 1978

1978 No. 2

Preservation and care of register books and records in parochial custody

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
 - (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

Changes to legislation: There are currently no known outstanding effects for the Parochial Registers and Records Measure 1978, Section 12. (See end of Document for details)

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.
- (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.

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