

City of London (Guild Churches) Act, 1960

8 & 9 ELIZ. 2 Ch. xxx

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CHAPTER xxx

An Act to confer further powers upon the Bishop of London with respect to guild churches in the city of London to amend the City of London (Guild Churches) Act 1952 and for other purposes. [29th July 1960.]

WHEREAS—

(1) Under the City of London (Guild Churches) Act 1952 certain churches in the city of London have been designated and established as guild churches to be available for worship ministrations and religious instruction to the non-resident population of the city in accordance with the provisions of that Act and by virtue of that Act one such guild church is vested in the Corporation of London and the remaining guild churches are vested in the Bishop of London:

(2) It is expedient that the City of London (Guild Churches) Act 1952 should be amended that further powers should be conferred upon the bishop with respect to the designation and establishment of other churches in the city as additional guild churches the suspension of presentation to a guild church and the revocation of the designation of a parish church or a guild church as a ward church and that provision should be made with respect to the transfer by agreement of rights of patronage of a guild church:

(3) The objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and 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 as follows:—

Short and
collective
titles.

1.—(1) This Act may be cited as the City of London (Guild Churches) Act 1960.

(2) This Act and the City of London (Guild Churches) Act 1952 may be cited together as the City of London (Guild Churches) Acts 1952 and 1960.

Interpretation.

2.—(1) In this Act—

“enactment” includes this Act any general or local Act any measure passed by the Church Assembly and any order byelaw regulation rule scheme or other instrument made under any Act;

“Guild Churches Act” means the City of London (Guild Churches) Act 1952 and unless there be something in the subject or context repugnant to that construction expressions to which meanings are assigned by the Guild Churches Act shall when used in this Act have the respective meanings so assigned;

“town clerk” means the town clerk of the city and includes any person duly appointed to discharge temporarily the duties of that office.

(2) The Interpretation Measure 1925 shall apply to this Act in like manner as it applies to a measure passed by the Church Assembly.

(3) Unless otherwise expressly stated any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

Designation of
additional
guild
churches.

3.—(1) The bishop may in the case of any church in the city which is not one of the scheduled churches give a certificate under his hand and episcopal seal designating and establishing the church therein named as a guild church:

Provided that no such certificate shall be given in the case of any church which is a parish church.

(2) In the case of any church which becomes a guild church under this section the bishop shall in his said certificate nominate some person or persons as the patron or patrons thereof and the person or persons so nominated shall be the patron or patrons thereof and where more than one person is nominated the bishop shall in his certificate determine the order in which those persons

shall exercise their rights of patronage and those persons shall exercise their rights of patronage in accordance with his determination.

(3) The Guild Churches Act and this Act shall apply to a church designated and established as a guild church by a certificate given under this section as if the church had been specified in the First Schedule to the Guild Churches Act and designated and established as a guild church under the provisions of section 4 (Bishop's power to designate and establish churches as guild churches) of that Act and as if the name or names of the patron or patrons nominated as such for the church in the certificate had been set opposite to the name of the church in the last column of that schedule.

4. Section 9 (Exercise of rights of patronage) of the Guild Churches Act shall have effect as if in subsections (1) (3) and (5) thereof after the words "a vacancy" wherever they occur therein there were inserted the words "or impending vacancy".

Amendment
of section 9
of Guild
Churches
Act.

5.—(1) In any case where a guild church is vacant the bishop shall subject to the provisions of this section have power with the consent in writing of the patron of the guild church (where he is not himself the patron thereof) and after consultation with the guild church council of the church to declare by an instrument in writing given under his hand and episcopal seal that during such period not exceeding five years as may be specified in the notice (in this section referred to by the expression "suspension period") the vacancy in the guild church shall not be filled and during that time the patron shall not be entitled to exercise his right of patronage.

Suspension of
presentation
to a guild
church.

(2) The power conferred by this section may be exercised at any time within a period of twelve months from the occurrence of the vacancy in the guild church or within a period of six months from the passing of this Act if the guild church be then vacant and after the lapse of the patron's right of presentation may be exercised without the consent of the patron.

(3) During the currency of any suspension period the bishop may from time to time by a further instrument in writing given under his hand and episcopal seal with such consents and after such consultation as were required for the original instrument extend the period for further periods not exceeding in the case of any one such further period five years.

(4) The bishop may determine a suspension period at any time by an instrument in writing given under his hand and episcopal seal taking effect not less than fourteen days after the date thereof.

(5) The bishop shall cause every instrument given by him under this section to be filed forthwith in the diocesan registry and on the filing of every such instrument he shall pay a fee of ten shillings and sixpence to the registrar.

(6) The bishop shall cause a copy of every instrument in writing given by him under this section to be sent forthwith to the patron of the guild church (where he is not himself the patron thereof) and to the churchwardens of the guild church. Churchwardens receiving a copy of any such instrument shall forthwith cause it to be affixed to the principal door of the guild church.

(7) A suspension period shall not nor shall any extension thereof be reckoned for purposes of lapse or for the purpose of computing any period within which any act is required or permitted to be performed by section 9 (Exercise of rights of patronage) of the Guild Churches Act. This subsection shall bind the Crown.

(8) The provisions of section 6 of the Benefices (Suspension of Presentation) Measure 1953 shall apply to the patron the guild church council and the churchwardens of a guild church in like manner as they apply to the patron of a benefice and the parochial church council of a parish.

(9) For the purposes of this section the expression "patron" in relation to a vacancy in a guild church means the person entitled to nominate on that vacancy.

(10) In relation to any guild church of which the patron is Her Majesty a consent under this section may be signified in the manner mentioned in subsection (2) of section 49 of the Reorganisation Areas Measure 1944.

Transfer of
rights of
patronage.

6.—(1) Subject to the provisions of this section the right of patronage in respect of a guild church shall be capable of transfer in like manner as the right of patronage of a benefice is by law capable of transfer but shall be incapable of sale.

(2) The right of patronage in respect of a guild church of which the bishop is not the patron shall not be transferred without the previous consent in writing of the bishop.

(3) The provisions of the Benefices (Transfer of Rights of Patronage) Measure 1930 shall apply to the transfer of a right of patronage in respect of a guild church in like manner as they apply to the transfer of a right of patronage of a benefice and so that in such application references in that measure to the churchwardens and the parochial church council of the parish concerned shall be construed respectively as references to the churchwardens and guild church council of the guild church concerned and references therein to the church or chapel of the benefice shall be construed as references to the guild church.

(4) The powers and provisions contained in the enactments specified in subsection (5) of this section shall be deemed to authorise the transfer whether by way of exchange or otherwise by the process and with the consents therein mentioned of the right of patronage in respect of a guild church in any case in

which it appears to the Church Commissioners that the transfer is desirable and any such transfer made from or to any ecclesiastical or other corporation aggregate or sole shall take effect notwithstanding any statute of mortmain.

(5) The enactments hereinbefore referred to are the following:—

Ecclesiastical Commissioners Act 1840—
section 73;

Ecclesiastical Commissioners Act 1841—
section 22;

Ecclesiastical Commissioners (Exchange of Patronage) Act
1853—
sections 1 to 4;

Ecclesiastical Commissioners Act 1860—
section 42; and

Ecclesiastical Commission Act 1868—
section 12.

(6) Section 11 (Rights of patronage incapable of transfer) of the Guild Churches Act is hereby repealed.

7. Section 15 (Electoral rolls) of the Guild Churches Act Amendment shall have effect as if in paragraph (i) of subsection (2) thereof after the words “ vicar of the guild church ” there were inserted the words “ or where there is no vicar of the archdeacon ”.

of section 15
of Guild
Churches
Act.

8.—(1) In any case where under section 32 (Ward churches) of the Guild Churches Act or this section a parish church or ward church (in this section referred to as “ the existing ward church ”) has become the official church of a ward in the city the alderman and common councilmen of that ward may at any time make a representation to the bishop that he revoke the designation and establishment of the existing ward church as the official church of that ward and that he designate and establish as the official church thereof any other parish church or guild church (in this section referred to as “ the proposed ward church ”) situate in that ward or in a ward adjacent thereto.

Alteration of
ward church.

(2) On receipt of any such representation the bishop may with the consent of the parochial church council of the parish where the proposed ward church is a parish church and the consent of the guild church council of the guild church where the proposed ward church is a guild church give a certificate under his hand and episcopal seal revoking the designation and establishment of the existing ward church as the official church of that ward and designating and establishing the proposed ward church as the official church of that ward and if he gives such a certificate he shall send the same to the registrar of the diocese and a copy thereof to the town clerk and the registrar of the diocese shall forthwith register same in the the diocesan registry and shall

publish in the London Gazette a notice stating that the certificate has been given and specifying the change in the ward church and the ward affected thereby.

(3) So soon as such a notice shall have been so published the existing ward church shall cease to be the official church of the ward in question and the proposed ward church shall become the official church thereof.

(4) So soon as the existing ward church ceases to be the official church of the ward in question subsection (4) or subsection (5) of the said section 32 shall (as the case may be) cease to apply to the parochial church council of the parish in question or the guild church council of the church in question.

(5) So soon as the proposed ward church becomes the official church of the ward in question subsection (4) or subsection (5) of the said section 32 shall (as the case may be) apply to the parochial church council of the parish in question or the guild church council of the church in question.

(6) In the case of every certificate given under this section a fee of five guineas shall be payable out of the diocesan reorganisation fund to the registrar of the diocese.

(7) For the purposes of this section questions of doctrine ritual or ceremonial or the political opinions of any clergyman shall not be deemed relevant to the circumstances in which the powers conferred by subsections (1) and (2) of this section may be exercised and shall be excluded from consideration accordingly.

Costs of Act. 9. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining and passing of this Act or otherwise in relation thereto shall be paid by the London Diocesan Fund.

Table of Statutes referred to in this Act

Short title	Session and chapter
Ecclesiastical Commissioners Act 1840 ..	3 & 4 Vict. c. 113.
Ecclesiastical Commissioners Act 1841 ..	4 & 5 Vict. c. 39.
Ecclesiastical Commissioners (Exchange of Patronage) Act 1853	16 & 17 Vict. c. 50.
Ecclesiastical Commissioners Act 1860 ..	23 & 24 Vict. c. 124.
Ecclesiastical Commission Act 1868 ..	31 & 32 Vict. c. 114.
City of London (Guild Churches) Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. xxxviii.

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