



# Clerical Disabilities Act 1870

1870 CHAPTER 91 33 and 34 Vict

An Act for the Relief of Persons admitted to the Office of Priest or Deacon in the Church of England. [9th August 1870]

## Modifications etc. (not altering text)

C1 Preamble omitted under authority of [Statute Law \(Revision\) \(No. 2\) Act 1893 \(c. 54\)](#)

### 1 Short title.

This Act may be cited as “The Clerical Disabilities Act 1870.”

### 2 Interpretation.

In this Act—

The term “the Church of England” means the Church of England as by law established:

The term “minister” means a priest or a deacon:

The terms “preferment,” “bishop,” and “diocese” respectively have the same meaning as in the <sup>M1</sup>Church Discipline Act 1840.

## Marginal Citations

M1 [1840 c. 86.](#)

### 3 Execution and inrolment of deed of relinquishment.

Any person admitted (before or after the passing of this Act) to the office of minister in the Church of England may, after having resigned any and every preferment held by him, do the following things:—

- (1) He may execute a deed of relinquishment in the form given in the second schedule to this Act:

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*Status: Point in time view as at 11/05/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Clerical Disabilities Act 1870. (See end of Document for details)*

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- (2) He may cause the same to be inrolled in the High Court of Chancery:
- (3) He may deliver an office copy of the inrolment to the bishop of the diocese in which he last held a preferment, or if he has not held any preferment then to the bishop of the diocese in which he is resident, in either case stating his place of residence:
- (4) He may give notice of his having so done to the archbishop of the province in which that diocese is situate.

#### **4 Recording by bishop of deed of relinquishment and consequences thereof.**

At the expiration of six months after an office copy of the inrolment of a deed of relinquishment has been so delivered to a bishop, he or his successor in office shall, on the application of the person executing the deed, cause the deed to be recorded in the registry of the diocese, and thereupon and thenceforth (but no sooner) the following consequences shall ensue with respect to the person executing the deed:—

- (1) He shall be incapable of officiating or acting in any manner as a minister of the Church of England, and of taking or holding any preferment therein, and shall cease to enjoy all rights, privileges, advantages, and exemptions attached to the office of minister in the Church of England:
- (2) Every licence, office, and place held by him for which it is by law an indispensable qualification that the holder thereof should be a minister of the Church of England shall be ipso facto determined and void:
- (3) He shall be by virtue of this Act discharged and free from all disabilities, disqualifications, restraints, and prohibitions to which, if this Act had not been passed, he would, by force of any of the enactments mentioned in the first schedule to this Act or of any other law, have been subject as a person who had been admitted to the office of minister in the Church of England, and from all jurisdiction, penalties, censures, and proceedings to which, if this Act had not been passed, he would or might, under any of the same enactments or any other law, have been amenable or liable in consequence of his having been so admitted and of any act or thing done or omitted by him after such admission.

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

**C2** S. 4 amended by [Clerical Disabilities Act 1870 \(Amendment\) Measure 1934 \(No. 1\)](#) ss. 1, 2

#### **5 Provision for pending proceedings before recording in registry.**

Provided, that if within the aforesaid period of six months the bishop to whom an office copy of the inrolment of a deed of relinquishment is delivered, or his successor in office, has notice of proceedings pending against the person executing the deed as a person who had been admitted to the office of minister in the Church of England, the bishop shall, on the application of that person, cause the deed to be recorded in the registry of the diocese on the termination of those proceedings by a definitive sentence, or interlocutory decree having the force and effect of a definitive sentence, and execution thereof, but not sooner.

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## **6 Service at place of residence stated.**

For the purposes of any proceedings instituted within the aforesaid period of six months against a person executing a deed of relinquishment under this Act, the service of any citation, notice, or other document at the place stated by him in pursuance of this Act as his place of residence shall be good service.

## **7 Copy of record to be evidence.**

A copy of the record in the registry of a diocese of a deed of relinquishment, under this Act, duly extracted and certified by the registrar of the bishop, shall be evidence of the due execution, inrolment, and recording of the deed, and of the fulfilment of all the requirements of this Act in relation thereto.

The registrar of the bishop shall, on the application of the person executing the deed, give to him a copy of the record thereof duly extracted and certified, on payment of a fee not exceeding [<sup>F1</sup>50p] for the recording and copy thereof.

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### **Textual Amendments**

**F1** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)

## **8 Saving for pecuniary liabilities.**

Nothing in this Act shall relieve any person or his estate from any liability in respect of dilapidations or from any debt or other pecuniary liability incurred or accrued before or after his execution of a deed of relinquishment under this Act, and the same may be enforced and recovered as if this Act had not been passed.

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## SCHEDULES

### THE FIRST SCHEDULE

#### *Enactments referred to*

(<sup>F2</sup>1) .....

**Textual Amendments**

**F2** Sch. 1 para. 1 repealed (11.5.2001) by 2001 c. 13, s. 1(3), Sch. 2

(2) ..... <sup>F3</sup>

**Textual Amendments**

**F3** Sch. 1 para. (2) repealed by Local Government Act 1933 (c. 51), Sch. 11, Pt. IV

(3) [<sup>F4</sup>TheEcclesiastical Jurisdiction Measure 1963]

**Textual Amendments**

**F4** Words substituted by virtue of Ecclesiastical Jurisdiction Measure 1963 (No. 1), Schs. 4, 5

### THE SECOND SCHEDULE

#### *Form of Deed of Relinquishment*

Know all men by these presents, that I *A.B.* of having been admitted to the office of priest [*or deacon, as the case may be*] in the Church of England, and having resigned [*here to be inserted description of late preferment, if any,*] do hereby, in pursuance of the Clerical Disabilities Act 1870 declare that I relinquish all rights, privileges, advantages, and exemptions of the office as by law belonging to it. In witness whereof I have hereunto set my hand and seal this day of 18 .

(Signed) *A.B.* (L.S.)

Executed by *A.B.* in presence of

*C.D.* of

[*address and description of witness.*]

**Status:**

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**Changes to legislation:**

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