



# Benefices (Transfer of Rights of Patronage) Measure 1930

1930 No. 8 20 and 21 Geo 5

A Measure passed by the National Assembly of the Church of England. To regulate the transfer of the Rights of Patronage of Benefices. [1st August 1930]

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

C1 Whole Measure except as applied by section 6(3) of the City of London (Guild Churches) Act 1960 repealed by Patronage (Benefices) Measure 1986 (no. 3, SIF 21:4), s. 41(2), Sch. 5

## 1 Duties of patron upon a transfer of patronage.

Subject to the provisions of this Measure, every intending transferor of a right of patronage of a benefice shall, before transferring or agreeing to transfer such right to any person—

- (i) notify to the bishop—
  - (a) his intention or desire to transfer such right;
  - (b) the name and address of the proposed transferee; and
  - (c) particulars of the terms of the proposed transfer; and
- (ii) if the bishop shall, within twenty-one days after such notification, so require in writing, confer either personally or through a representative with the bishop or some person appointed by the bishop as to the proposed transfer.

## 2 Notice of proposed transfers of patronage.

Except in the case where a proposed transfer of a right of patronage is not proceeded with, a bishop to whom a proposed transfer has been notified under the last preceding section shall—

- (i) within one month after receipt of the notification give notice of the proposed transfer to the churchwardens and the Secretary of the Parochial Church Council of the parish concerned by registered letters addressed respectively to the churchwardens and to the said Secretary;

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- (ii) in such notice insert particulars of the proposed transfer;
- (iii) in such notice invite the Parochial Church Council to state to him within a period of fourteen days after the date of the sending of the notice any objections to the proposed transfer; and
- (iv) if any such objections shall be stated to him, communicate the same to the intending transferor.

### 3 Registration of transfers.

No transfer of a right of patronage shall be registered under the <sup>M1</sup>Benefices Act 1898 except where the following conditions are fulfilled (that is to say):—

- (i) a period of one month has elapsed after the date of the sending of the notice of the proposed transfer to the churchwardens of the parish concerned; and
- (ii) the transferor has complied with the obligations imposed on him by this Measure.

#### Marginal Citations

M1 1898 c. 48.

### 4 Transfer of patronage by diocesan bishops.

A diocesan bishop who intends to transfer a right of patronage of a benefice situate in his diocese shall, before transferring or agreeing to transfer such right to any person—

- (i) send to the churchwardens and to the Secretary of the Parochial Church Council of the parish concerned respectively a notice stating—
  - (a) his intention or desire to transfer such right;
  - (b) the name and address of the proposed transferee; and
  - (c) particulars of the terms of the proposed transfer.
- (ii) if the Parochial Church Council shall, within twenty-one days after the date of the sending of the notice, duly pass and communicate to him a resolution that a conference shall take place, confer either personally or through a representative with the Parochial Church Council or the representatives of such Council as to the proposed transfer.

### 5 Publication of notices.

- (1) The churchwardens of any parish shall immediately on receipt of a notice sent to them under this Measure cause the same to be fixed on the principal door or notice board of the church or chapel of the benefice, and shall take such other steps as they shall think expedient for giving publicity to the notice.
- (2) Where there is more than one church or chapel belonging or annexed to a benefice, the notice shall be fixed on the principal door or notice board of such one of the churches or chapels as the bishop determines.

### 6 Certification by bishop.

A statement in writing signed by the bishop to the effect that the provisions of this Measure in relation to the transfer or proposed transfer of a right of patronage of a

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benefice in his diocese have been complied with shall be sufficient evidence of such compliance.

## 7 Interpretation.

In this Measure—

The expression “transfer” shall be construed in accordance with the provisions of subsection (6) of section one of the <sup>M2</sup>Benefices Act 1898 which subsection is set out in the Schedule to this Measure;

The expression “the bishop” shall mean the bishop for the time being of the diocese in which the benefice concerned is situate.

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### Marginal Citations

M2 [1898 c. 48.](#)

## 8 Extent.

This Measure shall apply to the whole of the provinces of Canterbury and York except the Channel Islands and the Isle of Man.

## 9 Short title.

This Measure may be cited as the Benefices (Transfer of Rights of Patronage) Measure 1930.

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## SCHEDULE

### THE <sup>M3</sup>BENEFICES ACT 1898 SECTION 1(6)

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**Marginal Citations**

**M3** 1898 c. 48.

The expression “transfer” in this section shall include any conveyance or assurance passing or creating any legal or equitable interest *inter vivos*, and any agreement for any such conveyance or assurance, but shall not include—

- (a) a transmission on marriage, death, or bankruptcy, or otherwise by operation of law, nor
- (b) a transfer on the appointment of a new trustee where no beneficial interest passes.

**Changes to legislation:**

There are currently no known outstanding effects for the *Benefices (Transfer of Rights of Patronage) Measure 1930*.