



# Clerical Disabilities Act 1870 (Amendment) Measure 1934

1934 No. 1 24 and 25 Geo 5

A MEASURE passed by the National Assembly of the Church of England. To amend the Clerical Disabilities Act 1870 by enabling clerks in Holy Orders who have availed themselves of that Act to resume the position of officiating ministers. [22nd June 1934]

- 1 Procedure to effect vacation of enrolment and record of deeds of relinquishment.**
- (1) Any person who has relinquished the rights, privileges, advantages and exemptions of the office of minister in the Church of England in the manner provided by the <sup>MI</sup>Clerical Disabilities Act 1870 (in this Measure referred to as “the Act”) may at any time after the deed of relinquishing executed by him has been recorded in the registry of a diocese present to the archbishop of the province in which such diocese is situate a petition in writing setting forth—
    - (i) the circumstances and reasons in and for which he executed the deed of relinquishment;
    - (ii) the nature of the work or employment upon or in which he has been engaged, and the place or places in which he has resided subsequently to executing the deed of relinquishment;
    - (iii) the circumstances and reasons in and for which he wishes to resume the position of an officiating minister.
  - (2) Such petition shall be verified by a statutory declaration delivered to the archbishop with the petition.
  - (3) The archbishop to whom a petition is presented under this Measure shall after consultation with the bishop of the diocese, not being his own diocese, in which the deed of relinquishment has been recorded, and after such other inquiry and consultation as he shall deem necessary, communicate his decision to the petitioner, and may, if he shall think fit, either forthwith or after an interval, by writing under his hand and archiepiscopal seal, request the vacation of the enrolment of the deed of relinquishment executed by the petitioner.

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*Changes to legislation: There are currently no known outstanding effects for the Clerical Disabilities Act 1870 (Amendment) Measure 1934. (See end of Document for details)*

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- (4) Upon the production of such request such enrolment shall, subject to any rules of court being complied with, be vacated as if such vacation had been ordered by the High Court.
- (5) After the vacation of the enrolment of a deed of relinquishment under this Measure, the bishop of the diocese in the registry of which such deed is recorded shall cause the vacation of the enrolment thereof to be likewise recorded in such registry, and thereupon, with respect to the person who has executed the deed, the consequences mentioned in paragraphs (1) and (3) of section four of the Act shall, subject to the provisions of this Measure, cease to have effect.

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**Marginal Citations**

**M1** 1870 c. 91.

**2 Position of clerk after vacation of enrolment and record of such vacation.**

- (1) A clerk in Holy Orders who has executed a deed of relinquishment, the vacation of the enrolment of which has been recorded under this Measure, shall, during a period of two years after the date of the recording of the vacation, be incapable of holding any benefice or other preferment including the office of a curate licensed under seal, but, subject as aforesaid, may to such extent and under such conditions as the bishop of any diocese may determine, officiate as a minister in such diocese under the permission of such bishop.
- (2) After the said period of two years such clerk shall be capable of holding any benefice or other preferment as aforesaid in any diocese, subject to the consent of the bishop of such diocese being first obtained, and so that a consent given under this subsection may be either a general consent or consent given in respect of some particular benefice or preferment.

**3 Copy of record to be evidence.**

- (1) A copy of the record in the registry of a diocese of the vacation under this Measure of the enrolment of a deed of relinquishment duly extracted and certified by the registrar of the diocese shall be evidence of such vacation and of the recording of such vacation.
- (2) The registrar of the diocese shall, on the application of the clerk in Holy Orders concerned, give to him a copy of such record duly extracted and certified, on payment of a fee not exceeding [<sup>F1</sup>50p].

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**Textual Amendments**

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

**4 Interpretation.**

In this Measure the terms “the Church of England,” “minister,” “preferment,” “bishop” and “diocese” have the same meaning as in the Act.

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**Changes to legislation:** *There are currently no known outstanding effects for the Clerical Disabilities Act 1870 (Amendment) Measure 1934. (See end of Document for details)*

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## **5 Short title**

This Measure may be cited as the Clerical Disabilities Act 1870 (Amendment) Measure 1934.

**Changes to legislation:**

There are currently no known outstanding effects for the Clerical Disabilities Act 1870 (Amendment) Measure 1934.