



# New Parishes Measure 1943

1943 No. 1 6 and 7 Geo 6

A Measure passed by the National Assembly of the Church of England To consolidate with amendments the New Parishes Acts 1843 to 1884 to repeal such of the provisions of the Church Building Acts 1818 to 1884 as authorise the formation of new ecclesiastical districts or as are obsolete, and to re-enact with amendments other provisions of the last mentioned Acts, and for purposes connected with the matters aforesaid. [4th February 1943]

## Commencement Information

**II** Measure wholly in force at Royal Assent

## PART I

**1** ..... **F1**

## Textual Amendments

**F1** [S. 1](#) repealed with saving by [Pastoral Measure 1968 \(No. 1, SIF 21:4\)](#), [Sch. 8 para. 4](#), [Sch. 9](#)

**2** ..... **F2**

## Textual Amendments

**F2** [Ss. 2 and 3\(1\)–\(3\) proviso\(a\)](#) repealed by [Pastoral Measure 1968 \(No. 1, SIF 21:4\)](#), [Sch. 9](#)

**3** (1) ..... **F3**

*Status: Point in time view as at 27/02/2007.*

*Changes to legislation: There are currently no known outstanding effects for the New Parishes Measure 1943 (repealed). (See end of Document for details)*

- (3) (a) ..... F3
- (b) ..... F4
- (4) ..... F5

**Textual Amendments**

- F3 Ss. 2 and 3(1)–(3) proviso(a) repealed by Pastoral Measure 1968 (No. 1, SIF 21:4), **Sch. 9**
- F4 S. 3(3) proviso(b) repealed by Ecclesiastical Fees Measure 1962 (No. 1, SIF 21:1), **Sch. Pt. I.**
- F5 Ss. 3(4)–(8)-10(1)(2) repealed by Pastoral Measure 1968 (No. 1, SIF 21:4), **Sch. 9**

- 4–9. .... F6

**Textual Amendments**

- F6 Ss. 3(4)–(8)-10(1)(2) repealed by Pastoral Measure 1968 (No. 1, SIF 21:4), **Sch. 9**

- 10 (1) ..... F7
- (3) ..... F8

**Textual Amendments**

- F7 Ss. 3(4)–(8)-10(1)(2) repealed by Pastoral Measure 1968 (No. 1, SIF 21:4), **Sch. 9**
- F8 S. 10(3) repealed by Ecclesiastical Fees Measure 1962 (No. 1, SIF 21:1), **Sch. Pt. I**

- 11 ..... F9

**Textual Amendments**

- F9 S. 11 repealed by Pastoral Measure 1968 (No. 1, SIF 21:4), **Sch. 9**

- 12 ..... F10

**Textual Amendments**

- F10 S. 12 repealed by Churchwardens (Appointment and Resignation) Measure 1964 (No. 3, SIF 21:6), **s. 14**

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## PART II

### GENERAL PROVISIONS APPLICABLE TO ALL ECCLESIASTICAL DISTRICTS

#### *Acquisition of land for church sites, &c.*

#### **13 Power of [<sup>F11</sup>Church Commissioners] to acquire land for churches, &c.**

- (1) The Commissioners may acquire by way of gift, devise or purchase, . . . <sup>F12</sup>
  - (a) [<sup>F13</sup>a church or a part of a church or any other building] fit to be used as or to be converted into a church;
  - (b) any land as a site for a new church or for a church to be substituted for an existing church, or for enlarging the site of an existing church;
  - [<sup>F14</sup>(bb) any building to be used as a [<sup>F15</sup>place of worship (other than a church) or] church hall or both as a church or other place of worship and as a church hall or any land for the site of a building to be so used or for enlarging the site of an existing building so used;]
  - (c) any land for providing a new or extending an existing churchyard or burial ground;
  - (d) any building or land for or for an extension of a house of residence for an incumbent or other ecclesiastical person;
  - (e) any land required for providing access to or improving the amenities of any such church [<sup>F16</sup>or other place of worship], [<sup>F17</sup>church hall,] churchyard, burial ground or house of residence.
  - [<sup>F18</sup>(f) any land required for providing vehicle parking space for use in connection with any such church or other place of worship, church hall, churchyard or burial ground]
- (2) The Commissioners may accept gifts and bequests of money to be laid out in the purchase of land for any of the purposes aforesaid, . . . <sup>F19</sup>
- (3) Any conveyance of land under this section shall be in such form as the Commissioners may prescribe.

#### **Textual Amendments**

- F11** Words substituted by virtue of Church Commissioners Measure 1947 (No. 2, SIF 21:8), **s. 18(2)**
- F12** Words repealed by Charities Act 1960 (c. 58, SIF 19), **Sch. 7 Pt. II**
- F13** Words substituted by Church Property (Miscellaneous Provisions) Measure 1960 (No. 1, SIF 21:8), **s. 5**
- F14** S. 13(1)(bb) substituted by Church of England (Miscellaneous Provisions) Measure 1983 (No. 2, SIF 21:3), **s. 1(1)(a)**
- F15** Words in s. 13(1)(bb) inserted (1.6.1992) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), **s. 8(a)(i)**; Instrument dated 27.5.1992 made by Archbishops of Canterbury and York.
- F16** Words in s. 13(1)(e) inserted (1.6.1992) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), **s. 8(a)(ii)**; Instrument dated 27.5.1992 made by Archbishops of Canterbury and York.
- F17** Words inserted by Church of England (Miscellaneous Provisions) Measure 1983 (No. 2, SIF 21:3), **s. 1(1)(b)**
- F18** S. 13(1)(f) inserted (1.6.1992) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), **s. 8(a)(iii)**; Instrument dated 27.5.1992 made by Archbishops of Canterbury and York.
- F19** Words repealed by Charities Act 1960 (c. 58, SIF 19), **Sch. 7 Pt. II**

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

- C1** S. 13 excluded by [Sharing of Church Buildings Act 1969 \(c. 38, SIF 21:8\), s. 3\(3\)](#); extended by [Sharing of Church Buildings Measure 1970 \(No. 2, SIF 21:8\), s. 2\(2\)](#)
- C2** The “Commissioners” means the Church Commissioners: [Church Commissioners Measure 1947 \(No. 2, SIF 21:8\), s. 18\(2\)](#)

**14 Power of corporations &c., to give or grant land for sites of churches, &c.**

(1) It shall be lawful for any of the following bodies by way of gift or for valuable consideration, and notwithstanding that the consideration may not be the full consideration, to grant to the Commissioners buildings or land for any of the purposes mentioned in the last foregoing section, that is to say—

- (a) any corporation, whether lay, ecclesiastical or collegiate, and whether sole or aggregate;
- (b) any trustees for charitable purposes [<sup>F20</sup>but (except in the case of an exempt charity within the meaning of [<sup>F21</sup>the Charities Act 1993]) only [<sup>F22</sup>;
  - (i) with the sanction of an order of the Charity Commission, or
  - (ii) in accordance with such provisions of section 36(2) to (8) of the Charities Act 1993 as are applicable;]
- (c) in the case of buildings or land belonging to His Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall or belonging to a government department or held in trust for His Majesty for the purposes of a government department the appropriate authority, that is to say—
  - (i) in the case of land belonging to His Majesty in right of the Crown, the [<sup>F23</sup>Crown Estate Commissioners] or other government department having the management of the land in question, subject to the consent, in either case, of the Treasury;
  - (ii) in the case of land belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
  - (iii) in the case of land belonging to the Duchy of Cornwall, the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall;
  - (iv) in the case of land belonging to a government department or held in trust for His Majesty for the purposes of a government department, that department, with the consent of the Treasury.

<sup>F24</sup>(1A) [ During a vacancy in a benefice the power under subsection (1) of this section which would have been exercisable by the incumbent of the benefice had the benefice been full, shall be exercisable by the bishop.]

<sup>F25</sup>(2) [ Where the grantor is the incumbent of a benefice in his capacity as such, or where during a vacancy in a benefice the grantor is the bishop, the purchase money shall be paid to the Church Commissioners and shall be appropriated by them for the benefit of the diocesan stipends fund.]

(3) It shall be lawful . . . <sup>F26</sup> for the Commissioners to hold any property real or personal for any such purpose as aforesaid . . . <sup>F27</sup>.

<sup>F28</sup>(4) [ Section 89 of the Charities Act 1993 (provisions as to orders under that Act) shall apply to any order under section (1)(b) above as it applies to orders under that Act.]]

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#### Textual Amendments

- F20** Words added by Charities Act 1960 (c. 58, SIF 19), **Sch. 6**
- F21** Words in S. 14(1)(b) substituted (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), **Sch. 6 para. 3(2)**
- F22** S. 14(1)(b)(i)(ii) substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 30**; S.I. 2007/309, art. 2, Sch.
- F23** Words substituted by virtue of Crown Estate Act 1956 (c. 73) s. 1(7) and Crown Estate Act 1961 (c. 55, SIF 29:7), **Sch. 2 Pt. II para. 4(1)**
- F24** S. 14(1A) inserted by Church of England (Miscellaneous Provisions) Measure 1983 (No. 2, SIF 21:3), **s. 2(1)**
- F25** S. 14(2) substituted by Church of England (Miscellaneous Provisions) Measure 1983 (No. 2, SIF 21:3), **s. 2(2)**
- F26** Words repealed by Charities Act 1960 (c. 58, SIF 19), **Sch. 7 Pt. II**
- F27** Words repealed by Endowments and Glebe Measure 1976 (No. 4, SIF 21:8), **Sch. 8**
- F28** S. 14(4) added (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), **Sch. 6 para. 3(3)**

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

- C3** S. 14 excluded by Sharing of Church Buildings Act 1969 (c.38, SIF 21:8), **s. 3(3)**; extended by Sharing of Church Buildings Measure 1970 (No. 2, SIF 21:8), **s. 2(2)** and Pastoral Measure 1983 (No. 1, SIF 21:4), **s. 76(1)**; modified by Endowments and Glebe Measure 1976 (No. 4, SIF 21:8), **s. 23(1)**; explained by Pastoral Measure 1983 (No. 1, SIF 21:4), **s. 76(2)**

### 15 Provisions as to land subject to rights of common or to rents or other periodical charges.

- (1) Where the land to be acquired by the Commissioners for any of the purposes mentioned in section thirteen of this Measure forms part of any common or of the waste of any manor, the lord of the manor may grant the land, and the conveyance thereof shall be effectual for vesting in the Commissioners the fee simple of the land as if every person having any right of common in or over the land had joined in the conveyance;  
Provided that no such grant shall be made without the consent of the [<sup>F29</sup>Secretary of State], and the [<sup>F29</sup>Secretary of State] in giving or withholding his consent shall have regard to the same considerations, and shall, if necessary, hold the same inquiries as are directed by the <sup>M1</sup>Commons Act 1876 to be taken into consideration and held by him before forming an opinion whether an application under the Inclosure Acts shall be acceded to or not.
- (2) Where it appears to the [<sup>F29</sup>Secretary of State] that any rights of common will be substantially affected, he shall as a condition of giving his consent require that compensation shall be paid to the persons entitled to such rights, and in such case sections ninety-nine to one hundred and seven of the <sup>M2</sup>Lands Clauses Consolidation Act 1845 shall be incorporated with this Measure and shall apply as if the Commissioners were the promoters of the undertaking.
- (3) Where the land to be acquired by the Commissioners for any of the purposes aforesaid forms part of land subject to any rent or other annual or recurring charge and it appears to the Commissioners and the grantor of the land that the part of the land to be retained is of ample value to bear the said rent or charge, the part to be granted to the Commissioners may be conveyed to them free from the rent or charge, and the remaining part shall continue to be liable therefor in the same manner as the whole

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land was originally liable, and the Commissioners are hereby authorised to do all such acts as may be necessary to give effect to this provision.

**Textual Amendments**

**F29** Words substituted by virtue of [S.I. 1955/554](#) (1955 I, p. 1200), art. 3(3); 1965/143, art. 3(1)(a), Sch.; 1967/156, art. 3(1) and 1970/1681, art. 6(3)

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

**C4** S. 15 extended by [Sharing of Church Buildings Measure 1970 \(No. 2, SIF 21:8\)](#), **s. 2(2)**

**Marginal Citations**

**M1** 1876 c. 56.

**M2** 1845 c. 18.

**[<sup>F30</sup>16 Vesting of land acquired by the Commissioners.**

(1) Where any land or building acquired after the passing of the <sup>M3</sup>Church Property (Miscellaneous Provisions) Measure 1960 under section thirteen or section fourteen of this Measure is—

- (a) a church or a part of a church or a building fit to be used as or to be converted into a church,
- (b) land acquired as a site for a new church or for a church to be substituted for an existing church, or for enlarging the site of an existing church,
- (c) land for providing a new or extending an existing churchyard or burial ground, or
- (d) land required for providing access to or improving the amenities of any church, churchyard or burial ground,

the land or building shall vest in the incumbent for the time being of the parish in which the land or building is situated:

Provided that, if the area in which any such land or building is situated is subsequently constituted a new parish under this Measure, the land or building shall thereupon vest in the incumbent for the time being of that new parish, unless the scheme constituting the parish otherwise provides.

<sup>F31</sup>(1A) [ Where at the passing of the Church of England (Miscellaneous Provisions) Measure 1992, any land or building is held by the Commissioners for any of the purposes mentioned in paragraph (a), (b) or (c) of subsection (1) of section 13 of this Measure (being land or a building acquired for that purpose before the passing of the Church Property (Miscellaneous Provisions) Measure 1960), the land or building shall vest in the incumbent for the time being of the parish in which the land or building is situated.]

(2) Where any land or building acquired under the said sections thirteen or fourteen is—

- (a) land or a building for a house of residence for an incumbent . . . <sup>F32</sup>,
- (b) land for an extension of such a house of residence,
- (c) land required for providing access to or improving the amenities of any such house of residence,

the land or building shall vest in the incumbent for the time being of the parish in which it is situated . . . <sup>F33</sup>.

[ Where any building or land acquired under section 13 of this Measure is—

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- <sup>F34</sup>(3) [ a building to be used as a [<sup>F36</sup>place of worship (other than a church) or] church  
<sup>F35</sup>(a) hall or both as a church or other place of worship and as a church hall;  
(b) land for the site of a building to be so used or for enlarging the site of an existing building so used;  
(bb) land required for providing access to or for improving the amenities of a building which is to be, or is, so used;]  
(c) a building or land for, or for the extension of, a house of residence for an ecclesiastical person other than an incumbent; or  
(d) land required for providing access to or improving the amenities of such a house; [<sup>F37</sup>or  
(e) land required for providing vehicle parking space for use in connection with a church or other place of worship, church hall, churchyard or burial ground]  
and that building or land, or any part thereof, is, with the consent of the diocesan authority, designated in the conveyance under which the building or land is so acquired as vesting in that authority, it shall vest in that authority accordingly.]
- (4) The parochial church council of the ecclesiastical district in which any land or building designated under the preceding subsection is for the time being situated shall keep the diocesan authority indemnified in respect of the matters referred to in paragraphs (a) to (d) of subsection (4) of section six of the <sup>M4</sup>Parochial Church Councils (Powers) Measure 1956.
- [ In this section “diocesan authority” means the body which is for the time being  
<sup>F38</sup>(5) authorised by the relevant diocesan synod to act as trustees of the trust property of the diocese or, if there is no such body, the diocesan board of finance.]]

#### Textual Amendments

- F30** S. 16 substituted by [Church Property \(Miscellaneous Provisions\) Measure 1960 \(No. 1, SIF 21:8\), s. 6\(2\)](#)
- F31** S. 16(1A) inserted (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), s. 8\(b\)\(i\)](#); Instrument dated 27.5.1992 made by Archbishops of Canterbury and York.
- F32** Words repealed by [Endowments and Glebe Measure 1976 \(No. 4, SIF 21:8\), Sch. 8](#)
- F33** Words repealed by [Endowments and Glebe Measure 1976 \(No. 4, SIF 21:8\), Sch. 8](#)
- F34** S. 16(3) substituted by [Endowments and Glebe Measure 1976 \(No. 4, SIF 21:8\), s. 41\(2\)](#)
- F35** S. 16(3)(a)(b)(bb) substituted for s. 16(3)(a)(b) by [Church of England \(Miscellaneous Provisions\) Measure 1983 \(No. 2, SIF 21:3\), s. 1\(2\)](#)
- F36** Words in s. 16(3)(a) inserted (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), s. 8\(b\)\(ii\)\(A\)](#); Instrument dated 27.5.1992 made by Archbishops of Canterbury and York.
- F37** S. 16(3)(e) and word preceding it inserted (1.6.1992) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), s. 8\(b\)\(ii\)\(B\)](#); Instrument dated 27.5.1992 by Archbishops of Canterbury and York.
- F38** S. 16(5) inserted by [Church of England \(Miscellaneous Provisions\) Measure 1983 \(No. 2, SIF 21:3\), s. 3](#)

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

- C5** S. 16 extended by [Sharing of Church Buildings Measure 1970 \(No. 2, SIF 21:8\), s. 2\(2\)](#)

#### Marginal Citations

- M3** 1960 No. 1.  
**M4** 1956 No. 3.

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**[<sup>F39</sup>17 Powers of dealing with land no longer required for purpose for which acquired.**

(1) Subject to the provisions of this section, it shall be lawful for the owner of any land or building which before or after the passing of this Measure was acquired by the Commissioners or the Church Building Commissioners, whether for valuable consideration or by way of gift, for any of the purposes mentioned in paragraphs (a), (b), (bb), [<sup>F40</sup>(c) [<sup>F41</sup>, (e) or (f)]] of subsection (1) of section thirteen of this Measure:—

- (a) to sell that land or building or any part thereof;
- (b) to exchange that land or building or any part thereof for any other land or building more suitable for the purpose for which the original land or building was acquired and to receive or pay money by way of equality of exchange;
- (c) to appropriate or transfer that land or building or any part thereof to or for any ecclesiastical purpose for the benefit of the ecclesiastical district in which the land or building is situated, or for any educational charitable or public purpose relating to that district; . . . <sup>F42</sup>

[<sup>F43</sup>(cc) if the Diocesan Board of Finance for the diocese in which that land or building is situated agrees to accept the transfer, to transfer that land or building or any part thereof to that Board, the land or building or part thereof to be held by the Board as part of the diocesan glebe land of the diocese; and]

(d) where that land or building was acquired by way of gift, to reconvey it or any part thereof to the grantor or his successors in title without consideration:

Provided that no such sale, exchange, appropriation, transfer or reconveyance shall be made without the following consents, that is to say—

- (i) in relation to any land or building vested in the Commissioners, the consent of the incumbent, if any, and the bishop; and
- (ii) in relation to any land or building which has vested in an incumbent, the consent of the Commissioners and the bishop, or, during a vacancy in the benefice, the consent of the Commissioners, and no person shall give his consent under this subsection unless he is satisfied that the land or building, or the part of the land or building concerned, is no longer required for the purpose for which it was acquired.

<sup>F44</sup>(2) . . . . .

(3) Where any such land or building as aforesaid was acquired by way of gift or for a nominal consideration it shall not be appropriated or transferred under paragraph (c) [<sup>F45</sup>or (cc)] of subsection (1) of this section without the consent of the grantor or his successor in title:

Provided that no such consent shall be necessary—

- (a) where land is appropriated or transferred for the widening of a highway, or
- (b) where the Commissioners are satisfied that it is not reasonably practicable to apply for the said consent, and a certificate to that effect sealed by the Commissioners shall be sufficient evidence of that fact.

(4) Where any land or building is sold under this section the proceeds of the sale shall be paid to the Commissioners and shall be applied by them to such purposes, being purposes for the benefit of the benefice of the ecclesiastical district in which the land or building is situate or charitable purposes relating to that district, as may be agreed between the Commissioners and the bishop after consultation with the owner.

(5) Nothing in this section shall authorise the sale or disposal of any consecrated land or affect the jurisdiction of the Consistory Court.



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- (6) Nothing in this Measure shall restrict or limit the powers of sale or disposal conferred by . . . <sup>F46</sup> the Parsonages Measures 1938 to 1947 . . . <sup>F46</sup>.
- (7) In this section the expression “ owner ”, in relation to any land or building, means:—
- (i) the Commissioners, if the land or building is vested in them,
  - (ii) the incumbent, if the land or building is vested in the incumbent for the time being, or
  - (iii) during a vacancy in the benefice occurring after the land or building has vested in the incumbent, the bishop.]

#### Textual Amendments

- F39** S. 17 substituted by Church Property (Miscellaneous Provisions) Measure 1960 (No. 1, SIF 21:8), s. 6(2)
- F40** Words substituted by Church of England (Miscellaneous Provisions) Measure 1978 (No. 3, SIF 21:8), s. 7
- F41** Words in s. 17(1) substituted (1.6.1992) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 8(c); Instrument dated 27.5.1992 made by Archbishops of Canterbury and York.
- F42** Word repealed by Endowments and Glebe Measure 1976 (No. 4, SIF 21:8), s. 18(4)
- F43** S. 17(1)(cc) inserted by Endowments and Glebe Measure 1976 (No. 4, SIF 21:8), s. 18(4)
- F44** S. 17(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 6 Group 2(2)
- F45** Words inserted by Endowments and Glebe Measure 1976 (No. 4, SIF 21:8), s. 18(5)
- F46** Words repealed by Endowments and Glebe Measure 1976 (No. 4, SIF 21:8), Sch. 8

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

- C6** S. 17 extended by Church Property (Miscellaneous Provisions) Measure 1960 (No. 1, SIF 21:8), s. 7(1) and Sharing of Church Buildings Measure 1970 (No. 2, SIF 21:8), s. 2(2)

### 18 Exemption from stamp duty.

No deed of gift, grant, security, contract, agreement conveyance or other instrument made for any of the purposes mentioned in this Measure or under any of the provisions mentioned in this Measure, or for carrying into execution any powers, regulations or provisions thereof or therein mentioned shall be liable to stamp duty.

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

- C7** S. 18 extended by Sharing of Church Buildings Measure 1970 (No. 2, SIF 21:8), s. 2(2)(3)

### 19 Instruments required to be sealed by [<sup>F47</sup>Church Commissioners.]

- (1) No conveyance of land to the Commissioners under this Measure and no instrument to which the consent of the Commissioners is required under this Measure shall be valid unless and until the assent of the Commissioners is testified by affixing thereto the seal of the Commissioners, but on the affixing of such seal the conveyance or instrument shall have effect as from the date thereof.
- (2) No instrument to which the seal of the Commissioners is so required to be affixed and which is directed to be registered in any diocesan registry shall be so registered unless and until such seal has been so affixed.

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### Textual Amendments

**F47** Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2, SIF 21:8\)](#), s. 18(2)

## *Burial Grounds*

### **20 Provisions as to burial ground common to two or more districts.**

- (1) Where land is acquired by the Commissioners for the purpose of a burial ground for two or more ecclesiastical districts, it shall be lawful for the Commissioners in accepting the conveyance of the land to direct by the conveyance or any other instrument under their seal that any chapel erected on the land for the performance of the burial service, and any lodge or other building erected thereon, and any access to or from the chapel or any such building shall be for the use of each of the districts.
- (2) The incumbent of each such district shall, subject to such regulations as may be made by the bishop, be entitled to use the chapel for the performance of the burial service, and the like fees shall be chargeable as would have been chargeable had the burial service been performed in the church of the district and the burial taken place in a burial ground belonging solely to that district.
- (3) If after the consecration of such a burial ground additional land adjoining or near to it is acquired by the Commissioners as a burial ground for any of the districts for which the original burial ground was acquired or for any other ecclesiastical district, the chapel may, subject to such regulations as aforesaid, be used for the performance of the burial service in the case of persons to be buried in the additional ground, and every such lodge or other building and approach or access as aforesaid may similarly be used.
- (4) The freehold of the chapel on the consecration thereof and the freehold of any such lodge, buildings and means of access on the erection or construction thereof shall vest in the bishop:  
 Provided that such vesting shall not impose on the bishop any liabilities for the maintenance of any such chapel, lodge, building or means of access.
- (5) The Commissioners may in any case, and shall, if different parts of the land were acquired by them for the use of the several districts, apportion the burial ground exclusive of such chapel, lodge, buildings and means of access, amongst the several districts.

### **21 Power of [<sup>F48</sup>Church Commissioners] to declare land outside district acquired as burial ground to be part of district.**

Where the Commissioners acquire, by gift or purchase, for a new or additional burial ground land not within the limits of the ecclesiastical district or districts for the use of which the land has been acquired, it shall be lawful for the Commissioners in accepting the conveyance of the land to declare in the conveyance, or by any other instrument under their seal, that the land, after consecration thereof as a burial ground, shall be deemed for ecclesiastical purposes (including the purpose of determining the right of burial therein) to be part of the district or districts for the use of which it has been so acquired; and after consecration the land shall for such purposes as aforesaid be deemed to be part of the district or districts according to the said declaration.

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*Changes to legislation: There are currently no known outstanding effects for the New Parishes Measure 1943 (repealed). (See end of Document for details)*

**Textual Amendments**

**F48** Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2, SIF 21:8\)](#), s. **18(2)**

**22** ..... **F49**

**Textual Amendments**

**F49** S. 22 repealed with saving by [Pastoral Measure 1968 \(No. 1, SIF 21:4\)](#), Sch. 8 para. 2, **Sch. 9**

**23, 24.** ..... **F50**

**Textual Amendments**

**F50** Ss. 23, 24 repealed by [Pastoral Measure 1968 \(No. 1, SIF 21:4\)](#), **Sch. 9**

**25** ..... **F51**

**Textual Amendments**

**F51** S. 25 repealed with saving by [Marriage Act 1949 \(c. 76, SIF 49:1\)](#), s. 79, **Sch. 5 Pt. II** and [Pastoral Measure 1968 \(No. 1, SIF 21:4\)](#), **Sch. 9**

**26** ..... **F52**

**Textual Amendments**

**F52** Ss. 26, 27, 30 repealed by [Pastoral Measure 1968 \(No. 1, SIF 21:4\)](#), **Sch. 9**

**PART III**

**SUPPLEMENTAL**

**27** ..... **F53**

**Textual Amendments**

**F53** Ss. 26, 27, 30 repealed by [Pastoral Measure 1968 \(No. 1, SIF 21:4\)](#), **Sch. 9**

*Status: Point in time view as at 27/02/2007.*

*Changes to legislation: There are currently no known outstanding effects for the New Parishes Measure 1943 (repealed). (See end of Document for details)*

**28 Provisions as to service of documents on and consents by incumbents and patrons.**

Where under this Measure any notice or other document is required to be served on, or there is required the consent of, any incumbent, [<sup>F54</sup>or parochial church council], the provisions of the <sup>M5</sup>Union of Benefices Measure 1923 and the rules made thereunder relating to such service and consent shall apply as if herein re-enacted and in terms made applicable to this Measure.

**Textual Amendments**

**F54** Words substituted by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(1), **Sch. 4 para. 9**

**Marginal Citations**

**M5** 1923 No. 2.

**29 Interpretation.**

- (1) In this Measure unless the context otherwise requires—
  - the expression “bishop” in relation to any church, parish, district or other area or place means the bishop of the diocese in which the church, parish, district or other area or place is situated, or if the parish, district, area or place is situated partly in one diocese and partly in another, the bishop of each such diocese;
  - the expression “ecclesiastical district” includes any parish whether ancient or new, and any district formed under the Church Building Acts 1818 to 1884 or the New Parishes Acts 1843 to 1844 or this Measure, and any other ecclesiastical parish or district the minister whereof has a separate cure of souls;
  - the expression “ecclesiastical dues” includes offerings and oblations;
  - the expression “full consideration” means the best consideration that could reasonably be expected to be obtained;
  - the expression “house of residence” includes the site thereof and any land occupied or to be occupied therewith as a garden or glebe;
  - the expression “incumbent” includes any minister with cure of souls;
  - the expression “land” includes any hereditaments corporeal or incorporeal of any tenure.
- (2) ..... <sup>F55</sup>
- (3) In the case of any parish or place in which there is no church nor any person known to be or claiming to be patron of the ancient church or advowson (if any) of the parish or place, the parish or place shall for the purposes of the provisions of this Measure relating to the constitution of new parishes and districts be treated as if it were an extra parochial place.
- (4) This Measure shall apply to any new parish or district constituted before the passing of this Measure under the New Parishes Acts 1843 to 1884 as if it had been constituted under the corresponding provisions of this Measure.

*Status: Point in time view as at 27/02/2007.*

*Changes to legislation: There are currently no known outstanding effects for the New Parishes Measure 1943 (repealed). (See end of Document for details)*

**Textual Amendments**

**F55** S. 29(2) repealed by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(2), **Sch. 5**

**30** ..... <sup>F56</sup>

**Textual Amendments**

**F56** Ss. 26, 27, 30 repealed by Pastoral Measure 1968 (No. 1, SIF 21:4), **Sch. 9**

**31 Charitable trusts.**

Nothing in this Measure shall take away abridge or affect any power or jurisdiction of [<sup>F57</sup>the Charity Commission] for England and Wales . . . <sup>F58</sup>, or enable the Commissioners [<sup>F59</sup>to deal with any endowment belonging to a charity within the meaning of [<sup>F60</sup>the Charities Act 1993] except with the consent of [<sup>F61</sup>the Charity Commission] . . . ]<sup>F62</sup>

**Textual Amendments**

**F57** Words in s. 31 substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 31(a)**; S.I. 2007/309, art. 2, Sch.

**F58** Words repealed by Education Act 1973 (c. 16, SIF 41:1), **Sch. 2 Pt. III**

**F59** Words substituted by Charities Act 1960 (c. 58, SIF 19), **Sch. 6**

**F60** Words in s. 31 substituted (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), **Sch. 6 para. 3(4)**

**F61** Words in s. 31 substituted (27.2.2007) by Charities Act 2006 (c. 50), s. 79(2), **Sch. 8 para. 31(b)**; S.I. 2007/309, art. 2, Sch.

**F62** Words repealed by Education Act 1973 (c. 16, SIF 41:1), **Sch. 2 Pt. III**

**32 Repeals.**

(1) ..... <sup>F63</sup>

- (a) nothing in this repeal so far as it relates to any of the provisions of the Church Building Acts 1818 to 1884 regulating ecclesiastical districts formed under those Acts, shall affect the continuance of those provisions for such time and in relation to such matters as are provided in section eight of this Measure;
- (b) Nothing in this repeal shall affect the validity of any existing agreement or assignment of any right of patronage nor the exercise of any right in pursuance thereof;
- (c) nothing in this repeal shall affect any existing right to charge or recover rents for sittings in any church or any scale fixing such rents.

(2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of [<sup>F64</sup>sections 16(1) and 17(2)(a) of the <sup>M6</sup>Interpretation Act 1978] with regard to the effect of repeals.

(3) “Existing” in this section means existing at the time of the passing of this Measure.

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*Status: Point in time view as at 27/02/2007.*

*Changes to legislation: There are currently no known outstanding effects for the New Parishes Measure 1943 (repealed). (See end of Document for details)*

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**Textual Amendments**

**F63** Words repealed by [Statute Law Revision Act 1950 \(c.6\)](#), [Sch. 3](#)

**F64** Words substituted by virtue of [Interpretation Act 1978 \(c.30, SIF 115:1\)](#), [s. 25\(2\)](#)

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**Marginal Citations**

**M6** [1978 c. 30](#).

**33 Extent.**

This Measure shall extend to the whole of the Provinces of Canterbury and York except the Channel Islands and the Isle of Man, but may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measure 1931 or either of them, in accordance with that Measure.<sup>M7</sup>

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**Marginal Citations**

**M7** [21 & 22 Geo. 5. No. 4](#).

**34 Short title.**

This Measure may be cited as the New Parishes Measure 1943.

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*Status: Point in time view as at 27/02/2007.*

*Changes to legislation: There are currently no known outstanding effects for the New Parishes Measure 1943 (repealed). (See end of Document for details)*

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F65F65 SCHEDULE

**Textual Amendments**

**F65** Schedule repealed by [Statute Law Revision Act 1950 \(c. 6\)](#), [Sch. 3](#)

.....  
F65

**Status:**

Point in time view as at 27/02/2007.

**Changes to legislation:**

There are currently no known outstanding effects for the New Parishes Measure 1943 (repealed).