



New Parishes Measure 1943 (repealed)

1943 No. 1 6 and 7 Geo 6

PART III

SUPPLEMENTAL

27^{F1}

Textual Amendments

F1 Ss. 26, 27, 30 repealed by [Pastoral Measure 1968 \(No. 1, SIF 21:4\)](#), [Sch. 9](#)

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, [^{F2}or parochial church council], the provisions of the ^{M1}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

F2 Words substituted by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(1), [Sch. 4 para. 9](#)

Marginal Citations

M1 1923 No. 2.

29 Interpretation.

(1) In this Measure unless the context otherwise requires—

Status: Point in time view as at 27/02/2007.

Changes to legislation: There are currently no known outstanding effects for the New Parishes Measure 1943 (repealed), Part III.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

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) F3

(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.

Textual Amendments
F3 S. 29(2) repealed by Patronage (Benefices) Measure 1986 (No. 3, SIF 21:4), s. 41(2), Sch. 5

30 F4

Textual Amendments
F4 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 [F5the Charity Commission] for England and Wales . . . F6, or enable the Commissioners [F7to deal with any endowment belonging to a charity within the meaning of [F8the Charities Act 1993] except with the consent of [F9the Charity Commission] . . .] F10

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Textual Amendments

- F5** 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.
- F6** Words repealed by [Education Act 1973 \(c. 16, SIF 41:1\)](#), **Sch. 2 Pt. III**
- F7** Words substituted by [Charities Act 1960 \(c. 58, SIF 19\)](#), **Sch. 6**
- F8** Words in s. 31 substituted (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), **Sch. 6 para. 3(4)**
- F9** 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.
- F10** Words repealed by [Education Act 1973 \(c. 16, SIF 41:1\)](#), **Sch. 2 Pt. III**

32 Repeals.

- (1) ^{F11}
- (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 [^{F12}sections 16(1) and 17(2)(a) of the ^{M2}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.

Textual Amendments

- F11** Words repealed by [Statute Law Revision Act 1950 \(c.6\)](#), **Sch. 3**
- F12** Words substituted by virtue of [Interpretation Act 1978 \(c.30, SIF 115:1\)](#), **s. 25(2)**

Marginal Citations

- M2** 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. ^{M3}

Marginal Citations

- M3** 21 & 22 Geo. 5. No. 4.

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34 Short title.

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

Status:

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Changes to legislation:

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