



Episcopal Church (Scotland) Act 1864

1864 CHAPTER 94

An Act to remove Disabilities affecting the Bishops and Clergy of the Protestant Episcopal Church in *Scotland*. [29th July 1864]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for granting Relief to Pastors, Ministers, and Lay Persons of the Episcopal Communion in Scotland* : And whereas by the Ninth Section of the said Act it is provided and declared that " no Person exercising the Function or assuming the Office and Character of a Pastor or Minister of any Order in the Episcopal Communion in *Scotland* as aforesaid shall be capable of taking any Benefice, Curacy, or other Spiritual Promotion within that Part of *Great Britain* called *England*, the Dominion of *Wales*, or the Town of *Berwick-upon-Tweed*, or of officiating in any Church or Chapel within the same, where the Liturgy of the Church of *England* as now by Law established is used, unless he shall have been lawfully ordained by some Bishop of the Church of *England* or of *Ireland* : " And whereas an Act was passed in the Third and Fourth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to make certain Provisions and Regulations in respect to the Exercise within England and Ireland of their Office by the Bishops and Clergy of the Protestant Episcopal Church in Scotland ; and also to extend such Provisions and Regulations to the Bishops and Clergy of the Protestant Episcopal Church in the United States of America ; and also to make further Regulations in respect to Bishops and Clergy other than those of the United Church of England and Ireland*, by which Act the Provisions in the said Ninth Section of the said first-recited Act were altered, extended, and amended : And whereas it is expedient that the Disabilities affecting the Bishops and Clergy of the said Protestant Episcopal Church in *Scotland* imposed by the said recited Acts should be removed, and for . that Purpose that the said recited Acts should be in part repealed : And whereas by an Act passed in the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to permit the Archbishops of Canterbury and York and the Bishop of London for the Time being to admit Persons into Holy Orders specially for the Colonies*, it is enacted that " no Person who shall have been admitted into Holy Orders by the Bishops of *Quebec*, *Nova Scotia*, or *Calcutta*, or, by, any other " Bishop or Archbishop than those of *England* or *Ireland*, shall " be capable of officiating in any Church or Chapel of *England* or " *Ireland*, without special Permission from the Archbishop of the Province in which he proposes to officiate, or of having, holding, " or enjoying, or of being admitted, to, any. Parsonage. or other " Ecclesiastical Preferment in *England* or *Ireland*, or of acting as Curate therein, without the Consent and Approbation of : the " Archbishop .of the Province and also of the Bishop .of the. Diocese in which any such Parsonage or Ecclesiastical Preferment or

Status: This is the original version (as it was originally enacted).

Curacy may be situated : " And whereas Doubts may arise after the passing of this Act whether the, Provisions of the said last-recited Act would apply to Persons admitted into Holy Orders by Bishops of the Protestant Episcopal Church in *Scotland*, and it is expedient that such Doubts should be removed :

Be it therefore enacted by the Queen's most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament, assembled, and by the Authority of the same, as follows :

1 Sec. 9. of 32 G. 3. c. 63. repealed.

The said Ninth Section of the said first-recited Act is hereby repealed.

2 Definition of "Protestant Episcopal Church in Scotland."

The Words " Protestant Episcopal Church in *Scotland* " shall, for the Purposes of this Act, mean the Episcopal Communion in *Scotland* as mentioned in the said first-recited Act.

3 3 & 4 Vict. c. 33. in part repealed.

The said second-recited Act, so far only as it relates to the Protestant Episcopal Church in *Scotland*, or the Bishops and Clergy thereof, is hereby repealed.

4 As to Application of Provisions of 59 G. 3. c. 60.

The Provisions and Enactments of the said last-recited Act shall not be or be held to be applicable to any Person admitted into Holy Orders by a Bishop of the Protestant Episcopal Church in *Scotland*.

5 Persons admitted into Holy Orders by Bishops in Scotland not to be admitted to Benefices, &c. in England or Ireland without Consent of Bishop of the Diocese.

No Person admitted into Holy Orders by any Bishop of the Protestant Episcopal Church in *Scotland* shall be entitled to be admitted or instituted to any Benefice or other Ecclesiastical Preferment in *England* or *Ireland*, without the Consent and Approbation of the Bishop of the Diocese in which such Benefice or other Ecclesiastical Preferment may be situated; and any such Bishop shall be entitled to refuse such Consent and Approbation without assigning Reason for such Refusal, any Law or Practice to the contrary notwithstanding; and every such Person seeking to be admitted or instituted to such Benefice or other Ecclesiastical Preferment, or to be licensed to any Curacy, shall, before being admitted, instituted, or licensed, make and subscribe before such Bishop every such Declaration and Subscription as he would by Law have been required to make and subscribe at his Ordination if he had been ordained by a Bishop of the United Church of *England* or *Ireland*: Provided always, that the Provisions of this Section shall not apply to any such Person who shall hold or shall have held any Benefice or Ecclesiastical Preferment in *England* or *Ireland*.

6 Penalty on such Persons officiating in certain Cases without Consent of Bishop.

Any Person admitted into Holy Orders by any Bishop of the Protestant Episcopal Church in *Scotland*, and who does not hold or who has not held any Benefice or Ecclesiastical Preferment in *England* or *Ireland*, who shall knowingly officiate on more than One Day within Three Months in any Church or Chapel in any Diocese in *England* or *Ireland*, without notifying the same to the Bishop of the Diocese in which such Church or Chapel is situate, or who shall officiate contrary to any Injunction of the Bishop of the Diocese under his Hand and Seal, shall for every such Offence forfeit and pay the Sum of Ten Pounds to the Governor of Queen *Anne's* Bounty, to be recovered by Action of Debt, brought in the Name of the Treasurer of the said Bounty, in any of Her Majesty's Courts of Record at *Westminster*, or in the Court of Session in *Scotland* at the Suit of the Public Prosecutor, or in *Ireland* in any Court of Common Law in the Name of the Ecclesiastical Commissioners.