



Parochial Registers and Records Measure 1978

1978 No. 2

Miscellaneous

19 Disposal of register books and records on dissolution of parish, etc.

- (1) Where a parish is dissolved by a pastoral scheme, whether in consequence of a union of parishes or otherwise, then, subject to the provisions of that scheme, the register books belonging to that parish and any records in parochial custody therein shall be dealt with in such manner as the bishop of the diocese concerned may direct.
- (2) ^{F1}... Where a church within the meaning of the ^{M1}Pastoral Measure 1968 ceases to be used as such, whether by reason of a declaration of redundancy, demolition or otherwise, then, unless the bishop of the diocese in which that church is otherwise directs or any pastoral scheme otherwise provides, the register books and records kept in or relating to that church shall be deposited in the diocesan record office for the diocese or part thereof in which the church is situated.
- (3) Subsections (1) and (2) above are without prejudice to the power of the bishop of the diocese referred to therein to make an order under section 12 of this Measure with respect to such books or records, and section 13 thereof, with the omission of subsection (3), shall apply in relation to any such books or records which in compliance with the direction of the bishop have been deposited in a place which is not a diocesan record office.
- (4) ^{F2}

Textual Amendments

- F1** Words in s. 19(2) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 57\(2\)](#) (with Sch. 2)
- F2** S. 19(4) repealed by [Pastoral Measure 1983 \(No. 1, SIF 21:4\)](#), s. 93, [Sch. 9](#)

Changes to legislation: There are currently no known outstanding effects for the Parochial Registers and Records Measure 1978, Cross Heading: Miscellaneous. (See end of Document for details)

Marginal Citations

M1 1968 No. 1.

20 Searches of certain register books.

- (1) Every person having the custody of any register book of baptisms or burials, being an incumbent, priest in charge or churchwarden, shall at all reasonable hours allow searches to be made in that book on payment of such fee, if any, as may be prescribed by any order for the time being in force made under the ^{M2}Ecclesiastical Fees Measure 1962 and shall, if requested to do so, give a copy certified under his hand of any entry in that book on payment of such fee, if any, as may be so prescribed.
- (2) Where any register books of baptisms or burials are deposited in a diocesan record office—
 - (a) the chief officer of that office shall at all reasonable hours allow searches to be made in any such book and shall, if requested to do so, give a copy certified under his hand of any entry therein; and
 - [^{F3}(b) the authority under whose control that office is, not being a local authority, may charge such fees, if any, for allowing a search to be made in any such book or for providing a copy of an entry therein as is payable to an [^{F4}diocesan board of finance] for the same service by virtue of any order for the time being in force made under the Ecclesiastical Fees Measure 1962.]
- (3) Where any register books of marriages are deposited in a diocesan record office, section 63 of the ^{M3}Marriage Act 1949 (searches in marriage register books) shall have effect as if for references therein to an incumbent [^{F5}and to the parochial church council of the parish] there were substituted references to the chief officer of that office.
- [^{F6}(3A) Where a search is made under subsection (1) or (2) above or, in the case of a register book of marriages wherein the first entry was made before 1st July 1837, under the said section 63 the person having the custody of the register book or the chief officer may require the search to be made in an authenticated photographic copy of the register book; and for the purposes of this subsection a copy shall be regarded as authenticated if it bears a certificate signed by the person who had the custody of the register book or the person who was the chief officer, as the case may be, at the time the certificate was issued to the effect that it is a true copy of the register book.
- (3B) Where a search is required under subsection (3A) above to be made in an authenticated photographic copy of a register book, the person making the search may request the person having custody of the register book (the “custodian”) or chief officer to allow the search to be made in the register book on the grounds that the copy is not accurate or that the quality of reproduction of the copy is not adequate for the purpose of the search; and thereupon the custodian or chief officer, if satisfied that the grounds for the request are reasonable or if directed to do so by the archdeacon under subsection (3C) below, shall allow the search to be made in the register book, but only under the supervision of the custodian or chief officer or other person designated by the custodian or chief officer for the purposes of this subsection.
- (3C) Where a search is required under subsection (3A) above to be made in an authenticated photographic copy of a register book and a request made under subsection (3B) above is refused, the person making the search may refer the matter to the archdeacon of the archdeaconry in which the parish to which the register book belongs is situated; and thereupon the archdeacon, if satisfied that the grounds for the request are reasonable,

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may direct the custodian or chief officer to allow the search to be made in the register book.]

(4) No part of any fee paid to the chief officer of a diocesan record office by virtue of this section shall be payable by him to any person who would have had the custody of any register book had it not been deposited in that office.

[^{F7}(5) Nothing in subsections (2) and (3) above shall be taken as affecting the powers of local authorities under section 1 of the Local Government (Records) Act 1962 (power to promote adequate use of records).]

[^{F8}(6) This section shall so far as applicable and with the necessary modifications, apply in relation to the custody or deposit of register books of baptisms, burials or marriages provided for any cathedral or collegiate church or any other church or chapel which does not belong to a parish.]

Textual Amendments

- F3** Words substituted by [Church of England \(Miscellaneous Provisions\) Measure 1978 \(No. 3, SIF 21:8\), s. 6](#)
- F4** Words in s. 20(2)(b) substituted (1.7.2011) by [Ecclesiastical Fees \(Amendment\) Measure 2011 \(No. 2\), s. 6\(2\), Sch. 2 para. 4\(a\)](#); 2011 No. 1, art. 2
- F5** Words in s. 20(3) inserted (1.7.2011) by [Ecclesiastical Fees \(Amendment\) Measure 2011 \(No. 2\), s. 6\(2\), Sch. 2 para. 4\(b\)](#); 2011 No. 1, art. 2
- F6** S. 20(3A)-(3C) inserted (1.1.1993) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\), s. 4\(1\), Sch. 1 para. 9](#); Instrument dated 7.9.1992 made by the Archbishops of Canterbury and York.
- F7** S. 20(5) substituted (1.7.2011) by [Ecclesiastical Fees \(Amendment\) Measure 2011 \(No. 2\), s. 6\(2\), Sch. 2 para. 4\(c\)](#); 2011 No. 1, art. 2
- F8** S. 20(6) inserted (1.9.1995) by [1995 No. 2, s.10](#); Instrument dated 26.7.1995 made by Archbishops of Canterbury and York

Marginal Citations

- M2** 1962 No. 1.
- M3** 1949 c. 76.

21 Recovery of register books in possession of unauthorised persons.

- (1) Where any register books which were originally in parochial custody in a diocese are in the possession of any other person who has no title to or right to the possession of them, the bishop of the diocese in which the parish in question is situated may apply to the county court for the district in which those books are for an order that that person do deliver those books to him, and the court if satisfied that that person has no title to or right to the possession of them may order him to deliver them to the bishop.
- (2) Register books delivered to a bishop in accordance with an order of the court under subsection (1) above may, as he thinks fit, be placed by him in the custody of the person who would have had the custody of them had they remained in parochial custody or be deposited by him in the diocesan record office for his diocese.
- (3) For the removal of doubt it is hereby declared that subject to the provisions of this Measure and of the ^{M4}Marriage Act 1949 the title to or right to the possession of

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register books in the custody of any person by virtue of this Measure is incapable of assignment whether for value or otherwise.

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Marginal Citations

M4 1949 c. 76.

F9 **22** Special provisions as to marriage registers.

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Textual Amendments

F9 S. 22 omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 57\(3\)](#) (with [Sch. 2](#))

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