



Parochial Registers and Records Measure 1978

1978 No. 2

Preservation and care of register books and records in parochial custody

[^{F19} **Inspection of register books and records in parochial custody.**

- (1) Every archdeacon shall cause the register books and records in parochial custody in his archdeaconry, including register books in use for the purpose of making entries therein, to be inspected and reported on periodically by such person or persons as he may appoint.
- (2) Before making an appointment under subsection (1) above the archdeacon shall consult the chief officer of the diocesan record office or, where the diocese has more than one such office, the chief officer of the appropriate office.
- (3) The archdeacon shall cause every inspection under this section affecting a particular parish to be begun not more than five years after the date on which the immediately preceding inspection affecting that parish was completed.
- (4) A report under this section shall be made to the archdeacon or to such person as he may designate for the purpose.
- (5) Any person carrying out an inspection under this section shall compile a list of the register books, and a list describing the records, which have been inspected by him under this section.
- (6) In the case of any inspection affecting a particular parish under this section any person carrying out the inspection may comply with subsection (5) above by certifying in writing that any such list previously compiled on an inspection affecting that parish, with such additions or omissions, if any, as are specified in the certificate is a list of the register books or a list describing the records, as the case may be, which have been inspected by him under this section.
- (7) The person in whose custody such books or records are shall allow any person carrying out an inspection under this section to have access to those books and records at any

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reasonable time and shall give him such facilities as he may reasonably require to enable him to carry out his functions under this section.

- (8) Any person carrying out an inspection under this section shall send a copy of any list or certificate compiled or issued by him thereunder to—
- (a) the archdeacon,
 - (b) the chief officer of the diocesan record office or, where the diocese has more than one such office, the chief officer of the appropriate office,
 - (c) the minister concerned, and
 - (d) the parochial church council of the parish affected,

with, in the case of the copy sent to such council, an instruction that it be inserted in or annexed to the inventory of articles appertaining to the parish church and the date or dates on which the inspection was carried out be inserted in the log book relating to the church.

In this subsection “minister” means an incumbent or priest in charge.

- (9) Any expenses incurred by a person carrying out an inspection under this section in complying with the provisions thereof shall be paid by the parochial church council of the parish affected.]

Textual Amendments

- F1** S. 9 substituted (1.1.1993) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 4(1), **Sch. 1 para.5**; Instrument dated 7.9.1992 made by the Archbishops of Canterbury and York.

Modifications etc. (not altering text)

- C1** S. 9(3) modified (1.1.1993) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 4(2); Instrument dated 7.9.1992 made by the Archbishops of Canterbury and York.

[^{F2}9A Closure of old register books.

- (1) Any register book to which this section for the time being applies shall be closed and no further entries shall be made therein.
- (2) This section applies to any register book wherein the earliest entry has (at any time, whether at the coming into force of this section or subsequently) been in existence for one hundred and fifty years or more, other than a register book of marriages wherein the earliest entry was made on or after 1st July 1837.]

Textual Amendments

- F2** S. 9A inserted (1.1.1993) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 4(1), **Sch. 1 para.6**; Instrument dated 7.9.1992 made by the Archbishops of Canterbury and York.

10 Deposit of register books, etc. in diocesan record office.

- (1) Subject to section 11(3) of this Measure, every person—
 - (a) who by virtue of section 6 of this Measure has the custody of any register book belonging to a parish in a diocese, being a register book to which this subsection applies, or

- (b) who has the custody of any record in parochial custody in such a parish, being a record to which this subsection applies,
- shall as soon as practicable after the first and each subsequent inspection under section 9 of this Measure affecting that parish is begun deposit that book or record in the diocesan record office or, where the diocese has more than one such office, in such of those offices as the bishop of the diocese may specify.
- (2) Subsection (1) above applies to—
- (a) any register book wherein the date of the latest entry is one hundred years or more earlier than the relevant date, other than a book in use for the purpose of making entries therein, and
- [^{F3}(aa) any register book to which section 9A of this Measure applies, and]
- (b) any record which was completed one hundred years or more before the relevant date.
- In this subsection “relevant date” means the date on which each of the inspections referred to in subsection (1) above is begun.
- (3) Without prejudice to subsection (1) above, any person—
- (a) who by virtue of section 6 of this Measure has the custody of any register books belonging to a parish in a diocese, or
- (b) who has the custody of any records in parochial custody in such a parish, may, with the consent of the parochial church council of the parish, deposit any of those books or records, except a register book in use for the purpose of making entries therein, in the diocesan record office for the diocese or, where the diocese has more than one such office, in such of those offices as the bishop of the diocese may specify.
- (4) Any deposit under this section shall be accompanied by—
- (a) a list of the register books, and a list describing the records, which are being deposited; and
- (b) a list of the register books, and a list describing the records, which are being retained in parochial custody, other than register books in use for the purpose of making entries therein.
- (5) Each of the lists referred to in subsection (4)(b) above shall specify the usual place of custody of the books or records to which the list relates.
- (6) A copy of each of the lists referred to in subsection (4) above shall be sent to the bishop of the diocese concerned or to such person as he may designate for the purpose.
- (7) Any person who under this section deposits any register books or records in a diocesan record office shall obtain from the chief officer of that office a receipt for the books or records deposited, and that receipt shall be [^{F4}inserted in or annexed to the inventory of articles appertaining to the parish church concerned.]

Textual Amendments

- F3** S. 10(2)(aa) inserted (1.1.1993) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 4(1), **Sch. 1 para. 7(a)**; Instrument dated 7.9.1992 made by the Archbishops of Canterbury and York.
- F4** Words in s. 10(7) substituted (1.1.1993) by Church of England (Miscellaneous Provisions) Measure 1992 (No. 1), s. 4(1), **Sch. 1 para. 7(b)**; Instrument dated 7.9.1992 made by the Archbishops of Canterbury and York.

Changes to legislation: There are currently no known outstanding effects for the Parochial Registers and Records Measure 1978, Cross Heading: Preservation and care of register books and records in parochial custody. (See end of Document for details)

Modifications etc. (not altering text)

- C2** S. 10(1) applied (1.3.1993) by [Care of Churches and Ecclesiastical Jurisdiction Measure 1991 \(No. 2, SIF 21:8\)](#), **ss. 21(7)**, (with s. 31(6)); [Archbishops' Instrument dated 16.2.1993](#).

11 Care, etc. of register books and records in parochial custody.

- (1) Every person having the custody of any register books or records in parochial custody shall be responsible for their safe-keeping, care and preservation.
- (2) The provisions contained in Schedule 2 to this Measure shall apply to any register book or record which is retained in parochial custody under an authorisation issued under subsection (3) below.
- (3) Where the bishop of a diocese issues an authorisation in writing to that effect, any register book or record which is required by section 10(1) of this Measure to be deposited in a diocesan record office for the diocese and is specified in the authorisation may be retained in parochial custody.
- (4) An application for an authorisation under subsection (3) above shall be made in writing by the person or persons having the custody of the book or record in question, and the bishop shall issue the authorisation if he is satisfied that the provisions of the said Schedule 2 are being and will be complied with as respects that book or record.
- (5) If it appears to the bishop of a diocese that any such provisions are not being complied with as respects any book or record to which an authorisation issued by him or a predecessor in office of his under subsection (3) above relates, he shall revoke the authorisation.
- (6) The bishop of a diocese shall from time to time issue directions with respect to the safe-keeping, care and preservation of the other register books and records in parochial custody in his diocese; and all persons concerned shall comply with such directions.
- (7) Subject to subsection (8) below, directions under subsection (6) above shall require the register books and records to which the directions apply to be kept in the appropriate parish church or other place of public worship and shall include directions with respect to the type of container in which those books and records are to be kept.
- (8) The bishop may if he thinks it necessary to do so issue further or different directions under subsection (6) above to a particular incumbent, priest in charge or parochial church council or to particular churchwardens or with respect to particular registers or records in parochial custody.
- (9) The expense of complying with directions issued under this section and with the provisions of the said Schedule 2 (if applicable) shall be met by the parochial church council concerned.

12 Order for deposit of register books, etc. in diocesan record office.

- (1) If it appears to the bishop of a diocese—
 - (a) that section 10(1) of the Measure has not been complied with as respects any register book or record in parochial custody in the diocese to which that subsection applies, or

- (b) that the provisions of Schedule 2 to this Measure have not been complied with as respects any such book or record to which those provisions apply by virtue of section 11(2) of this Measure, or
- (c) that directions issued by him under the said section 11 with respect to register books and records in parochial custody in the diocese have not been complied with, or
- (d) that any such books or records are for any other reason exposed to danger of loss or damage,

he shall notify the persons who have the custody of that book or record or those books or records, as the case may be, and the parochial church council concerned of the facts as they appear to the bishop and inform them that he will consider any written representations made to him by any of them before a date specified in the notice, being a date not less than twenty-eight days after service of the notice.

- (2) Where any such matters as are mentioned in subsection (1) above have become known to the bishop in consequence of a report under section 9 of this Measure, the notice under that subsection shall be accompanied by a copy of the report.
- (3) If after considering any representations duly made to him under subsection (1) above the bishop is of opinion that the matter is urgent and the circumstances are such that delay must be avoided, then, subject to subsection (6) below, he may order that such of those books or records as are specified in the order shall be deposited in the diocesan record office within the period of seven days beginning with the date of service of the order.
- (4) If after considering any such representations the bishop is of opinion that action by him under subsection (3) above is unnecessary but that he should proceed under this subsection, he shall serve a further notice on the persons referred to in subsection (1) above informing them that he will make an order under subsection (5) below unless within such period as may be specified in the notice they satisfy him—
 - (a) that section 10(1) of this Measure has been complied with as respects any register book or record in their custody to which that subsection applies, or
 - (b) that the provisions of Schedule 2 to this Measure, so far as applicable, and the directions issued by him under section 11 thereof are being and will be complied with, or
 - (c) that adequate steps have been taken to remove the danger of loss of, or damage to, the register books or records in their custody,as the circumstances of the case require.
- (5) If at the expiration of the period specified in a notice served by him under subsection (4) above the bishop is not satisfied as to the matters so specified then, subject to subsection (6) below, he shall order that such of the register books or records in parochial custody as are specified in the order shall be deposited in the diocesan record office within the period of seven days beginning with the date of service of the order.
- (6) No order shall be made under this section in relation to register books which are in use for the purpose of making entries therein.
- (7) An order under this section shall be directed to, and served on, the person or persons having the custody of the register books or records specified in the order.

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- (8) Where a diocese has more than one diocesan record office, an order under this section shall specify the office in which any register books or records are to be deposited in accordance with the order.
- (9) If any person on whom an order made by the bishop of a diocese under this section is served refuses or fails to comply with the order, the bishop of that diocese may apply to the county court for the district in which the register books or records to which the order relates are for an order that that person do deliver those books or records to the diocesan record office specified in the first-mentioned order, and the court, if satisfied that that order was made in accordance with the provisions of this section, may make an order accordingly.

[^{F5}12A Faculty not required for deposit of register books, etc. in diocesan record office.

A book or record may be deposited in the diocesan record office in pursuance of this Measure without a faculty.]

Textual Amendments

- F5** S. 12A inserted (1.1.1993) by [Church of England \(Miscellaneous Provisions\) Measure 1992 \(No. 1\)](#), s. 4(1), [Sch. 1 para.8](#); Instrument dated 7.9.1992 made by the [Archbishops of Canterbury and York](#).

13 Return to parochial custody of register books, etc. deposited in diocesan record office.

- (1) Where any register books or records have been deposited in the diocesan record office for a diocese or any part thereof in pursuance of this Measure, then, subject to subsection (2) below, if an application in that behalf is made to the bishop of the diocese by any person who would have been entitled to have the custody of them had they not been so deposited, the bishop shall order that those books or records or such of them as may be specified in the order shall be returned to and placed in the custody of that person.
- (2) A bishop shall not make an order under this section unless he is satisfied—
 - (a) in the case of a register book or record the retention of which in parochial custody requires his authorisation under section 11(3) of this Measure, that the provisions of Schedule 2 to this Measure, and
 - (b) in the case of any other such book or record, that the directions issued by him under that section,
 will be complied with by the applicant for the order.
- (3) At least one month before making an order under this section the bishop shall give to the chief officer of the diocesan record office in which the register books or records in question were deposited written notice of his intention, containing particulars of such books or records and stating the name and address of the person into whose custody they are to be returned.
- (4) The making of an order under this section with respect to any books or records shall not be taken as preventing the subsequent deposit of those books or records in a diocesan record office under section 10 of this Measure or as affecting the power to make an order under section 12 thereof with respect to them.

Changes to legislation:

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