

City of London (Guild Churches) Act, 1952

15 & 16 GEO. 6 & 1 ELIZ. 2 Ch. xxxviii

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CHAPTER xxxviii

An Act to enable the Bishop of London to designate and establish certain churches in the city of London as guild churches to serve the non-resident population of the city to associate the church of St. Lawrence Jewry in the precincts of Guildhall upon its becoming a guild church with the mayor and commonalty and citizens of the city of London to enable the Bishop of London to associate certain churches with the civic life of the city wards to enable reorganisation schemes relating to the city to make further provisions as to the patronage of benefices and churches therein and for other purposes.
[1st August 1952.]

WHEREAS it is expedient that the Bishop of London should be empowered to designate and establish certain churches in the city of London as guild churches and that such churches should be available for worship ministrations and religious instruction to the non-resident population of the city:

And whereas it is expedient that each such church should be in the charge of a clerk in holy orders who in addition to his fitness to minister to the non-resident population of the city should also possess special qualifications in scholarship preaching pastoral work or administration or other particular qualifications which render him suitable to offer specialised ministrations or services under lawful authority elsewhere:

And whereas it is expedient that the administration of the affairs of each church so designated and established should be discharged as nearly as possible as that of a parish church but that the minister thereof should have no territorial jurisdiction and be free from any parochial responsibility and from the jurisdiction of the incumbent of the parish:

And whereas it is expedient that the church of St. Lawrence Jewry which is situate in the precincts of Guildhall should upon becoming a guild church be particularly associated with the mayor and commonalty and citizens of the city of London:

And whereas it is expedient that the Bishop of London should be empowered to associate certain churches in the city with the civic life of the wards of the city in or near which they are situate:

And whereas it is expedient that reorganisation schemes made under the Reorganisation Areas Measures 1944 and 1949 relating to the city should contain certain provisions as to the patronage of certain benefices and churches in the city:

And whereas the respective patrons of the benefices and churches affected by the last-mentioned provisions have consented to such provisions being made by such schemes:

And whereas it is expedient that the several provisions contained in this Act should be enacted:

And whereas the objects of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it 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:—

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the City of London (Guild Churches) Act 1952.

Division of Act into Parts.

2. This Act is divided into Parts as follows (that is to say):—

Part I.—Preliminary.

Part II.—Guild churches.

Part III.—Special provisions applicable to certain guild churches.

Part IV.—Miscellaneous.

Interpretation.

3.—(1) In this Act unless the subject or context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

“the archbishop” means the Archbishop of Canterbury for the time being;

“the archdeacon” means the Archdeacon of London for the time being;

- “ the archdeaconry ” means the Archdeaconry of London ;
- “ the bishop ” means the Bishop of London for the time being and during a vacancy in the see of London includes the guardian of the spiritualities thereof ;
- “ the city ” means the city of London ;
- “ the city corporation ” means the mayor and commonalty and citizens of the city of London ;
- “ the Dean and Chapter of St. Paul’s ” means the Venerable the Dean and Chapter of the Cathedral Church of St. Paul in London ;
- “ the diocesan reorganisation fund ” means the diocesan reorganisation fund opened and held for the diocese of London pursuant to the provisions of subsection (2) of section 33 of the Reorganisation Areas Measure 1944 ;
- “ the diocesan stipends fund ” means the diocesan stipends fund opened and held for the diocese of London pursuant to the provisions of subsection (1) of section 30 of the Reorganisation Areas Measure 1944 ;
- “ the diocese ” means the diocese of London and “ diocesan ” is to be construed accordingly ;
- “ guild church ” means a church designated and established as such under the provisions of section 4 (Bishop’s power to designate and establish churches as guild churches) of this Act ;
- “ lay communicant ” means an actual lay communicant member of the Church of England ;
- “ lay representatives ” has the meaning assigned to that expression in subsection (2) of section 6 (Constitution of guild church) of this Act ;
- “ reorganisation scheme ” means a reorganisation scheme made under the Reorganisation Areas Measures 1944 and 1949 but does not include a supplementary reorganisation scheme made under section 9 of the Reorganisation Areas Measure 1944 ;
- “ the rural deanery ” in relation to a guild church means the rural deanery in which the guild church is situate and “ ruri-decanal ” is to be construed accordingly ;
- “ the scheduled churches ” means the churches specified in the First Schedule to this Act ;
- “ supplementary reorganisation scheme ” means a supplementary reorganisation scheme made under section 9 of the Reorganisation Areas Measure 1944.

PART I
—cont.

(2) The Interpretation Measure 1925 shall apply to this Act in like manner as it applies to a Measure passed by the Church Assembly.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

GUILD CHURCHES

Bishop's power to designate and establish churches as guild churches.

4.—(1) The bishop may in the case of any one or more of the scheduled churches give a certificate under his hand and episcopal seal designating and establishing the church or each of the churches therein named as a guild church:

Provided that no such certificate shall be given in the case of any of the scheduled churches which at the time of the passing of this Act is a parish church unless and until that church shall under a reorganisation scheme have ceased to be a parish church.

(2) The bishop shall send every certificate given under this section to the registrar of the diocese and the registrar shall forthwith register the same in the diocesan registry and shall publish in the London Gazette a notice stating that such certificate has been given and naming the church or each of the churches (as the case may be) affected thereby.

(3) So soon as such a notice as aforesaid shall have been so published in the case of any church the subsequent provisions of this Part of this Act and in the respective cases therein mentioned the provisions of Part III of this Act shall apply to that church and that church shall save as otherwise expressly provided by this Act be discharged from all existing trusts and uses affecting the same.

(4) In the case of every certificate given under this section a fee of five guineas shall be payable out of the diocesan reorganisation fund to the registrar of the diocese.

Status of guild church.

5.—(1) The primary purpose of a guild church and the primary duty of the minister officiating therein shall be to serve and minister to the non-resident day-time population of the city.

(2) A guild church and its churchyard shall be free from the jurisdiction and control of the incumbent the churchwardens and the parochial church council of the parish in which it is situate but shall continue to be in and belong to the diocese the archdeaconry and the rural deanery.

(3) Upon a church becoming a guild church the freehold thereof and its churchyard shall (except in the case of the church of St. Lawrence Jewry) by virtue of this Act become vested in the bishop.

PART II
—cont.

6.—(1) In the case of every guild church there shall be—

Constitution
of guild
church.

- (a) a patron or patrons ;
- (b) a minister to officiate therein who shall for the purpose of style and designation but not for any other purpose be deemed and styled the vicar thereof ;
- (c) (if required) a stipendiary curate or stipendiary curates ;
- (d) churchwardens ;
- (e) (if required) sidesmen ;
- (f) a guild church council ;
- (g) a church electoral roll ; and
- (h) a guild church clerk.

(2) In the case of every guild church such of the laity as have their names entered on the church electoral roll thereof shall be entitled to meet in guild church meetings and to be represented in the guild church council by representatives of either sex (hereafter in this Act referred to as "lay representatives") who are lay communicants of twenty-one years of age and upwards.

(3) No person shall be qualified to be elected as a lay representative in the guild church council unless he is qualified to vote at the election at which he is elected and has previously consented to serve as a lay representative in that body but no person shall be disqualified from being so elected by the fact that he is also a member ex officio or otherwise of that body.

(4) No lay representative shall vacate his seat upon the guild church council by reason of the fact that subsequently to his election he has become a member of that body ex officio.

7.—(1) In the case of any of the scheduled churches which becomes a guild church the patron or patrons thereof shall be the person or persons whose name or names is or are set opposite to the name of the guild church in the last column of the First Schedule to this Act and where the name of more than one person is set opposite to the name of a church those persons shall exercise their rights of patronage in accordance with such series of turns as is indicated in that column the first turn being that first exercisable after the church shall have become a guild church.

Patrons.

(2) In any case where the bishop or the archbishop is the patron of a guild church and the guild church is vacant at any time when the see is vacant the right of patronage in respect thereof shall for that turn be exercisable by Her Majesty.

PART II

—cont.

Right of
patronage and
licensing of
vicar.

8.—(1) Subject to the provisions of this Act the patron of a guild church shall have a right of patronage in respect thereof similar in all respects to the right of patronage enjoyed by the patron of a perpetual curacy.

(2) In any case where the bishop is the patron of a guild church his right of patronage in respect thereof shall be exercisable by the issue of a licence to a duly qualified person to be the vicar thereof in like manner (subject to the provisions of this Act) as a spiritual person may by law be licensed by a bishop to a perpetual curacy.

(3) In any case where the bishop is not the patron of a guild church the patron's right of patronage thereof shall be exercisable by the patron nominating to the bishop a duly qualified person and the bishop if satisfied that such person is fit and proper to be licensed to a perpetual curacy shall issue a licence to that person to be the vicar of the guild church in like manner (subject to the provisions of this Act) as a spiritual person may by law be licensed by a bishop to a perpetual curacy.

(4) Every person about to be licensed to a guild church shall before licence is granted take the oath of canonical obedience to the bishop make and subscribe the declaration of assent set forth in section 1 of the Clerical Subscription Act 1865 and the declaration against simony required by that Act of a person about to be instituted to a benefice (with such variations in such last-mentioned declaration as the bishop shall consider necessary to adapt the same to the case of a guild church) and take the oath of allegiance and supremacy in the presence of the bishop or his commissary.

(5) Notwithstanding anything in section 7 of the Clerical Subscription Act 1865 (which requires a person licensed to a perpetual curacy to read the Thirty Nine Articles of Religion and to make the said declaration of assent on a Sunday and in the presence of the congregation) a person licensed to a guild church shall be deemed to comply with the provisions of the said section if he reads the said articles of religion and makes the said declaration in the presence of the congregation on such week-day as the bishop may approve.

(6) Where the bishop refuses to issue to a person nominated to him by the patron of a guild church a licence to be the vicar of that guild church the patron and the person so nominated shall have the same right of appeal against such refusal as a patron presenting a presentee to a benefice and a presentee have under section 3 of the Benefices Act 1898 against a refusal by a bishop to institute or admit such presentee and the said section 3 of the Benefices Act 1898 shall mutatis mutandis apply and have effect accordingly.

If the bishop refuses on grounds of doctrine or ritual to issue a licence to a person so nominated to him the patron and the person so nominated shall have the same remedies as the patron of a benefice and a person nominated to a benefice would have at common law if the bishop refused on such grounds to institute or admit a person nominated to a benefice.

9.—(1) A vacancy in a guild church shall be notified by the bishop to the patron (unless the bishop himself is the patron) the guild church council (if such a council has been formed) and the incumbent (if any) of the parish in which the guild church is situate. Exercise of rights of patronage.

(2) For the purposes of this Act a vacancy shall be deemed to have occurred in a guild church on the day on which it becomes a guild church.

(3) When a vacancy in a guild church has been notified to the guild church council and the incumbent of the parish or either of them the guild church council and the incumbent or either of them may within one month of the notification of a vacancy make representations in writing to the patron as to the conditions needs and traditions of the guild church but without mentioning the name of a particular clerk and a copy of any representations so made shall within the like period be sent to the bishop unless the bishop is himself the patron.

(4) In exercising his right of patronage the patron shall have regard to the primary purpose of the guild church to any representations so made as aforesaid and to the special qualifications of the person chosen in scholarship preaching pastoral work or administration or other particular qualifications which render him suitable to offer specialised ministrations or services under lawful authority elsewhere.

(5) For the purposes of this section the expression “patron” in relation to a vacancy in a guild church means the person entitled to nominate thereto on that vacancy.

(6) The Benefices (Exercise of Rights of Presentation) Measure 1931 shall not apply to any exercise of a right of presentation in respect of a guild church.

10.—(1) The right of patronage of a guild church shall be liable to lapse in like manner as a right of patronage of a benefice is by law liable to lapse but so that in reckoning the date for lapse no account shall be taken of the period between the occurrence of a vacancy in a guild church and the notification thereof under subsection (1) of section 9 (Exercise of rights of patronage) of this Act. Lapse.

PART II
—cont.

(2) If there shall be a vacancy in a see at a time when a vacancy shall occur in a guild church any right of patronage of a guild church which would by lapse be exercisable by the holder of the see if it were full shall for that turn be exercisable by Her Majesty.

Rights of
patronage
incapable of
transfer.

11. The right of patronage in respect of a guild church shall be incapable of transfer.

Vicars.

12.—(1) The vicar of a guild church shall be in priest's orders at the least.

(2) The vicar of a guild church shall have a cure of souls in relation to the persons whose names are entered on the church electoral roll of the guild church and subject to the provisions of this Act shall in relation to the guild church and its churchyard possess all the rights and privileges and discharge all the duties possessed and discharged by the incumbent of a parish in relation to the church and churchyard of the parish of which he is the incumbent.

(3) The vicar of a guild church shall be free from the jurisdiction and control of the incumbent of the parish in which the guild church is situate but shall be subject to the jurisdiction of the bishop and the archdeacon.

(4) Subject to such last-mentioned jurisdiction the vicar shall have the control of all services to be held in a guild church but shall not be under any obligation to hold any public service on a Sunday.

(5) The vicar may undertake such additional duties elsewhere as the bishop may from time to time approve but shall not without the previous consent of the bishop given after consultation with the patron or patrons hold any benefice or any other office of profit nor shall the vicar in the case of duties outside the diocese undertake the same without such licence or permission from the ordinary of the place as may be required by law.

(6) The vicar of a guild church shall in the first instance be entitled to hold office for a period of five years. Thereafter the bishop at his discretion (where he is himself the patron) and at the request in writing of the patron (where the bishop is not himself the patron) may extend the period of the vicar's office for further periods not exceeding in the case of any one period three years.

(7) The vicar shall with the consent of the bishop be entitled to resign his office at any time.

(8) The vicar shall as from the date on which he is licensed as vicar (but not from any earlier date) be entitled during the period of his office to be paid out of the diocesan stipends fund a stipend

at the rate of seven hundred and fifty pounds per annum together with an allowance in lieu of a house at the rate of two hundred and fifty pounds per annum :

PART II
—cont.

Provided that—

- (a) such stipend may be increased to such sum as the bishop may from time to time with the concurrence of the diocesan board of finance direct ;
- (b) in the event of the vicar undertaking any additional duties or holding any benefice or other office of profit such stipend may in any year be reduced by such sum (not exceeding the aggregate of the emoluments as estimated by the bishop received during that year by the vicar in respect of such additional duties or benefice or other office of profit) as the bishop may in his discretion determine ;
- (c) in the case of the vicar of St. Benet Paul's Wharf such stipend shall be reduced by the amount of any emoluments paid to him pursuant to section 12 of the Welsh Cathedrals Act 1843 in respect of his ministrations in the Welsh language ;
- (d) in the event of the vicar being provided with living accommodation either in respect of the guild church of which he is the vicar or in respect of his undertaking any additional duties or holding any benefice or other office of profit such allowance in lieu of a house may in any year be reduced by such sum (not exceeding the value of the benefit as estimated by the bishop derived during that year by the vicar in respect of such living accommodation) as the bishop may in his discretion determine.

(9) During the period of his office the vicar shall be subject to ecclesiastical discipline and to the provisions of every enactment for the time being in force relating to the discipline of the clergy in like manner as the incumbent of a benefice is subject thereto and shall be removable from his office for the like reasons and in the same manner as an incumbent of a benefice is removable.

(10) Without prejudice to the generality of the provisions of the last foregoing subsection the provisions of the Incumbents (Disability) Measure 1945 and of the Incumbents (Discipline) Measure 1947 shall apply to the vicar of a guild church in like manner as they apply to the incumbent of a benefice and so that in such application references in those Measures to an incumbent shall be construed as references to a vicar references therein to a benefice or parish shall be construed as references to a guild church and references therein to the income or profits of a

15.—(1) The persons entitled to have their names entered on the church electoral roll of a guild church shall be lay members of the Church of England of either sex of such age as may be laid down from time to time in the Rules for the Representation of the Laity for church electoral rolls who— Electoral rolls.

(a) are baptised and declare that they are members of the Church of England and that they do not belong to any religious body which is not in communion with the Church of England ; and

(b) make application in writing for enrolment to the vicar or where there is no vicar to the archdeacon.

(2) Notwithstanding anything contained in subsection (1) of this section no person shall be entitled to have his name entered—

(i) on the roll of a guild church without the consent of the vicar of the guild church :

Provided that any person aggrieved by any refusal of consent by the vicar or the archdeacon shall have a right of appeal against such refusal to the lay electoral commission constituted in the diocese under rule 18 of the Rules for the Representation of the Laity whose decision shall be final ;

(ii) on the roll of more than one guild church ;

(iii) on the roll of any guild church so long as his name is entered upon the church electoral roll of a parish in the city.

16.—(1) In the case of every guild church there shall be held annually not later in the year than in Easter week or in the following week the annual guild church meeting of all persons whose names are entered upon the roll of the guild church. Guild church meetings.

(2) It shall be a part of the business of the annual meeting to elect lay representatives to the guild church council.

17.—(1) Subject to the provisions of this Act the guild church council shall consist of— Guild church councils.

(a) the vicar of the guild church ;

(b) the following ex-officio members (namely) :—

(i) the stipendiary curate licensed to the guild church (if any) or one of such stipendiary curates nominated by the vicar where there are more than one ;

(ii) the churchwardens of the guild church being lay communicants ;

PART II
—cont.

(iii) any lay members of any ruri-decanal conference or any diocesan conference or the Church Assembly who are on the roll of the guild church ;

(c) such number of lay representatives as the annual guild church meeting may decide and so that the number determined may be altered from time to time by a resolution passed at any annual meeting but such resolution shall not take effect before the next ensuing annual meeting ;

(d) co-opted members if the council so decides not exceeding in number one-fifth of the lay members elected under the last preceding paragraph of this subsection and being either in holy orders or lay communicants of either sex of twenty-one years of age or upwards.

(2) It shall be the primary duty of the council of every guild church to co-operate with the vicar in the initiation conduct and development of church work in or in connection with the guild church.

(3) Every guild church council shall be a body corporate by the name of the guild church council of the guild church for which it is constituted and shall have perpetual succession.

Scheme for application of Rules for Representation of the Laity and Parochial Church Councils (Powers) Measure 1921 to guild churches and guild church councils.

18.—(1) The diocesan conference of the diocese shall as soon as possible after the passing of this Act make a scheme not inconsistent with any express provision of this Act containing such of the provisions of the Rules for the Representation of the Laity and of the Parochial Church Councils (Powers) Measure 1921 including in particular sections 4 5 6 7 and 8 of that Measure as the conference shall think fit with such modifications therein as the conference shall think necessary in order to make those provisions apply so far as possible to a guild church and a guild church council in like manner as they apply to a parish and a parochial church council.

(2) Without prejudice to the generality of the provisions of the foregoing subsection any such scheme may in any case where the number of lay representatives (as defined in the Rules for the Representation of the Laity) to be elected in any parish to the ruri-decanal conference shall be increased by reason of the fact that such parish contains within its area a guild church in particular provide—

(a) that the persons whose names are entered upon the church electoral roll of the guild church shall for the purposes of such elections be deemed to be persons whose names are upon the electoral roll of the parish ; and

(b) that elections of lay representatives to the ruri-decanal conference shall be conducted in such manner as to secure due representation on the ruri-decanal conference of those whose names are entered upon the church electoral roll of the guild church.

(3) Any such scheme may be amended from time to time by a subsequent scheme made by the diocesan conference but only in so far as amendment may be necessary to make applicable to the original scheme any amendment or amendments of the Rules for the Representation of the Laity or of the Parochial Church Councils (Powers) Measure 1921.

(4) The diocesan conference shall send a copy of any scheme so made to the registrar of the diocese who shall register the same in the diocesan registry and shall publish in the London Gazette a notice stating that the scheme has been made and specifying a place where copies of the scheme may be obtained.

(5) All the costs charges and expenses preliminary to and of and incidental to the preparing making and registering of a scheme under this section and the publication of any notice relating thereto and the printing of copies thereof shall be paid out of the diocesan reorganisation fund.

19.—(1) In the case of a guild church which at the time of the passing of this Act is the church of a parish the persons who are the churchwardens of such parish immediately before it ceases to be a parish shall become the first churchwardens of the guild church and shall hold office as such until persons shall have been appointed and admitted as churchwardens of the guild church in accordance with the subsequent provisions of this section: Churchwardens.

Provided that any such person may at any time resign his office as churchwarden of a guild church by giving notice in writing to that effect to the vicar of the guild church or if there is no vicar to the bishop.

(2) Subject to the provisions of the foregoing subsection two fit and proper persons shall annually be appointed as churchwardens in the case of every guild church:

Provided that in the case of a guild church which at the time of the passing of this Act is the church of a parish having more than two churchwardens such greater number of persons may be so appointed as the annual guild church meeting may from time to time decide not exceeding the number of churchwardens of such parish at the time of the passing of this Act.

(3) A person so to be appointed must either be eligible to be chosen as churchwarden of some parish in the city or be a person

PART II
—cont.

of full age whose name is entered on the church electoral roll of the guild church :

Provided that no person shall be so appointed who holds office as churchwarden of any parish in the city or of any other guild church.

(4) The churchwardens so to be appointed shall be chosen at the annual guild church meeting by the joint consent of the vicar and the meeting (if it may be) otherwise one-half of the number or if there is an odd number one-half of one less than the number shall be chosen by the vicar and the remainder shall be elected by those present at the meeting whose names are on the roll or by those whose names are on the roll at a poll held in connection with such meeting. Every person entitled to vote in such election shall have one vote but the chairman (whether clerical or lay) shall have a casting vote. The cost of a poll demanded by a candidate shall be borne by him.

(5) Every person so appointed shall be duly admitted in like manner as the churchwarden of a parish is admitted and in relation to ecclesiastical matters affecting a guild church and its churchyard and to presentments shall have all such powers duties and liabilities as the churchwarden of a parish has in relation to ecclesiastical matters affecting a parish church and its churchyard and to presentments.

(6) Upon a church becoming a guild church its goods and ornaments shall by virtue of this Act become vested in the persons who first become churchwardens thereof and without prejudice to any lawful disposal thereof such goods and ornaments together with any other goods and ornaments which may thereafter be acquired on behalf of the guild church shall pass and devolve to and vest in the churchwardens for the time being of the guild church.

Sidesmen.

20.—(1) In the case of a guild church such number of fit and proper persons as the annual guild church meeting may from time to time decide may be appointed as sidesmen.

(2) In the case of a guild church having sidesmen the sidesmen shall be chosen at the annual guild church meeting from among those whose names are on the church electoral roll of the guild church in such manner as the meeting shall determine.

Guild church
clerks.

21.—(1) In the case of a guild church which was previously the church of a parish having a parish clerk the person who was the parish clerk of that parish immediately before the church ceased to be a parish church shall on giving notice of his desire to become the guild church clerk of the guild church to the vicar thereof within three months of the date on which a vicar is first licensed thereto be entitled to become the guild church clerk and to hold

office as such on terms as to duties salary and tenure of office similar in all respects to those on which he held office as parish clerk.

PART II
—cont.

(2) Subject to the provisions of the foregoing subsection the guild church council shall in the case of every guild church have power jointly with the vicar to appoint a fit and proper person to be the guild church clerk and to determine his salary and the conditions of the tenure of his office.

(3) Every guild church clerk shall be eligible for membership of the Worshipful Company of Parish Clerks in like manner as the parish clerk of a parish in the city is eligible for membership thereof.

22.—(1) The bishop may if he thinks fit license a guild church for the publication of banns of marriage and the solemnisation of marriages after the publication of banns or by licence between persons either or both of whom is or are on the church electoral roll of that guild church. Marriages.

(2) For the purposes of subsection (4) of section 6 paragraph (b) of subsection (1) of section 15 and subsection (3) of section 35 of the Marriage Act 1949 a guild church licensed as aforesaid shall be deemed to be the usual place of worship of a person who is on the church electoral roll of that guild church.

(3) Such fees shall be paid to and received by the vicar of a guild church in respect of the publication of banns and the solemnisation of marriages in that church as the bishop shall from time to time prescribe and shall be receivable by the vicar in addition to the stipend payable to him under the provisions of section 12 (Vicars) of this Act.

(4) Notwithstanding anything in section 62 of the Marriage Act 1949 on a scheduled church ceasing under a reorganisation scheme to be a parish church the diocesan registrar shall notify the Registrar-General thereof and shall deliver to him the marriage register books of that church and the Registrar-General shall officially close those books. If the solemnisation of marriages shall be authorised in a guild church the diocesan registrar shall notify the Registrar-General thereof and the Registrar-General shall issue to the vicar new marriage register books and those books shall be the marriage register books of the guild church.

(5) Subject to the foregoing provisions of this section the law relating to the solemnisation of marriages and to the registration of marriages shall apply to marriages solemnised in a guild church and to the registration of such marriages in like manner as it applies to marriages solemnised in any other church or chapel in which marriages may be solemnised according to the rites of the Church of England and to the registration of such marriages.

(b) any person whose name is entered on the church electoral roll of the guild church shall be deemed to have an interest as though the church were a parish church and he were a parishioner of the parish.

PART II
—cont.

(2) The Faculty Jurisdiction Measure 1938 shall apply to a guild church in like manner as it applies to a parish church but so that in such application any references in that Measure to the incumbent and churchwardens of a parish and to the parish shall be deemed to be references to the vicar and churchwardens of a guild church and to the guild church respectively.

27. A supplementary reorganisation scheme may in the case of any guild church (other than the church of St. Lawrence Jewry) include provisions for any of the purposes specified in paragraphs (c) (d) (e) (f) and (g) respectively of subsection (1) of section 20 of the Reorganisation Areas Measure 1944 in like manner as if this Act were a reorganisation scheme but so that references in that Measure to an incumbent and a patron of a benefice to a parochial church council and to a churchwarden shall in the case of any such supplementary reorganisation scheme be deemed to be references to a vicar and a patron of a guild church to a guild church council and to a churchwarden of a guild church respectively.

Supplementary
reorganisation
schemes.

28.—(1) Where a guild church was formerly the church of a parish the incumbent of which was a trustee either solely or jointly with any other person or persons of any ecclesiastical or charitable trust then upon the church becoming a guild church the vicar for the time being thereof shall for the purposes of the trust be substituted for the incumbent of such parish.

Trusts.

(2) Where a guild church was formerly the church of a parish the churchwardens of which were trustees whether or not jointly with any other person or persons of any ecclesiastical or charitable trust then upon the church becoming a guild church the churchwardens thereof shall for the purposes of the trust be substituted for the churchwardens of such parish.

(3) In the case of any trust to which any of the foregoing provisions of this section apply the trust property shall vest in or be under the management or control of the person or persons substituted by those provisions either solely or jointly with the other person or persons as the case may be.

(4) Subject to the provisions of this section where a church before becoming a guild church enjoyed the benefit of any charity that church on becoming a guild church shall continue to enjoy the benefit of that charity in like manner as if this Act had not been passed.

PART IV

MISCELLANEOUS

32.—(1) The alderman and common councilmen or a majority of the alderman and Common councilmen of any ward in the city may at any time make a representation to the bishop that he designate and establish as the official church of that ward any parish church or guild church situate in that ward or in a ward adjacent thereto. Ward churches.

(2) On receipt of any such representation the bishop may in the case of a parish church with the consent of the parochial church council of the parish and in the case of a guild church with the consent of the guild church council thereof give a certificate under his hand and episcopal seal designating and establishing the church specified in the representation as the official church of the ward in question and if he gives such a certificate he shall send the same to the registrar of the diocese and a copy thereof to the town clerk of the city and the registrar of the diocese shall forthwith register the same in the diocesan registry and shall publish in the London Gazette a notice stating that such certificate has been given and naming the church and ward affected thereby.

(3) So soon as such a notice shall have been so published the church specified therein (in addition to being a guild church if it is a guild church) shall become the official church of the ward in question.

(4) In any case where a parish church becomes the official church of a ward the parochial church council of the parish shall consist not only of the persons specified in sub-rule (1) of rule 10 of the Rules for the Representation of the Laity but also (as ex officio members thereof) of the alderman of the ward in question being a lay communicant and not more than two persons being lay communicants appointed annually by the alderman and common councilmen of the ward in question.

(5) In any case where a guild church becomes the official church of a ward the guild church council of the church shall thereafter consist not only of the persons specified in subsection (1) of section 17 (Guild church councils) of this Act but also (as ex officio members thereof) of the alderman of the ward in question being a lay communicant and not more than two persons being lay communicants appointed annually by the alderman and common councilmen of the ward in question.

(6) In the case of every certificate given under this section a fee of five guineas shall be payable out of the diocesan reorganisation fund to the registrar of the diocese.

PART IV
—cont.Patronage of
churches in
Second
Schedule.

33.—(1) In any case where by a reorganisation scheme a new benefice is created which contains within its area any of the churches specified in the Second Schedule to this Act the reorganisation scheme shall provide that the right of patronage of the new benefice shall be exercised by the person or persons whose name or names is or are set opposite to the name of that church in the last column of that schedule and where the name of more than one person is set opposite to the name of a church that such right shall be exercised in accordance with such series of turns as is indicated in that column the first turn being that first exercisable after such scheme shall come into operation:

Provided that—

- (i) if by a reorganisation scheme a new benefice is created which contains within its area the church of Saint Andrew Undershaft the scheme shall provide that the first turn of the right of patronage of that benefice exercisable after the scheme shall come into operation shall be exercisable by Her Majesty unless a person shall have been instituted on the presentation of Her Majesty to the benefice of St. Andrew Undershaft with St. Mary Axe at some time between the commencement of the present session of Parliament and the date when the scheme shall come into operation; and
- (ii) if by a reorganisation scheme a new benefice is created which contains within its area the church of St. Botolph Bishopsgate the scheme shall provide that the first turn of the right of patronage of that benefice shall be exercisable by the Lord Chancellor unless a person shall have been instituted on the presentation of the Lord Chancellor to the benefice of St. Botolph Bishopsgate at some time between the commencement of the present session of Parliament and the date when the scheme shall come into operation.

(2) Nothing in this section shall prevent any subsequent lawful transfer exchange or other disposition of any right of patronage of any such new benefice or of any interest therein.

Act not to
affect parishes
for civil
purposes or
civil rights.

34. Nothing herein contained shall affect the continuance status or boundaries of any parish or extra parochial place as existing for civil purposes or any civil rights privileges or obligations.

Saving of
rights of
certain
persons.

35. Nothing in this Act shall except as may be otherwise expressly provided affect any power or jurisdiction of the Charity Commissioners the Minister of Education or the Church of England Pensions Board.

36.—(1) The provisions of section 27 (Supplementary reorganisation schemes) of this Act shall not without the consent of Her Majesty signified in the manner mentioned in section 49 of the Reorganisation Areas Measure 1944 be applied in relation to any guild church of which the patron is Her Majesty or the Lord Chancellor.

PART IV
—cont.
The Crown.

(2) Subject to the provisions of this section this Act shall bind the Crown.

37. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid out of the diocesan reorganisation fund and if that fund is not at the time sufficient for such payment the Church Commissioners may if they think fit advance from their general fund money to make good the deficiency and claim repayment from the diocesan reorganisation fund (which money shall be a first charge thereon) so soon as it is practicable to do so.

Costs of Act.

SCHEDULES

FIRST SCHEDULE

CHURCHES WHICH MAY BE DESIGNATED AND ESTABLISHED AS GUILD
CHURCHES AND THE PATRONS THEREOF

<i>Churches</i>	<i>Patrons</i>
1. All Hallows London Wall ...	The Lord Chancellor.
2. St. Andrew Holborn ...	The bishop.
3. St. Benet Paul's Wharf ...	The bishop.
4. St. Botolph without Aldersgate	The bishop.
5. St. Dunstan in the West ...	The bishop.
6. St. Ethelburga Bishopsgate ...	The bishop.
7. St. Katherine Cree ...	The bishop.
8. St. Lawrence Jewry ...	The city corporation.
9. St. Margaret Pattens ...	The Lord Chancellor.
10. St. Martin Ludgate ...	The Dean and Chapter of St. Paul's.
11. St. Mary Abchurch ...	The Master fellows and scholars of the College of Corpus Christi and the Blessed Virgin Mary in the University of Cambridge.
12. St. Mary Aldermanbury ...	The bishop.
13. St. Mary Aldermary ...	(1) The Lord Chancellor. (2) Her Majesty.
14. St. Mary Woolnoth ...	Her Majesty.
15. St. Michael Paternoster Royal	The archbishop.
16. St. Nicholas Cole Abbey ...	The archbishop.

SECOND SCHEDULE

CHURCHES AFFECTED BY PATRONAGE PROVISIONS IN SECTION 33 OF
THIS ACT

<i>Church in area of new benefice</i>	<i>Patron of new benefice</i>
1. St. Andrew Undershaft ...	The Dean and Chapter of St. Paul's.
2. St. Andrew by the Wardrobe	(1) The parochial church council of the parish. (2) The wardens and commonalty of the Mystery of Mercers. (3) The Provost of the College Royal of the Blessed Mary of Eton near unto Windsor in the county of Bucks commonly called the King's College of Our Blessed Lady of Eton nigh or by Windsor in the said county of Bucks and the same college. (4) The wardens and commonalty of the Mystery of Mercers.

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<i>Church in area of new benefice</i>	<i>Patron of new benefice</i>	2ND SCH. —cont.
3. St. Bartholomew the Great Smithfield.	The Dean and Chapter of the Collegiate Church of St. Peter Westminster.	
4. St. Botolph Bishopsgate ...	The Dean and Chapter of St. Paul's.	
5. St. Bride Fleet Street... ..	The Dean and Chapter of the Collegiate Church of St. Peter Westminster.	
6. St. Edmund the King ...	(1) The archbishop. (2) The Dean and Chapter of the Cathedral and Metropolitan Church of Christ in Canterbury (3) The bishop.	
7. St. Giles Cripplegate... ..	The Dean and Chapter of St. Paul's.	
8. St. Helen Bishopsgate ...	The Guild of Merchant Taylors of the Fraternity of St. John Baptist in the City of London.	
9. St. James Garlickhythe ...	The Dean and Chapter of St. Paul's.	
10. St. Margaret Lothbury ...	Charles Simeon's Trustees.	
11. St. Mary at Hill	(1) The Master and scholars of Balliol College in the University of Oxford. (2) The parochial church council of the parish. (3) The Master and scholars of Balliol College in the University of Oxford. (4) The archbishop.	
12. St. Mary-le-Bow	(1) The Worshipful Company of Grocers of the City of London. (2) The archbishop. (3) The archbishop.	
13. St. Sepulchre Holborn ...	The President and scholars of St. John Baptist College in the University of Oxford.	
14. St. Stephen Walbrook ...	(1) The Worshipful Company of Grocers of the City of London. (2) The Master and fellows of the College of St. Mary Magdalene in the University of Cam- bridge.	
15. St. Vedast Foster Lane ...	The Dean and Chapter of St. Paul's.	

Table of Statutes referred to in this Act

Short title	Session and chapter
Parochial Registers Act 1812...	52 Geo. 3. c. 146.
Pluralities Act 1838 ...	1 & 2 Vict. c. 106.
Welsh Cathedrals Act 1843 ...	6 & 7 Vict. c. 77.
Union of Benefices Act 1860 ...	23 & 24 Vict. c. 142.
Clerical Subscription Act 1865 ...	28 & 29 Vict. c. 122.
Benefices Act 1898 ...	61 & 62 Vict. c. 48.
Parochial Church Councils (Powers) Measure 1921	11 & 12 Geo. 5. No. 1.
Interpretation Measure 1925 ...	15 & 16 Geo. 5. No. 1.
Parochial Registers & Records Measure 1929 ...	19 & 20 Geo. 5. No. 1.
Benefices (Exercise of Rights of Presentation) Measure 1931 ...	21 & 22 Geo. 5. No. 3.
Faculty Jurisdiction Measure 1938 ...	1 & 2 Geo. 6. No. 6.
Reorganisation Areas Measure 1944 ...	7 & 8 Geo. 6. No. 1.
Incumbents (Disability) Measure 1945 ...	8 & 9 Geo. 6. No. 3.
Incumbents (Discipline) Measure 1947 ...	10 & 11 Geo. 6. No. 1.
Marriage Act 1949 ...	12 & 13 Geo. 6. c. 76.

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