



New Parishes Acts and Church Building Acts Amendment Act 1869

1869 CHAPTER 94 32 and 33 Vict

An Act to amend the New Parishes Acts and Church Buildings Acts. [11th August 1869]

Modifications etc. (not altering text)

C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)

1^{F1}

Textual Amendments

F1 [Ss. 1, 8 and 10–13](#) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), s. 1, [Sch. Pt. VII](#)

2 **Pews or sittings may be surrendered to [^{F2}Church Commissioners.]**

Whenever by virtue of any public or private Act of Parliament now or hereafter in force, or by virtue of any deed or instrument, the pews or sittings, or some or one of the pews or sittings, in any church or chapel, consecrated or unconsecrated, are or is or shall be subject to any trust as to the grant, demise, sale, or disposal of such pews or sittings, pew or sitting, or are, is, or shall be the private property for any estate whatsoever of any person or persons, then and in every such case it shall be lawful for the trustees of such church or chapel, or other the persons exercising powers of grant, demise, sale, or disposal as aforesaid, or for all or any persons possessing on their own behalf or on the behalf of others any rights, qualified or unqualified, of ownership, by reason of any such grant, demise, sale, or disposal as aforesaid, or for any person or persons to whom any pews or sittings, pew or sitting, in such church or chapel shall belong, for any estate whatsoever, under or by virtue of such Act of Parliament, deed, or instrument as aforesaid, with or without consideration, to surrender and for ever yield up, either altogether or separately, and according to the nature and extent of their

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several rights and interests, to the bishop of the diocese wherein such church or chapel is situate, or to the [^{F2}Church Commissioners], who are hereby respectively authorized to accept every such surrender, all rights of ownership, grant, demise, sale, disposal, or other right whatsoever which they the said trustees, persons, or person, may have in, over, or in respect of such pews or sittings, pew or sitting.

Textual Amendments

F2 Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2\), s. 18\(2\)](#)

3 Surrender to be by deed, executed by the parties, including bishop of diocese.

Every such surrender shall be made by deed executed by all the parties to the same, amongst whom shall be included the bishop of the diocese wherein the church or chapel to be affected by it is situate, and the patron or patrons of such church or chapel aforesaid; and such deed shall be registered in the registry of the said diocese.

4 Upon surrender all rights of ownership, &c. to cease.

So soon as all rights and powers over or in respect of the pews or sittings in any such church or chapel shall have been surrendered to the bishop of the diocese or to the said commissioners as aforesaid, the trusts or rights of ownership, and the obligations affecting such pews or sittings, or any of them, under such Act of Parliament, deed, or instrument as aforesaid, shall at once and ipso facto determine, and all the provisions of such Act of Parliament, deed, or instrument as to pews or sittings in such church or chapel shall thenceforth be void and of none effect.

5 And pews, &c. subject as pews of ancient parish churches.

From and after every such surrender to the said bishop or commissioners, the pews or sittings, pew or sitting, affected thereby shall, to the extent of the rights or powers expressed to be surrendered, be subject to the same laws as to all rights and property therein as the pews and sittings of ancient parish churches are now subject to: Provided that if the church or chapel be not consecrated such pews or sittings, pew or sitting, shall belong absolutely to the bishop and his successors or to the said commissioners, as the case may be, until the consecration of the said church or chapel, and from and after the consecration thereof the right of the said bishop or commissioners shall cease, and the said pews or sittings shall be subject to the same laws as to all rights and property therein as the pews and sittings of ancient parish churches.

6 Powers herein-before contained to apply to and authorize absolute transfer to [^{F3}Church Commissioners].

The powers and provisions herein-before contained as to pews and sittings subject to trusts as aforesaid in any such church or chapel as aforesaid shall, mutatis mutandis, be held to apply to and shall be held to authorize the absolute transfer and conveyance to the said commissioners, by any deed or deeds, made without consideration and executed by all the parties thereto as aforesaid, of the freehold of any church or chapel, consecrated or unconsecrated, and of the vaults therein or thereunder, which, under or by virtue of any such Act of Parliament, deed, or instrument as aforesaid, is or are or shall be vested in any persons or person in their own right or as trustees or trustee

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of such church or chapel for an estate in perpetuity; and if such church or chapel be unconsecrated at the time of such transfer and conveyance, such freehold so transferred and conveyed shall remain in the said commissioners until the consecration of the same church or chapel, and shall then ipso facto become subject to the same laws as to all rights and property therein as the pews and sittings of ancient parish churches.

Textual Amendments

F3 Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2\), s. 18\(2\)](#)

7 Upon complete surrender, all rights created by Act for building church to cease.

In every case in which a complete surrender and determination of the rights, powers, obligations, and trusts affecting the pews or sittings in a church or chapel shall have been carried out as aforesaid, and in every case in which such transfer and conveyance as aforesaid of the freehold of a church or chapel, and the vaults (if any) thereof, shall have been effected, all other rights, powers, obligations, and trusts created, conferred, or enforced as to such church or chapel by the Act of Parliament, deed, or instrument under which such church or chapel was built, shall upon such complete surrender and determination, or (as the case may be) such transfer and conveyance, absolutely cease and determine; provided always, that such cesser and determination shall not diminish or in anywise affect any right or rights of patronage.

8 **F4**

Textual Amendments

F4 [Ss. 1, 8 and 10–13](#) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\), s. 1, Sch. Pt. VII](#)

9 **F5**

Textual Amendments

F5 [S. 9](#) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\), Sch. 1 Pt. V](#)

10–13 **F6**

Textual Amendments

F6 [Ss. 1, 8 and 10–13](#) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\), s. 1, Sch. Pt. VII](#)

14 Meaning of “church” and “chapel.”

The words church and chapel in this Act shall apply only to churches and chapels of the Established Church of England.

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