



Ecclesiastical Commissioners Act 1840

1840 CHAPTER 113 3 and 4 Vict

[1]—4.^{F1}

Textual Amendments

F1 Ss. [1]—4, 8–15, 17, 18, 20–23, 25, 26, 28, 33, 41, 45, 46, 49–53, 59, 61, 63, 64, 66 and Sch. repealed by [Cathedrals Measure 1963 \(No. 2\)](#), [Sch. 2](#)

5 **Canonry at Christchurch annexed to a professorship instead of canonry at Worcester.**

In the chapter of Christchurch in Oxford the first vacant canonry, not being one of the two canonries which are respectively annexed to regius professorships in the university of Oxford, shall immediately become and be permanently annexed and united to the lady Margaret's professorship of divinity in the said university, and shall and may be held by the present and every future lady Margaret's professor of divinity therein; and upon such annexation as aforesaid the canonry in the cathedral church of Worcester, which is now annexed to the last-mentioned professorship, shall be ipso facto detached therefrom, and shall become vacant; and the canonry secondly-vacant in the said chapter of Christchurch shall be subject to the provisions herein-after contained respecting the endowment of archdeaconries by the annexation of canonries thereto.

6 **Two canonries at Christchurch annexed to new professorships in the university of Oxford.**

And whereas her Majesty has graciously intimated to Parliament her royal will and intention to found two new professorships in the said university of Oxford, and it is expedient that the same should be competently endowed: the two canonries in the said chapter of Christchurch (not being either of them a canonry annexed or to be annexed to any of the professorships already founded in the said university) which shall be thirdly and fourthly vacant, shall, upon the vacancies thereof respectively, and the foundation of such professorships respectively, become and be permanently

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annexed and united thereto, in such order as her Majesty shall, in and by her royal letters patent founding such professorships, direct and appoint; and if either of such last-mentioned canonries be vacant before the foundation of such professorships, the same shall not be filled up until after such foundation; and after such annexation the said canonries shall and may be held by the holders of such professorships respectively for the time being; provided that if the member of any college or hall in the said university except Christchurch shall hereafter accept any professorship to which a canonry of Christchurch is or shall be annexed, he shall thereby cease to be a member of such other college or hall.

7 Act not to apply otherwise to Christchurch.

Except as herein particularly specified, nothing in this Act contained shall in any manner affect or apply to the cathedral church of Christ in Oxford.

8—15. F2

Textual Amendments
F2 Ss. [1]–4, 8–15, 17, 18, 20–23, 25, 26, 28, 33, 41, 45, 46, 49–53, 59, 61, 63, 64, 66 and Sch. repealed by [Cathedrals Measure 1963 \(No. 2\)](#), [Sch. 2](#)

16 F3

Textual Amendments
F3 Ss. 16, 34 repealed by [Archdeaconries \(Augmentation\) Measure 1953 \(No. 4\)](#), [Sch.](#)

17-18 F4

Textual Amendments
F4 Ss. [1]–4, 8–15, 17, 18, 20–23, 25, 26, 28, 33, 41, 45, 46, 49–53, 59, 61, 63, 64, 66 and Sch. repealed by [Cathedrals Measure 1963 \(No. 2\)](#), [Sch. 2](#)

19 F5

Textual Amendments
F5 Ss. 19, 38, 40, 60, 92 and 94 repealed by [Statute Law Revision \(No. 2\) Act 1874 \(c. 96\)](#)

20— F6
23.

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Textual Amendments

F6 Ss. [1]–4, 8–15, 17, 18, 20–23, 25, 26, 28, 33, 41, 45, 46, 49–53, 59, 61, 63, 64, 66 and Sch. repealed by [Cathedrals Measure 1963 \(No. 2\)](#), [Sch. 2](#)

24 Deans of old cathedrals and three canons of St. Paul’s to be appointed by Her Majesty.

The deanery of every cathedral and collegiate church upon the old foundation, except in Wales, and the three existing canonries in the cathedral church of Saint Paul in London, shall henceforth be in the direct patronage of her Majesty, who shall and may, upon the vacancy of any such deanery or canonry, appoint, by letters patent, a spiritual person to be dean or canon, as the case may be, who shall thereupon be entitled to installation as dean or canon of the church to which he may be so appointed.

25— **F7**
26.

Textual Amendments

F7 Ss. [1]–4, 8–15, 17, 18, 20–23, 25, 26, 28, 33, 41, 45, 46, 49–53, 59, 61, 63, 64, 66 and Sch. repealed by [Cathedrals Measure 1963 \(No. 2\)](#), [Sch. 2](#)

27 Qualification of deans, archdeacons, and canons.

No person shall hereafter be capable of receiving the appointment of dean, archdeacon, or canon, until he shall have been six years complete in priest’s orders, except in the case of a canonry annexed to any professorship, headship, or other office in any university.

28 **F8**

Textual Amendments

F8 Ss. [1]–4, 8–15, 17, 18, 20–23, 25, 26, 28, 33, 41, 45, 46, 49–53, 59, 61, 63, 64, 66 and Sch. repealed by [Cathedrals Measure 1963 \(No. 2\)](#), [Sch. 2](#)

^{x1}29 Annexation of rectories of St. Margaret’s and St. John’s to two canonries of Westminster, &c.

The rectory of the parish of Saint Margaret in the city of Westminster shall immediately become and be permanently annexed and united to the canonry in the said collegiate church of Saint Peter Westminster held by Henry Hart Milman clerk, master of arts, and the rectory of the parish of Saint John in the same city shall immediately become and be permanently annexed and united to the canonry in the same church held by John Jennings clerk, master of arts; and the said Henry Hart Milman and his successors, and the successors of the said John Jennings, in the said respective canonries, shall, as canons of the said church, become ipso facto rectors of the said respective parishes

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and the parish churches thereof, to all intents and purposes; and the said parishes shall become and be part of the province of Canterbury of the diocese of London, and of the archdeaconry of Middlesex; and the said parishes, and the rectors and other ministers and officers thereof, shall, in ecclesiastical matters, be subject only to the jurisdiction of the archbishop of Canterbury, the bishop of London, and the archdeacon of Middlesex respectively, in the same manner as other parishes in the said province, diocese, and archdeaconry are respectively subject thereto, and be exempted and relieved from all other ecclesiastical jurisdiction whatsoever: Provided always, that nothing herein contained shall in any manner affect or prejudice any of the rights, customs, or claims of the parishioners of the said parish of Saint Margaret, or the vestry or churchwardens thereof for the time being, nor render them liable to or chargeable with the repairs of the said Broadway chapel further or otherwise than as they now are or may become liable thereto by any law in force at the time of the passing of this Act.

Editorial Information

X1 [S. 29](#) repealed so far as it relates to the existing parish and its rectory by [Westminster Abbey and St. Margaret Westminster Act 1972 \(c. xxvi\)](#), [Sch. 2](#)

30 **F9**

Textual Amendments

F9 [S. 30](#) repealed by [Westminster Abbey and St. Margaret Westminster Act 1972 \(c. xxvi\)](#), [Sch. 2](#)

31 **F10**

Textual Amendments

F10 [S. 31](#) repealed by [Ecclesiastical Commissioners Act 1866 \(c. 111\)](#), [s. 17](#)

32 **F11**

Textual Amendments

F11 [Ss. 32, 71, 72 and 74](#) repealed by [Pastoral Measure 1968 \(No. 1\)](#), [Sch. 9](#) and [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VII](#)

33 **F12**

Textual Amendments

F12 [Ss. \[1\]–4, 8–15, 17, 18, 20–23, 25, 26, 28, 33, 41, 45, 46, 49–53, 59, 61, 63, 64, 66 and Sch.](#) repealed by [Cathedrals Measure 1963 \(No. 2\)](#), [Sch. 2](#)

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34 F13

Textual Amendments

F13 Ss. 16, 34 repealed by [Archdeaonries \(Augmentation\) Measure 1953 \(No. 4\)](#), [Sch.](#)

35 Further provision for archdeaonries.

Instead of appointing one archdeacon to either of the new canonries respectively founded in the cathedral churches of Saint Paul in London and of Lincoln, or of annexing a canonry in any cathedral or collegiate church to an archdeaconry as aforesaid charged with any payment to another archdeacon in the same diocese, the rights, duties, and emoluments of any canonry, the average annual income of which may exceed eight hundred pounds, may, by the authority herein-after provided, be annexed to two archdeaconries jointly within the same diocese, not otherwise competently endowed, each archdeacon taking his turn of residence for such time, and taking such share of the emoluments, as shall be directed by the scheme and order authorizing such annexation: and each archdeacon shall during his turn of residence have all the rights and privileges of a canon (except as to the division of the emoluments); and every future archdeacon whose archdeaconry shall be endowed as last aforesaid shall be deemed the holder of cathedral preferment within the meaning of the last recited Act.

36 F14

Textual Amendments

F14 S. 36 repealed by [Ecclesiastical Commissioners Act 1841 \(c. 39\)](#), [s. 12](#)

37 F15

Textual Amendments

F15 Ss. 37, 70 and 77 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#) Sch. 1 Pt. V

38 F16

Textual Amendments

F16 Ss. 19, 38, 40, 60, 92 and 94 repealed by [Statute Law Revision \(No. 2\) Act 1874 \(c. 96\)](#)

39 F17

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Textual Amendments

F17 S. 39 repealed by [Ecclesiastical Commissioners Act 1841 \(c. 39\), s. 14](#)

40 **F18**

Textual Amendments

F18 Ss. 19, 38, 40, 60, 92 and 94 repealed by [Statute Law Revision \(No. 2\) Act 1874 \(c. 96\)](#)

41 **F19**

Textual Amendments

F19 Ss. [1]–4, 8–15, 17, 18, 20–23, 25, 26, 28, 33, 41, 45, 46, 49–53, 59, 61, 63, 64, 66 and Sch. repealed by [Cathedrals Measure 1963 \(No. 2\), Sch. 2](#)

42 **F20**

Textual Amendments

F20 Ss. 42, 48 repealed by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\), s. 41\(2\), Sch. 5](#)

43 Haseley rectory to be severed from the deanery of Windsor.

In the construction of this Act the said free chapel of Saint George in Windsor shall be held to be included in the term collegiate church; and immediately upon the first vacancy of the deanery of the said free chapel so much of an Act passed in the reign of Queen Anne, for annexing the rectory or parsonage of Haseley to the deanery of the said free chapel, as relates to the rectory, parsonage, and parish of Haseley, shall be repealed, and the rectory of Haseley in the county of Oxford shall be absolutely detached and dissevered from the said deanery, and, subject to such appropriation of the revenues thereof as shall be determined on by the authority herein-after provided, shall be in the patronage of the chapter of the said chapel: ^{F21}

Textual Amendments

F21 Words repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

44 **F22**

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Textual Amendments

F22 Ss. 44, 47 repealed by [Cathedrals Measure 1931 \(No. 7\)](#), **Sch. 3**

45— **F23**
46.

Textual Amendments

F23 Ss. [1]–4, 8–15, 17, 18, 20–23, 25, 26, 28, 33, 41, 45, 46, 49–53, 59, 61, 63, 64, 66 and Sch. repealed by [Cathedrals Measure 1963 \(No. 2\)](#), **Sch. 2**

47 **F24**

Textual Amendments

F24 Ss. 44, 47 repealed by [Cathedrals Measure 1931 \(No. 7\)](#), **Sch. 3**

48 **F25**

Textual Amendments

F25 Ss. 42, 48 repealed by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(2), **Sch. 5**

49— **F26**
53.

Textual Amendments

F26 Ss. [1]–4, 8–15, 17, 18, 20–23, 25, 26, 28, 33, 41, 45, 46, 49–53, 59, 61, 63, 64, 66 and Sch. repealed by [Cathedrals Measure 1963 \(No. 2\)](#), **Sch. 2**

54 Endowments of suppressed sinecure rectories vested in commissioners.

Upon the suppression of any ecclesiastical rectory without cure of souls, all the estate and interest which the rector thereof, or his successor, has or had, or would have or have had, as such rector, in any lands, tithes, or other hereditaments or endowments whatsoever, shall, without any conveyance thereof or any assurance in the law other than the provisions of this Act, accrue to and be vested in the [^{F27}Church Commissioners] for the purposes of this Act.

Textual Amendments

F27 Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2\)](#), s. 18(2)

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55 As to certain sinecure rectories.

.....^{F28} wherever any rectory heretofore deemed a rectory without cure of souls has been held together with the vicarage dependent thereon for the period of twenty years last past, the same shall not be construed to be a rectory without cure of souls within the meaning of this Act, but such last-mentioned rectory and vicarage shall continue and be permanently united, and shall be a rectory with cure of souls; subject nevertheless to all the provisions of the thirdly-recited Act, and to the provisions of this Act which relate to the division of benefices or the apportionment of the incomes thereof.

.....
Textual Amendments
F28 Words repealed by [Endowments and Glebe Measure 1976 \(No. 4\)](#), **Sch. 8**

56^{F29}

.....
Textual Amendments
F29 [S. 56](#) repealed by [Endowments and Glebe Measure 1976 \(No. 4\)](#), **Sch. 8**

57 Commissioners to have all legal powers of enforcing payments, &c.

The [^{F30}Church Commissioners] shall, for the purpose of enforcing payment of all profits and emoluments to be paid to them, and of obtaining possession of all lands, tithes, or other hereditaments vested in or accruing to them as aforesaid, and of recovering the rents and profits thereof, have and enjoy all rights, powers, and remedies, at law and in equity, which belonged or belong, or would belong or have belonged, to the holder of the deanery, canonry, prebend, dignity, or office, or the rector of the rectory, in respect of which such profits and emoluments, lands, tithes, and other hereditaments and endowments respectively are by or under the provisions of this Act to be paid or to accrue to and be vested in the said commissioners.

.....
Textual Amendments
F30 Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2\)](#), **s. 18(2)**

58^{F31}

.....
Textual Amendments
F31 [S. 58](#) repealed by [Ecclesiastical Commissioners Act 1841 \(c. 39\)](#), **s. 18**

59^{F32}

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Textual Amendments

F32 Ss. [1]–4, 8–15, 17, 18, 20–23, 25, 26, 28, 33, 41, 45, 46, 49–53, 59, 61, 63, 64, 66 and Sch. repealed by [Cathedrals Measure 1963 \(No. 2\)](#), **Sch. 2**

60 **F33**

Textual Amendments

F33 Ss. 19, 38, 40, 60, 92 and 94 repealed by [Statute Law Revision \(No. 2\) Act 1874 \(c. 96\)](#)

61 **F34**

Textual Amendments

F34 Ss. [1]–4, 8–15, 17, 18, 20–23, 25, 26, 28, 33, 41, 45, 46, 49–53, 59, 61, 63, 64, 66 and Sch. repealed by [Cathedrals Measure 1963 \(No. 2\)](#), **Sch. 2**

62 **F35**

Textual Amendments

F35 [S. 62](#) repealed by [Welsh Cathedrals Act 1843 \(c. 77\)](#), **s. 13**

63— **F36**

64.

Textual Amendments

F36 Ss. [1]–4, 8–15, 17, 18, 20–23, 25, 26, 28, 33, 41, 45, 46, 49–53, 59, 61, 63, 64, 66 and Sch. repealed by [Cathedrals Measure 1963 \(No. 2\)](#), **Sch. 2**

65 **F37**

Textual Amendments

F37 [S. 65](#) repealed by [Statute Law Revision Act 1966 \(c. 5\)](#)

66 **F38**

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Textual Amendments

- F38** Ss. [1]–4, 8–15, 17, 18, 20–23, 25, 26, 28, 33, 41, 45, 46, 49–53, 59, 61, 63, 64, 66 and Sch. repealed by [Cathedrals Measure 1963 \(No. 2\)](#), [Sch. 2](#)

67 Mode of applying the revenues at the disposal of the commissioners.

Except as herein otherwise specified, all the monies and revenues to be paid to the [^{F39}Church Commissioners], and all the rents and profits of the lands, tithes, and other hereditaments vested and to be vested in them the said commissioners by and under the authority of this Act, together with all accumulations of interest produced by and arising therefrom, shall be from time to time carried over by the said commissioners to [^{F39}their general fund], and by payments or investments made out of such fund, or, if in any case it be deemed more expedient, by means of an actual conveyance and assignment of such lands, tithes, or other hereditaments, or of a portion thereof, additional provision shall be made, by the authority herein-after provided for the cure of souls in parishes where such assistance is most required, in such manner as shall, by the like authority, be deemed most conducive to the efficiency of the Established Church: Provided always, that in making any such additional provision out of any tithes, or any lands or other hereditaments allotted or assigned in lieu of tithes, so vested or to be vested in the said commissioners, or out of the rents and profits thereof, due consideration shall be had of the wants and circumstances of the places in which such tithes now arise or have heretofore arisen.

Textual Amendments

- F39** Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2\)](#), [s. 18\(2\)](#)

Modifications etc. (not altering text)

- C1** [S. 67](#) extended by [Ecclesiastical Commissioners Act 1860 \(c. 124\)](#), [s. 14](#); [Ecclesiastical Commissioners \(Sodor and Man\) Measure 1930 \(No. 5\)](#), [s. 1](#) and [Ecclesiastical Commissioners \(Curate Grants\) Measure 1946 \(No. 1\)](#), [s. 1\(1\)](#)
- C2** [S. 67](#) amended by [Ecclesiastical Commissioners Act 1860 \(c. 124\)](#), [SIF 21:8](#), [s. 12](#)

68 Special arrangements, with consent of bishop or chapter.

By the authority herein-after provided, and for the purpose of fully carrying into effect any of the provisions of this Act or of the said first-recited Act, any sum of money which shall have been invested in the public funds, or in other security or securities, in trust for any ecclesiastical body corporate, aggregate or sole, may, upon an application in writing to the [^{F40}Church Commissioners], under the hand and seal of such body corporate, and, in the case of any chapter, with the consent of the visitor thereof, be directed to be sold, and the same shall be sold accordingly; and the produce of such sale shall be applied to such purpose and in such manner as shall appear most conducive to the permanent benefit of such body corporate; and also, for any like purpose, and by the like authority, any arrangement may from time to time be made, with the consent in writing under the corporate seal of any bishop or chapter, for the sale, transfer, or exchange of any lands, tithes, or other hereditaments, belonging to the see of such bishop or to such chapter, or for the purchase of other lands, tithes, or

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other hereditaments in lieu thereof, or for substituting in any case any lands, tithes, or other hereditaments for any money payment.

Textual Amendments

F40 Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2\), s. 18\(2\)](#)

Modifications etc. (not altering text)

C3 [S. 68](#) extended by [Ecclesiastical Houses of Residence Act 1842 \(c. 26\), s. 8](#); excluded by [Cathedrals Measure 1963 \(No. 2\), s. 53, Sch. 1](#)

C4 [S.68](#) amended (30.6.1999) by [1999 No. 1, ss. 36\(2\)\(6\), 38\(2\)\(3\)](#) (with [ss. 33, 34, 37](#))

69 **F41**

Textual Amendments

F41 [S. 69](#) repealed by [Universities and College Estates Act 1925 \(c. 24\), Sch. 2](#)

70 **F42**

Textual Amendments

F42 [Ss. 37, 70](#) and [77](#) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\) Sch. 1 Pt. V](#)

71— **F43**

72.

Textual Amendments

F43 [Ss. 32, 71, 72](#) and [74](#) repealed by [Pastoral Measure 1968 \(No. 1\), Sch. 9](#) and [Statute Law \(Repeals\) Act 1974 \(c. 22\), Sch. Pt. VII](#)

73 **F44**

Textual Amendments

F44 [S. 73](#) repealed by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\), s. 41\(2\), Sch. 5](#)

74 **F45**

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Textual Amendments

F45 Ss. 32, 71, 72 and 74 repealed by [Pastoral Measure 1968 \(No. 1\)](#), [Sch. 9](#) and [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VII](#)

75 ^{F46}

Textual Amendments

F46 Ss. 75 and 78–82 repealed by [Statute Law Revision Act 1964 \(c. 79\)](#)

76 Declaration as to 1831 c. 45 and 1677 c. 8.

Nothing in this Act or in the said first-recited Act contained shall be construed to prejudice or affect any of the provisions of the Augmentation of Benefices Act 1831, the Augmentation of Benefices Act 1677, or of the Act therein recited: Provided nevertheless, that after the passing of this Act no augmentation made under such provisions, by any bishop or by any chapter whose revenues are affected by this Act or the said first-recited Act, shall be valid and effectual without the consent of the [^{F47}Church Commissioners].

Textual Amendments

F47 Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2\)](#), [s. 18\(2\)](#)

77 ^{F48}

Textual Amendments

F48 Ss. 37, 70 and 77 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#) Sch. 1 Pt. V

78— ^{F49}
82.

Textual Amendments

F49 Ss. 75 and 78–82 repealed by [Statute Law Revision Act 1964 \(c. 79\)](#)

83 [^{F50}Church Commissioners] to lay schemes before Queen in council, for carrying into effect the said recommendations.

The [^{F50}Church Commissioners] shall from time to time prepare and lay before her Majesty in council such schemes as shall appear to the said commissioners to be required and to be best adapted for carrying this Act into full effect, and shall in such schemes recommend and propose all such measures as may, upon further inquiry,

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which the said commissioners are hereby authorized to make, appear to them to be necessary for that purpose: Provided always, that, previously to laying any such scheme before her Majesty in council, notice thereof shall be given to any corporation aggregate or sole affected thereby; and the objections, if any, of such corporation shall be laid before her Majesty in council, together with such scheme: Provided also, that nothing herein contained shall be construed to prevent the said commissioners from proposing in any such scheme such modifications or variations, as to matters of detail and regulation as shall not be substantially repugnant to any provision of this Act or of the said last-mentioned Act.

Textual Amendments

F50 Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2\), s. 18\(2\)](#)

84 Queen in council may make order for carrying schemes into effect.

When any such scheme shall be approved by her Majesty in council it shall be lawful for her Majesty in council to make an order or orders ratifying the same, and specifying the time or times when such scheme or the several parts thereof shall take effect, and to direct every such order to be registered by the registrar of each of the dioceses whereof the bishop, or within which any cathedral or collegiate church, dignitary, chapter, member of a chapter, officer, incumbent, or any other person or body corporate, may or shall be in any respect affected thereby.

Modifications etc. (not altering text)

C5 S. 84 applied by [Cathedrals Measure 1963 \(No. 2\), s. 19\(3\)](#)

C6 S. 84 amended (30.6.1999) by [1999 No. 1, ss. 36\(2\)\(6\), 38\(2\)\(3\)](#) (with [ss. 33, 34, 37](#))

85 Orders need only refer to Act.

In any order made by her Majesty in council under the authority of this Act or of the first-recited Act it shall be sufficient to refer to the Act under the authority whereof the order is made, and it shall not be necessary to recite any of the provisions of this Act or of the said first-recited Act.

Modifications etc. (not altering text)

C7 S. 85 applied by [Cathedrals Measure 1963 \(No. 2\), s. 19\(3\)](#)

86 Orders gazetted to be of full effect.

Every such order shall, as soon as may be after the making thereof by her Majesty in council, be published in the London Gazette; and so soon as any order in council made under the authority of this Act or of the first-recited Act shall be so gazetted, it shall in all respects, and as to all things therein contained, have and be of the same force and effect as if all and every part thereof were included in this Act.

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Modifications etc. (not altering text)

- C8** S. 86 applied (as modified by the [Church Property \(Miscellaneous Provisions\) Measure 1960 \(No. 1\)](#), [s. 24](#)) by [Cathedrals Measure 1963 \(No. 2\)](#), [s. 19\(3\)](#)

87 Copies of orders to be laid before Parliament.

A copy of every order of her Majesty in council made under this Act shall be laid before each House of Parliament in the month of January in every year, if Parliament shall be then sitting, or if Parliament be not then sitting within one week after the next meeting thereof.

88 Penalty for neglect of registration.

The registrar of every diocese to whom any order of her Majesty in council made by virtue of this Act shall be delivered shall forthwith register the same in the registry of his diocese; and if any such registrar shall refuse or neglect to register any such order, he shall for every day during which he shall so offend forfeit twenty pounds; and if his offence shall continue for the space of three months, he shall forfeit his office, and it shall be lawful for the bishop of the diocese to appoint a successor thereto.

Modifications etc. (not altering text)

- C9** S. 88 applied by [Cathedrals Measure 1963 \(No. 2\)](#), [s. 19\(3\)](#)

89 Fee to registrar.

For such registration as aforesaid the registrar shall not be entitled to receive any fee or reward, but on every search for any such order he shall be entitled to receive a fee of three shillings, and for every copy or extract of any such order certified by him he shall be entitled to receive four-pence for every folio of ninety words; and the copy of every such entry, certified by the registrar, shall be admissible as evidence in all courts and places whatsoever.

Modifications etc. (not altering text)

- C10** S. 89 applied by [Cathedrals Measure 1963 \(No. 2\)](#), [s. 19\(3\)](#)

90 Provisions of 1836 c. 77 to extend to this Act.

All the powers and authorities vested in the ecclesiastical commissioners by the first-recited Act with reference to the matters therein contained shall be continued, and extended and apply to the said commissioners, and to the commissioners appointed by or under the provisions of this Act, with reference to all matters contained in this Act, and may be used and exercised by them as fully and effectually as if the said powers and authorities were repeated in this Act;^{F51}

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Textual Amendments

F51 Words repealed by [Ecclesiastical Commissioners Act 1841 \(c. 39\), s. 30](#)

91 **F52**

Textual Amendments

F52 [S. 91](#) repealed by [Ecclesiastical Commissioners Act 1850 \(c. 94\), s. 5](#)

92 **F53**

Textual Amendments

F53 [Ss. 19, 38, 40, 60, 92](#) and [94](#) repealed by [Statute Law Revision \(No. 2\) Act 1874 \(c. 96\)](#)

93 **Construction of the terms “canon” and “minor canon”.**

In the construction of this Act the term “canon” shall be construed to mean only every residentiary member of chapter, except the dean, heretofore styled either prebendary canon, canon residentiary, or residentiary; and the term “minor canon” shall be construed to extend to and include every vicar, vicar choral, priest vicar, and senior vicar, being a member of the choir in any cathedral or collegiate church.

94 **F54**

Textual Amendments

F54 [Ss. 19, 38, 40, 60, 92](#) and [94](#) repealed by [Statute Law Revision \(No. 2\) Act 1874 \(c. 96\)](#)

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Ecclesiastical Commissioners Act 1840.