



# Ecclesiastical Commissioners Act 1836

## 1836 CHAPTER 77 6 and 7 Will 4

An Act for carrying into Effect the Reports of the Commissioners appointed to consider the State of the Established Church in England and Wales, with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage.  
[13th August 1836]

<sup>X1</sup>Whereas his Majesty was pleased, on the fourth day of February and on the sixth day of June in the year one thousand eight hundred and thirty-five, to issue two several commissions to certain persons therein respectively named, directing them to consider the state of the several dioceses in England and Wales, with reference to the amount of their revenues, and the more equal distribution of episcopal duties, and the prevention of the necessity of attaching by commendam to bishopricks benefices with cure of souls, and to consider also the state of the several cathedral and collegiate churches in England and Wales, with a view to the suggestion of such measures as may render them conducive to the efficiency of the Established Church, and to devise the best mode of providing for the cure of souls, with special reference to the residence of the clergy on their respective benefices: And whereas the said commissioners have, in pursuance of such directions, made four several reports to his Majesty, bearing date respectively the seventeenth day of March one thousand eight hundred and thirty-five, and the fourth day of March, the twentieth day of May, and the twenty-fourth day of June one thousand eight hundred and thirty-six: And whereas the said commissioners have, in their said reports, amongst other things, recommended that commissioners be appointed by Parliament for the purpose of preparing and laying before his Majesty in council such schemes as shall appear to them to be best adapted for carrying into effect the following recommendations; and that his Majesty in council be empowered to make orders ratifying such schemes, and having the full force of law; . . .<sup>F1</sup> and that no ecclesiastical dignity, office, or benefice, be in future granted to any bishop to be held in commendam, but that such of the endowments of certain prebends in the cathedrals of Lincoln, Lichfield, Exeter, and Salisbury, as now belong to the bishops of the respective dioceses, continue annexed to the respective sees; . . .<sup>F1</sup>; and that all archdeacons have and exercise full and equal jurisdiction within their respective archdeaconries; And whereas it is expedient that the said recommendations should be carried into effect as soon as conveniently may be.

*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 1836 (repealed). (See end of Document for details)*

**Editorial Information**

X1 Act repealed as to Sodor and Man by [Sodor and Man Act 1838 \(c. 30\), s. 1](#)

**Textual Amendments**

F1 Words omitted as not relevant to unrepealed provisions of the Act

**Modifications etc. (not altering text)**

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

**Commencement Information**

I1 Act wholly in force at Royal Assent

[1]—8. . . . . F2

**Textual Amendments**

F2 Ss. [1]–8 repealed by [Charities Act 1960 \(c. 58\), Sch. 5](#)

**9 Commissioners may call and examine witnesses, &c., and administer an oath or a declaration.**

It shall be lawful for the said commissioners, by summons under the hand of the chairman of any such meeting, to require the attendance of any person whom they shall think fit to examine touching any matter within their cognizance, also to make any inquiries, and call for any answers or returns, as to any such matter, and also to administer oaths, and examine every such person upon oath, and to cause to be produced before them, upon oath, all statutes, charters, grants, rules, regulations, bye laws, books, deeds, contracts, agreements, accounts, and writings whatsoever, or copies thereof respectively, in anywise relating to any such matter; . . . F3

**Textual Amendments**

F3 Words repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\), s. 1\(1\), Sch. 1 Pt. VIII](#)

**Modifications etc. (not altering text)**

C2 The “said commissioners” now means the Church Commissioners: [Church Commissioners Measure 1947 \(No. 2\), s. 18\(2\)](#)

**10 Commissioners to lay schemes before the King in council for carrying into effect the recommendations.**

The said commissioners shall from time to time prepare, and lay before his Majesty in council, such schemes as shall appear to the said commissioners to be best adapted for carrying into effect the herein-before recited recommendations, and shall in such schemes recommend and propose such measures as may, upon further inquiry, which the said commissioners are hereby authorized to make, appear to them to be necessary for carrying such recommendations into full and perfect effect: Provided always,

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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 or either of the said recommendations, and in particular that it shall be competent to the said commissioners to propose in any such scheme that all parishes, churches, or chapelries which are locally situate in any diocese, but subject to any peculiar jurisdiction other than the jurisdiction of the bishop of the diocese in which the same are locally situate, shall be only subject to the jurisdiction of the bishop of the diocese within which such parishes, churches, or chapelries are locally situate.

**Modifications etc. (not altering text)**

C3 S. 10 modified by [Ecclesiastical Commissioners Act 1850 \(c. 94\)](#), s. 24

11 ..... F4

**Textual Amendments**

F4 S. 11 repealed by [Pluralities Act 1838 \(c. 106\)](#), s. 103

**12 King in Council may make orders for carrying schemes into effect; which shall be registered in each diocese;**

When any scheme prepared under the authority of this Act shall be approved by his Majesty in council, it shall be lawful for his Majesty in council to issue 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 in every such order that the same be registered by the registrar of each of the dioceses the bishops whereof may or shall be in any respect affected thereby, and in any newly-created diocese by such person as shall be for that purpose named in such order, which person shall in such last-mentioned diocese become registrar there, and so continue as long as he shall demean himself well in his office.

**13 and gazetted;**

Every such order shall, as soon as may be after the making and issuing thereof by his Majesty in council, be inserted and published in the London Gazette.

**14 and then be of full effect for all purposes and as to all persons.**

So soon as any such order in council shall be so registered and 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, any law, statute, canon, letters patent, grant, usage, or custom to the contrary notwithstanding.

**15 Copies of orders to be laid before Parliament.**

A copy of every order of his 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

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shall be then sitting, or if Parliament be not then sitting within one week after the next meeting thereof.

**16 Registrars to register all orders, subject to a penalty for neglect.**

The registrar of every diocese, to whom any order of his Majesty in council made by virtue of this Act shall be delivered, shall forthwith register the same in the registry of his diocese; and the persons who shall be for that purpose appointed in the dioceses of Manchester and Ripon, shall forthwith register every such order in books to be by them for that purpose provided, which shall thenceforth become the registry of those dioceses respectively; and if any such registrar or other person 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, or for his Majesty, as the case may be, to appoint a successor thereto.

**17 Fee to registrar.**

For such registration as aforesaid no registrar shall 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 [<sup>F5</sup>15p], and for every copy or extract of any such order certified by him he shall be entitled to receive for every folio of ninety words four pence; and the copy of every such entry, certified by the registrar, shall be admissible as evidence in all courts and places whatsoever.

<b>Textual Amendments</b>	
<b>F5</b>	Words substituted by virtue of <a href="#">Decimal Currency Act 1969 (c. 19), s. 10(1)</a>
<b>Modifications etc. (not altering text)</b>	
<b>C4</b>	Reference to four pence to be read as referring to equivalent amount in new currency; <a href="#">Decimal Currency Act 1969 (c. 19), s. 10(1)</a>

**18 No commendams to be held by bishops.**

After the passing of this Act no ecclesiastical dignity, office, or benefice shall be held in commendam by any bishop, unless he shall so hold the same at the time of passing thereof; and every commendam thereafter granted, whether to retain or to receive, and whether temporary or perpetual, shall be absolutely void to all intents and purposes.

**19 Jurisdiction of archdeacons.**

All archdeacons throughout England and Wales shall have and exercise full and equal jurisdiction within their respective archdeaconries, any usage to the contrary notwithstanding.

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**Textual Amendments**

**F6** Ss. 20–25 repealed by [Statute Law Revision Act 1874 \(c. 35\)](#)

**26** ..... **F7**

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**Textual Amendments**

**F7** S. 26 repealed by [Municipal Corporations Act 1882 \(c. 50\)](#), [Sch. 1 Pt. I](#)

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