

Parochial Registers and Records

Extracted from *Manx Church Legislation* (3rd ed., 2006)

Revised to 1st January 2013

© Treasury of the Isle of Man

Church Records Measure (Isle of Man) 2000

SD 533/00

Diocesan record office

1. Provision of diocesan record office

(1) There shall be a diocesan record office for the diocese, being such repository in the Island as is for the time being designated by the Bishop as such office by an instrument in writing.

(2) The Bishop shall not designate a repository as the diocesan record office unless that place is —

- (a) the Manx Museum;
- (b) the Public Record Office provided under the Public Records Act 1999;
- (c) a repository specified in a direction under section 1(6) of that Act; or
- (d) in the opinion of the Bishop a suitable place to be appointed as a place of deposit under this Measure.

(3) The Bishop shall not designate a repository as the diocesan record office without the consent of the authority or other body by whom it is provided or managed.

NOTE: S.1: subs.(1): the Manx Museum was designated as the diocesan record office by the Diocesan Record Office (Designation) Instrument 2000 (SD 685/00)

2. Custody etc. of records held in diocesan record office

The diocesan records officer shall have the custody of any records or registers which are deposited in the diocesan record office in pursuance of this Measure and shall be responsible for their safe-keeping, care and preservation.

Diocesan records

NOTE: Ss.3-7 relate to diocesan records and are omitted.

Parochial registers and records

8. Custody of registers in parochial custody

(1) The incumbent of the benefice to which a parish belongs shall have the custody of the registers of baptisms, confirmations, banns of marriage, marriages, burials or services which in accordance with any statutory provision or Canon are provided for any parish church or other place of public worship in the parish.

(2) During a vacancy in the benefice the churchwardens of the parish shall, subject to subsection (3), have the custody of the registers mentioned in subsection (1).

(3) Where the bishop appoints a priest in charge for any benefice to which a suspension period (within the meaning of the Pastoral Measure 1983) applies, the priest in charge shall during that period have the custody of the said registers.

(4) Subsections (1) to (3) do not apply to any registers which are for the time being deposited in the diocesan record office.

NOTE: S.8: subs.(3): the Pastoral Measure 1983 is repealed and replaced by the Mission and Pastoral Measure (Isle of Man) 2012 (SD 654/12).

9. Inspection of registers and records in parochial custody

(1) The Archdeacon shall cause the registers and records in parochial custody, including registers in use for the purpose of making entries therein, to be inspected and reported on periodically by such person or persons as he may appoint.

(2) Before making an appointment under subsection (1) the Archdeacon shall consult the diocesan records officer.

(3) The Archdeacon —

- (a) shall cause the first inspection under this section affecting every parish to be begun not later than the end of 2005; and
- (b) shall cause an inspection under this section affecting any parish to be begun

not more than 5 years after the date on which the immediately preceding inspection affecting that parish was completed.

(4) A report under this section shall be made to the Archdeacon or to such person as he may designate for the purpose.

(5) Any person carrying out an inspection under this section shall compile a list of the registers, and a list describing the records, which have been inspected by him under this section.

(6) Any person carrying out an inspection under this section affecting any parish may comply with subsection (5) by certifying in writing that any such list previously compiled on a inspection affecting the same parish, with such additions or omissions, if any, as are specified in the certificate is a list of the registers or a list describing the records, as the case may be, which have been inspected by him under this section.

(7) The person in whose custody such registers or records are shall allow any person carrying out an inspection under this section to have access to those registers and records at any reasonable time and shall give him such facilities as he may reasonably require to enable him to carry out his functions under this section.

(8) Any person carrying out an inspection under this section shall send a copy of any list or certificate compiled or issued by him thereunder to —

- (a) the Archdeacon,
- (b) the diocesan records officer,
- (c) the incumbent or priest in charge of the parish affected, and
- (d) the parochial church council of that parish.

(9) A copy or a list or certificate sent to a parochial church council under subsection (8) shall be accompanied by an instruction that —

- (a) it be inserted in or annexed to the inventory of articles appertaining to the parish church, and
- (b) the date or dates on which the inspection was carried out be inserted in the log book relating to the church.

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

10. Closure of old registers

(1) Any register to which this section for the time being applies shall be closed and no further entries shall be made therein.

(2) This section applies to any register in which the earliest entry has (at any time, whether at the coming into force of this section or subsequently) been in existence for 100 years or more, other than a register of marriages in which the earliest entry was made on or after 27th September 1910.

11. Deposit of registers, etc. in diocesan record office

(1) Subject to section 11(3), every person —
(a) who by virtue of section 8 has the custody of any register belonging to a parish, being a register to which this subsection applies, or

(b) who has the custody of any record in parochial custody in such a parish, being a record to which this subsection applies,

shall as soon as practicable after the first and each subsequent inspection under section 9 affecting that parish is begun deposit that register or record in the diocesan record office.

(2) Subsection (1) applies to —

(a) any register in which the date of the latest entry is 100 years or more earlier than the relevant date, other than a register in use for the purpose of making entries therein,

(b) any register to which section 10 applies, and

(c) any record which was completed 100 years or more before the relevant date.

In this subsection "the relevant date" means the date on which each of the inspections referred to in subsection (1) is begun.

(3) Without prejudice to subsection (1), any person —

(a) who by virtue of section 8 has the custody of any registers belonging to a parish, or

(b) who has the custody of any records in parochial custody in a parish,

may, with the consent of the parochial church council of the parish, deposit any of those registers or records, except a register in use for the purpose of making entries therein, in the diocesan record office.

(4) Any deposit under this section shall be accompanied by —

(a) a list of the registers, and a list describing the records, which are being deposited; and

(b) a list of the registers, and a list describing the records, which are being retained in parochial custody, other than registers in use for the purpose of making entries therein.

(5) Each of the lists referred to in subsection (4)(b) shall specify the usual place of custody

of the registers or records to which the list relates.

(6) A copy of each of the lists referred to in subsection (4) shall be sent to the Bishop or to such person as he may designate for the purpose.

(7) Any person who under this section deposits any registers or records in the diocesan record office shall obtain from the diocesan records officer a receipt for the registers or records deposited, and that receipt shall be inserted in or annexed to the inventory of articles appertaining to the parish church concerned.

12. Care, etc. of registers and records in parochial custody

(1) Every person having the custody of any registers or records in parochial custody —

- (a) shall be responsible for their safe-keeping, care and preservation; and
- (b) as respects any register or record which is retained in parochial custody under an authorisation issued under subsection (2), shall comply with such requirements as are prescribed with respect to their safe-keeping, care and preservation.

(2) The Bishop may in writing authorise any register or record which is required by section 11(1) to be deposited in the diocesan record office and is specified in the authorisation to be retained in parochial custody.

(3) An application for an authorisation under subsection (2) shall be made in writing by the person or persons having the custody of the register or record in question, and the Bishop shall issue the authorisation if he is satisfied that the requirements of any relevant directions under subsection (5) are being and will be complied with as respects that register or record.

(4) If it appears to the Bishop that those requirements are not being complied with as respects any register or record to which an authorisation under subsection (2) relates, he shall revoke the authorisation.

(5) The Bishop shall from time to time issue directions with respect to the safekeeping, care and preservation of the other registers and records in parochial custody; and all persons concerned shall comply with such directions.

(6) Directions under subsection (5) may either —

- (a) relate to registers and records in parochial custody generally and be addressed to all persons concerned, or
- (b) relate to particular registers or records in parochial custody or be addressed to a particular incumbent, priest in charge or

parochial church council or to particular churchwardens.

(7) Subject to any particular requirements imposed under subsection (6)(b), directions under subsection (5) shall —

- (a) require the registers and records to which the directions apply to be kept in the appropriate parish church or other place of public worship; and
- (b) include directions with respect to the type of container in which those registers and records are to be kept.

(8) The expense of complying with directions under subsection (5) shall be met by the parochial church council.

NOTE: S.12: subs.(1)(b): requirements are prescribed by the Parochial Registers and Records Regulations 2000 (SD 683/00).

13. Order for deposit of registers etc. in diocesan record office

If it appears to the Bishop —

- (a) that section 11(1) has not been complied with as respects any registers or records in parochial custody to which that provision applies,
- (b) that any relevant directions issued by him under section 12(5) as respects any such registers or records have not been complied with, or
- (c) that any such registers or records are for any other reason exposed to danger of loss or damage,

the provisions of Schedule 2 shall apply.

14. Faculty not required for deposit of registers, etc. in diocesan record office

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

15. Return to parochial custody of registers, etc. deposited in diocesan record office

(1) Where —

- (a) any registers or records formerly in parochial custody have been deposited in the diocesan record office, and
- (b) an application for the purpose is made to the Bishop by any person who would have been entitled to have the custody of them had they not been so deposited,

the Bishop shall order that those registers or records or such of them as may be specified in the order shall be returned to and placed in the custody of that person.

(2) A Bishop shall not make an order under this section unless he is satisfied that any

relevant directions issued by him under section 12(5) will be complied with by the applicant for the order.

(3) At least one month before making an order under this section the Bishop shall give to the diocesan records officer notice of his intention, containing particulars of such registers or records and stating the name and address of the person into whose custody they are to be returned.

(4) The making of an order under this section with respect to any registers or records shall not be taken as —

- (a) preventing the subsequent deposit of those registers or records in the diocesan record office under section 11, or
- (b) affecting the power to make an order under Schedule 2 with respect to them.

Registration of baptisms and burials

16. Provision of registers of baptisms and burials

(1) The parochial church council of every parish shall provide a register book of public and private baptisms for the parish or, in the case of a parish which has more than one parish church, for each such church.

(2) The churchwardens of every parish shall provide a register book of burials for every parish burial ground in the parish; and expenses incurred under this subsection shall be treated for the purposes of the Burials Act 1986 as expenses of maintaining the parish burial ground in question.

(3) The registers referred to in subsections (1) and (2) shall be deemed to belong to the parochial church council or the churchwardens, as the case may be.

(4) Such registers shall be of durable material and the prescribed heads of information to be entered therein shall, in the case of every such register provided after the commencement of this Measure, be printed on every leaf thereof.

(5) Every place of entry in every such register shall be numbered progressively from the beginning to the end of the register, beginning with the number one, and every entry shall be divided from the following entry by a printed line.

17. Registration of baptisms

(1) Where the ceremony of baptism according to the rites of the Established Church is performed —

- (a) in a parish church of a parish, or
- (b) in any other place in a parish by a minister of the parish,

the person by whom the ceremony was performed shall as soon as possible thereafter enter the prescribed particulars in the appropriate register of baptisms and shall sign the register in the place provided.

(2) Where the ceremony of baptism according to the said rites is performed in any place in a parish other than a parish church by a person who is not a minister of the parish, the person by whom the ceremony was performed shall as soon as possible thereafter send to the incumbent or priest in charge of the parish a certificate signed by him certifying when and where the ceremony was performed and containing such other particulars as are prescribed.

(3) Where the ceremony of baptism according to the said rites is performed in an institution in respect of which a clerk in Holy Orders is for the time being licensed under section 2 of the Extra-Parochial Ministry Measure 1967 to perform any offices or services, then, unless the ceremony is performed in an institution for which a register of baptisms has been provided by virtue of section 16, the person by whom the ceremony was performed shall as soon as possible thereafter send a certificate —

- (a) signed by him,
- (b) certifying when and where the ceremony was performed, and
- (c) containing such other particulars as are prescribed,

to the incumbent or priest in charge of the parish in which the institution is.

(4) On receiving a certificate under subsection (2) or (3) the incumbent or priest in charge shall enter the prescribed particulars of the baptism to which the certificate relates in the appropriate register of baptisms.

(5) In this section "minister", in relation to a parish, means —

- (a) the incumbent of the benefice to which the parish belongs,
- (b) a vicar in a team ministry for the area of that benefice,
- (c) the priest in charge of the parish, or
- (d) any curate licensed to officiate in the parish.

18. Registration of burials

(1) Subject to subsection (4), the minister officiating at a burial according to the rites of the Established Church shall as soon as possible after the burial has taken place enter the prescribed particulars in the appropriate register of burials and shall sign the register in the place provided.

(2) Subject to subsection (4), where a burial according to the said rites takes place in an institution in respect of which a clerk in Holy Orders is for the time being licensed under section 2 of the Extra-Parochial Ministry Measure 1967 to perform any offices or services, then unless the burial takes place in the burial ground of an institution for which a register of burials has been provided by virtue of section 16, the minister officiating at the burial shall as soon as possible after the burial has taken place send a certificate —

- (a) signed by him,
- (b) certifying when and where the burial took place, and
- (c) containing such other particulars as are prescribed,

to the incumbent or priest in charge of the parish in which the institution is.

(3) On receiving such certificate the incumbent or priest in charge shall enter the prescribed particulars of the burial to which the certificate relates in the appropriate register of burials.

(4) This section does not apply in relation to a burial which takes place in the cemetery provided under the Douglas Cemetery Act 1895.

(5) In this section "minister" means any person who is authorised to bury the dead according to the rites of the Established Church.

19. Corrections of errors in register of baptisms or burials

(1) A person required to register a baptism or a burial under this Measure who discovers an error in the form or substance of an entry made in the register of baptisms or burials, as the case may be, shall not be liable to any penalty under the Forgery Act 1952 by reason only that within one month after the discovery of the error he corrects the erroneous entry in the presence of the persons specified in subsection (2) by entry in the margin of the register, without any alteration of the original entry.

(2) The persons referred to in subsection (1) are —

- (a) in the case of an erroneous entry in a register of baptisms, either or both of the parents of the child to whom the entry relates or, in the case of the death or absence of both of them, the churchwardens of the parish to which the register belongs; and
- (b) in the case of an erroneous entry in a register of burials, 2 persons who were present at the burial to which the entry

relates or the churchwardens of the parish to which the register belongs.

(3) Any such marginal entry as is referred to in subsection (1) shall be signed by the person by whom the entry is made and shall be attested by the persons in whose presence the entry is required to be made, and the person by whom the entry is made shall add the date when it is made.

20. Application of ss.16-19 to certain institutions

Sections 16 to 19, so far as applicable and with the necessary modifications, apply in relation to —

- (a) the provision of registers of baptisms or burials for any institution in respect of which a clerk in Holy Orders is for the time being licensed under section 2 of the Extra-Parochial Ministry Measure 1967 to perform any offices or services;
- (b) the registration of baptisms performed in any such institution; and
- (c) the registration of burials which take place in any burial ground belonging to any such institution.

Exhibitions, research etc.

21. Making certain registers etc. in record office available for exhibition or research

(1) Subject to the provisions of this section and section 22(1), where a request in that behalf is made to the diocesan records officer, he may authorise —

- (a) [*relates to diocesan records*]
- (b) such of the registers or records in his custody by virtue of section 11 or 13,

as may be specified in the authorisation to be transferred to, and deposited for such period as may be so specified in, a suitable and safe place for the purpose of exhibition or research.

(2) Subsections (3) and (4) apply to a request under this section relating to registers or records falling within subsection (1)(b).

(3) Where such a request is made by the parochial church council of the parish to which the registers or records in question belong, the diocesan records officer shall issue the authorisation requested if he is satisfied that the place of a deposit specified in the request is a suitable and safe place.

(4) Where such a request is made by any person other than that parochial church council, the diocesan records officer may issue the authorisation requested only with the consent of that council.

22. Making registers etc. in parochial custody available for certain purposes

(1) Subject to subsection (2), any person having the custody of any registers or records in parochial custody may deposit any of them for a limited period —

- (a) in the diocesan record office, or
- (b) in some other suitable and safe place approved by the Bishop,

for the purpose of exhibition or research or for the purpose of enabling copies or lists to be made of them or copies of any part thereof.

(2) The power conferred by subsection (1) on a person having the custody of such registers or records may be exercised at the request of any other person, but, whether or not any such request is made, the first mentioned person, if not the parochial church council concerned, may exercise that power only with the consent of that council.

(3) Where a request for the deposit in accordance with subsection (1) of any such registers or records is made to the person having the custody of them, then —

- (a) if that person refuses or fails to comply with the request, or
- (b) where subsection (2) applies, the parochial church council refuses to consent to the deposit being made,

the Bishop, on the application of the person who made the request and after giving the parochial church council concerned and any other person who has the custody of them an opportunity to make representations to him, may order them to be deposited for a period specified in the order in the diocesan record office or other suitable and safe place approved by him for any of the purposes mentioned in subsection (1).

(4) Before approving a place as suitable and safe place for the purposes of this section the Bishop shall consult the diocesan records officer.

23. Provisions supplemental to ss.22 and 22

(1) The period during which any registers or records formerly or for the time being in parochial custody may be deposited in any place by virtue of any provision of section 21 or 22 shall not exceed one year; but the person by whom that period was fixed may, with the consent of the parochial church council concerned, extend that period for a further period, not exceeding one year; and that said power may be exercised from time to time before or after the expiration of an extension of a period of deposit.

(2) The expenses arising out of the transfer, deposit and return of registers and records in pursuance of any provision of section 21 or 22 shall be paid by the person at whose request the deposit is made.

(3) Before —

- (a) the Bishop makes an order under section 22(3) on the application of the person who made such request, or
- (b) the diocesan records officer issues an authorisation under section 21 at the request of any person other than the parochial church council of the parish to which the registers and records described in the request belong, or
- (c) any person agrees to comply with a request for the deposit in accordance with section 22(1) of any such registers or records as are referred to therein,

he may require the person who made the request to effect insurance with such insurer as may be agreed between that person and that council or, in default of agreement, as the Bishop may direct.

(4) Insurance under subsection (3) must cover risks of loss of, or damage to, the registers and records —

- (a) while in transit to or from the place in which they are to be deposited in accordance with the request, order or authorisation, as the case may be, and
 - (b) while so deposited in that place,
- for such sum as may be agreed or directed as mentioned in that subsection.

Miscellaneous and supplemental

24. Access to registers and records

(1) Subject to the following provisions of this section, it shall be the duty of the diocesan records officer to arrange that reasonable facilities are available to the public for inspecting and obtaining registers and records deposited in the diocesan record office under this Measure.

(2) If it appears to the Bishop that any records deposited in the diocesan record office under this Measure that they contain information of such a kind, or obtained in such circumstances, that the opening of those records to the public would or might constitute a breach of confidence or good faith on the part of the Church or of the persons who obtained the information, he shall notify the diocesan records officer accordingly.

(3) Where a notification is given under subsection (2), the records in question shall not be available in the diocesan record office for public inspection even after the expiration of

the said period except in such circumstances and subject to such conditions, if any, as the Bishop may approve, or, if the Bishop thinks fit, after the expiration of such period as he may direct.

(4) Nothing in this section shall be construed as granting any right to inspect public records or any part of them which appear to the diocesan records officer to be in danger of damage through inspection by the public; but where any records are withheld from inspection by the public by virtue of this subsection the diocesan records officer shall, if possible, make copies of them available for inspection by the public.

(5) The foregoing provisions of this section are subject to any statutory provision, whenever made, which prohibits or restricts the disclosure of information.

25. Disposal of registers etc. on dissolution of parish, etc.

(1) Where a parish is dissolved by a pastoral scheme, whether in consequence of a union of parishes or otherwise, then, subject to the provisions of that scheme, the registers belonging to that parish and any records in parochial custody therein shall be dealt with in such manner as the Bishop may direct.

(2) Subject to section 47 of the Marriage Act 1984 (disposal of registers of marriage on church ceasing to be used for marriages), where a church (within the meaning of the Pastoral Measure 1983) ceases to be used as such, whether by reason of a declaration of redundancy, demolition or otherwise, then, unless the Bishop otherwise directs or any pastoral scheme otherwise provides, the registers and records kept in or relating to that church shall be deposited in the diocesan record office.

(3) Subsections (1) and (2) are without prejudice to the power of the Bishop to make an order under section 13 with respect to such registers or records; and section 15, with the omission of subsection (3), shall apply in relation to any such registers or records which in compliance with the direction of the Bishop have been deposited in a place which is not the diocesan record office.

NOTE: S.25: subs.(2): the Pastoral Measure 1983 is repealed and replaced by the Mission and Pastoral Measure (Isle of Man) 2012 (SD 654/12).

26. Searches of certain registers

(1) Every person having the custody of any register of baptisms or burials, being an incumbent, priest in charge or churchwarden,

shall at all reasonable hours allow searches to be made in that register on payment of such fee, if any, as may be prescribed and shall, if requested to do so, give a copy certified under his hand of any entry in that register on payment of such fee, if any, as may be prescribed under section 1 of the Ecclesiastical Fees Measure 1986.

(2) Where any registers of baptisms or burials are deposited in the diocesan record office —

(a) the diocesan records officer shall at all reasonable hours allow searches to be made in any such register and shall, if requested to do so, give a copy, certified under the hand of an officer of the record office, of any entry therein; and

(b) the authority or body under whose control that office is may charge such fees, if any, for allowing a search to be made in any such register or for providing a copy of an entry therein as is payable to an incumbent for the time being in force made under the Ecclesiastical Fees Measure 1986.

(3) Where any registers of marriages are deposited in the diocesan record office, section 48 of the Marriage Act 1984 (searches in marriage registers) shall have effect as if for references therein to an incumbent there were substituted references to the diocesan records officer.

(4) Where a search is made —

(a) under subsection (1) or (2), or

(b) in the case of a register of marriages in which the first entry was made before 27th September 1910, under the said section 48,

the person having the custody of the register or the diocesan records officer may require the search to be made in an authenticated photographic copy of the register.

For the purposes of this subsection a copy shall be regarded as authenticated if it bears a certificate signed by the person who had the custody of the register or the person who was the diocesan records officer, as the case may be, at the time the certificate was issued to the effect that it is a true copy of the register.

(5) Where a search is required under subsection (4) to be made in an authenticated photographic copy of a register, the person making the search may request the person having custody of the register (the "custodian") or diocesan records officer to allow the search to be made in the register on the grounds that the copy is not accurate or that the quality of reproduction of the copy is not adequate for the purpose of the search.

(6) Where a request is made under subsection (5), the custodian or diocesan records officer, if —

- (a) he is satisfied that the grounds for the request are reasonable, or
- (b) he is directed to do so by the Archdeacon under subsection (7),

shall allow the search to be made in the register, but only under the supervision of the custodian or diocesan records officer or other person designated by the custodian or diocesan records officer for the purposes of this subsection.

(7) Where a request made under subsection (5) is refused, the person making the search may refer the matter to the Archdeacon; and thereupon the Archdeacon, if satisfied that the grounds for the request are reasonable, may direct the custodian or diocesan records officer to allow the search to be made in the register.

(8) No part of any fee paid to the diocesan records officer by virtue of this section shall be payable by him to any person who would have had the custody of any register had it not been deposited in the diocesan record office.

(9) Nothing in subsection (1) affects section 3 of the Ecclesiastical Fees Measure 1986 (payment of fees during vacancy in benefice).

27. Recovery of registers from unauthorised persons

(1) Where any registers which belong to a parish or were originally in parochial custody are in the possession of any other person who has no title to or right to the possession of them, the Bishop may apply to the High Court for an order that that person do deliver those registers to him, and the court, if satisfied that that person has no title to or right to the possession of them, may order him to deliver them to the Bishop.

(2) Registers delivered to a Bishop in accordance with an order of the court under subsection (1) may, as he thinks fit, be —

- (a) placed by him in the custody of the person who would have had the custody of them had they remained in parochial custody, or
- (b) deposited by him in the diocesan record office.

(3) For the removal of doubt it is declared that, subject to the provisions of this Measure and of the Marriage Act 1984, the title to or right to the possession of registers in the custody of any person by virtue of this Measure is incapable of assignment, whether for value or otherwise.

28. Special provisions as to marriage registers

(1) Where the diocesan records officer has in his custody any register of marriages solemnised on or after the 27th September 1910, he shall —

- (a) furnish the Chief Registrar with particulars of such registers; and
- (b) if any such register is required for the purpose of correcting any erroneous entry therein in accordance with section 46 of the Marriage Act 1984, deliver that register to the minister concerned and permit him to retain it for such period as may be necessary for that purpose.

(2) Nothing in this Measure authorises the deposit in the diocesan record office of any duplicate register or marriages which, when filled, is to be delivered to the Chief Registrar in accordance with section 45 of the Marriage Act 1984.

29. Service of notices and orders

(1) Any notice or order required or authorised by this Measure to be served on or sent or given to a parochial church council shall be duly served, sent or given if it is served on or sent or given to the secretary of that council.

(2) For the purposes of this section and of section 41 of the Interpretation Act 1976 in its application to this section, the proper address of the person on or to whom any such notice or order is required or authorised to be served, sent or given shall be the last known address of that person.

30. Orders, regulations etc.

(1) The Bishop may make regulations prescribing any matter which by virtue of any provision of this Measure may be prescribed.

(2) The Bishop may make regulations modifying this Measure in its application to registers or records kept otherwise than in documentary form.

(3) The Bishop may by order vary any of the periods specified in section 4(2), 10(2) or 11(2)(a) or (c) (or those periods as varied by a previous order under this subsection).

(4) Regulations under subsection (1) or (2), and orders under section 3(1)(c) and subsection (3), shall not have effect unless they are approved by the Diocesan Synod.

(5) Where the Bishop makes an instrument under section 1, or gives any general directions under section 5(5) or 12(5), he shall notify the Diocesan Synod that he has done so and of the effect of the instrument or directions.

31. Interpretation

- (1) In this Measure —
- "burial" includes the disposal of cremated remains;
- "churchwarden" includes a chapel warden;
- "diocesan record" has the meaning given by section 3;
- "diocesan record office" means the repository designated under section 1(1);
- "diocesan records officer" means the chief officer of the diocesan record office;
- "Diocesan Synod" means the Sodor and Man Diocesan Synod;
- "the diocese" means the Diocese of Sodor and Man;
- "directions" means directions in writing;
- "notice" means a notice in writing;
- "in parochial custody" —
- (a) in the case of records, means in the custody of an incumbent or priest in charge or of churchwardens or of a parochial church council or in the joint custody of any of them, and
- (b) in the case of registers, means in the custody of an incumbent or priest in charge or of churchwardens;
- "prescribed" means prescribed by regulations under section 30(1);
- "records" means materials in written or other form setting out facts or events or otherwise recording information, other than registers;
- "registers" means the registers mentioned in section 8(1).
- (2) In this Measure references to any Measure of the General Synod or to any provision of such a Measure shall be construed as references to that Measure or provision as it has effect in the Island.
- (3) In the case of parish in which there are 2 or more parochial church councils, a reference to the parochial church council of the parish shall be construed —
- (a) in relation to registers or records relating to a church, as a reference to the parochial church council of that part of the parish in which the church is;
- (b) otherwise, as a reference to all of those councils.
- (4) Where records created at different dates are —
- (a) entered in one book, or
- (b) for administrative purposes kept together in one file or other assembly,
- all the records in that book, file or assembly shall be treated for the purposes of this Act as

having been completed when the latest of them was completed.

32. Transitional provision, amendments and repeals

- (1) Any registers or records, being —
- (a) diocesan records, or
- (b) registers and records formerly in parochial custody,
- which were deposited in a repository before its designation as the diocesan record office shall, after it is so designated, be treated as if they had been deposited there pursuant to this Measure.
- (2) The Schedule to the Care of Churches and Ecclesiastical Jurisdiction Measure (Isle of Man) 1992 is amended as follows —
- (a) in paragraph 16, for section 21(7) substitute —
- "(7) In this section "article" does not include any register or record to which the Church Records Measure (Isle of Man) 2000 applies."
- (3) The enactments specified in Schedule 3 are repealed to the extent specified in column 3 of that Schedule.

NOTE: S.32: subs.(2): para.(b) omitted by Church (Miscellaneous Provisions) Measure (Isle of Man) 2009 Sch.3 para.6.

33. Short title and commencement

- (1) This Measure may be cited as the Church Records Measure (Isle of Man) 2000.
- (2) This Measure shall come into operation on such day or days as the Bishop may by order appoint.

NOTE: The Measure was brought into force on 13th October 2000 for the purpose of making orders, rules and regulations, and on 1st January 2001 for all other purposes, by the Church Records Measure (Isle of Man) 2000 (Appointed Day) Order 2000 (SD 682/00).

SCHEDULE 1

BODIES AND PERSONS WHOSE RECORDS ARE DIOCESAN RECORDS

[omitted]

SCHEDULE 2

ORDER FOR DEPOSIT OF RECORDS IN RECORD OFFICE

Interpretation

1. In this Schedule "the records" means the diocesan records referred to in section 6, or the registers or records in parochial custody referred to in section 13, as the case may be.

Invitation to make representations

2. In the circumstances mentioned in section 6 or 13, the Bishop shall notify the person or body who has the custody of the records, and any other person or body appearing to him to be concerned, of the facts as they appear to the Bishop and inform them that he will consider any written representations made to him by any of them before a date specified in the notice, being a date not less than 28 days after service of the notice.

Emergency order

3. If after considering any representations duly made to him under paragraph 2 the Bishop is of opinion that the matter is urgent and the circumstances are such that delay must be avoided, then he may order that such of the records as are specified in the order shall be deposited in the diocesan record office within the period of 7 days beginning with the date of service of the order.

Notice by Bishop in ordinary cases

4. If after considering any such representations the Bishop is of opinion that action by him under paragraph 3 is unnecessary but that he should proceed under this paragraph, he shall serve a further notice on the persons referred to in paragraph 2 informing them that he will make an order under paragraph 5 unless, within such period as may be specified in the notice, they satisfy him —

- (a) that section 4(1) or section 11(1) has been complied with as respects any record in their custody to which that provision applies, or
- (b) that any relevant directions issued by him under section 5(5) or section 12(5) are

being and will be complied with, so far as they are applicable, or

- (c) that adequate steps have been taken to remove the danger of loss of, or damage to, the records,

as the circumstances of the case require.

Order requiring deposit in record office

5. If, at the expiration of the period specified in a notice served by him under paragraph 4, the Bishop is not satisfied as to the matters so specified, he shall order that such of the records as are specified in the order shall be deposited in the diocesan record office within the period of 7 days beginning with the date of service of the order.

Service of order

6. An order under this Schedule shall be directed to, and served on, the person or persons having the custody of the records specified in the order.

Application to High Court

7. If any person on whom an order made by the Bishop under this Schedule is served refuses or fails to comply with the order, the Bishop may apply to the High Court for an order that that person deliver the records specified in the first-mentioned order to the diocesan record office, and the court, if satisfied that that order was made in accordance with the provisions of this Schedule, may make an order accordingly.

SCHEDULE 3
ENACTMENTS REPEALED
[omitted]

Marriage Act 1984

PART II — MARRIAGE ACCORDING TO
THE RITES OF THE CHURCH OF
ENGLAND

7. Time and manner of publication of banns

.....

(3) [Every parochial church council shall provide for every church or chapel in its district] in which marriages may be solemnized a register book of banns made of durable materials and marked in the manner directed by section 41(2) for the register book of marriages, and all banns shall be published from the said register book of banns by the officiating [cleric], and not from loose papers, and after each publication the entry in the

register book shall be signed by the officiating [cleric], or by some person under his direction.

NOTE S.7: subs.(3): first words in square brackets substituted by Statute Law Revision Measure (Isle of Man) 1994 Sch.1 para.4(1); second and third words in square brackets substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch.1 para.32.

9. Persons by whom banns may be published

.....

(4) Where a layman publishes banns of matrimony by virtue of this section the layman shall sign the register book of banns provided under section 7, and for that purpose shall be

deemed to be the officiating [cleric] within the meaning of that section.

PART V
REGISTRATION OF MARRIAGES

40. Persons by whom marriages are to be registered

Subject to the provisions of Part VI, a marriage shall be registered in accordance with the provisions of this Part by the following person, that is to say —

- (a) in the case of a marriage solemnized according to the rites of the Church of England, by the [cleric] by whom the marriage is solemnized; . . .

NOTE S.40: para.(a): word in square brackets substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch.1 para.32; paras. (b) & (c) relate to marriages under Parts III & IV.

41. Provision of marriage register books by Chief Registrar

- (1) The Chief Registrar shall furnish to —
(a) the [incumbent] of every church and chapel in which marriages may be solemnized according to the rites of the Church of England . . . ; . . .

such number of register books for making entries of marriages in the prescribed form, and such number of forms for making certified copies of those entries, as may be required for the purposes of this Part.

- (2) Marriage register books so furnished shall be of durable materials, and the heads of information required to be known and registered in relation to marriages shall be printed on each side of every leaf thereof, and every page of a marriage register book, and every place of entry therein, shall be numbered progressively from the beginning to the end of the book, beginning with the number one, and every entry shall be divided from the following entry by a printed line.

NOTE S.41: subs.(1): word in square brackets substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch.1 para.28; words omitted in sub-para.(a) repealed by ib. Sch.5; sub-para.(b) & (c) relate to marriages under Parts III & IV.

42. Manner of registration of marriages

- (1) Every person who is required under this Part of this Act to register a marriage shall, immediately after the solemnization of the marriage, register in duplicate in 2 marriage

register books the particulars relating to the marriage in the prescribed form, . . .

- (2) Every entry made in a marriage register book by virtue of this section shall be signed by the [cleric], . . . and by the parties to the marriage and 2 witnesses.

- (3) Every entry made in a marriage register book by virtue of this section shall be made in consecutive order from the beginning to the end of each book and, in the case of an entry made otherwise than by a registrar, the number of the entry shall be the same in each duplicate marriage register book.

NOTE S.42: subs.(1) & (2): words omitted relate to marriages under Parts III & IV; subs.(2): word in square brackets substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch.1 para.32.

43. Quarterly returns to be made to Chief Registrar

- (1) Every incumbent, . . . shall in the months of January, April, July and October —

- (a) make and deliver to the Chief Registrar, on forms supplied by the Chief Registrar, a true copy certified by him under his hand of all entries of marriages made in the marriage register book kept by him during the period of 3 months ending with the last day of the previous month; or
(b) if no marriage has been registered in the said book during that period, deliver to the Chief Registrar a certificate of that fact under his hand, on a form supplied by the Chief Registrar.

- (2) The Chief Registrar shall pay or cause to be paid the prescribed fee to every incumbent . . . by whom a certified copy is delivered under subsection (1).

- (3) The certified copies sent to the Chief Registrar under this section and the register books sent to him under section 45(1) and (2) shall be kept at such place or places in such order and such manner as the Chief Registrar, subject to any directions of the Clerk of the Rolls, may think fit.

NOTE S.43: subs.(1) & (2): words omitted relate to marriages under Parts III & IV.

44. Custody of register books

Every incumbent, . . . shall keep marriage register books safely until they are filled, in accordance with regulations under section 51.

NOTE S.44: words omitted relate to marriages under Parts III & IV. Regulations under s.51: Registration of Marriages Regulations 2011 (SD 554/11) reg.15(1) requires the books to be kept in accordance with the

45. Filled register books

(1) Where any marriage register book required to be kept in duplicate under this Part is filled, one copy thereof shall be delivered to the Chief Registrar and the other copy —

(a) in the case of a register book kept by an incumbent, shall remain in the custody of the incumbent and be kept by him with the registers of baptisms and burials of the parish in which the marriages registered therein have been solemnized;

.

NOTE S.45: para.(b) of subs.(1), and subs.(2), relate to marriages under Parts III & IV.

46. Correction of errors in register book

(1) A person required to register a marriage under this Part who discovers an error in the form or substance of an entry made in a marriage register book kept by him shall not be liable to any penalty by reason only that, within one month after the discovery of the error, he corrects the erroneous entry in the presence of the parties to the marriage to which the entry relates or, in the case of the death or absence of either of those parties, in the presence of the Chief Registrar and 2 other credible witnesses, by entry in the margin of the register book, without any alteration of the original entry.

(2) Any such marginal entry shall be signed by the person by whom the entry is made and shall be attested by the persons in whose presence the entry is required to be made under subsection (1), and the person by whom the entry is made shall add the date when it is made.

(3) Where any such marginal entry is made by a person who is required to register marriages in duplicate under this Part, that person shall make the like entry, attested in the like manner, in the duplicate marriage register book.

(4) Any person who makes any such marginal entry as aforesaid shall make the like entry in the certified copy of the register book required to be made by him under this Part or, if a certified copy has already been delivered to the Chief Registrar, shall make and deliver to the Chief Registrar a separate certified copy of the original erroneous entry and of the marginal correction made therein.

47. Disposal of register books on church ceasing to be used for solemnization of marriages

(1) Where any church or chapel of the Church of England ceases to be used for the solemnization of marriages, whether by reason of demolition, revocation of a licence or otherwise, any marriage register books in the custody of the incumbent of that church or chapel shall forthwith be delivered to the incumbent of the church which is, or becomes, the parish church of the parish in which the disused church or chapel is situated.

(2) Any incumbent to whom any marriage register books have been delivered under the last foregoing subsection —

(a) shall, when he next delivers to the Chief Registrar under this Part a certified copy of the entries in the marriage register books of marriages solemnized in the parish church, deliver also a copy of all entries which have been made in the first mentioned marriage register books after the date of the last entry therein of which a certified copy has already been delivered to the Chief Registrar; and

(b) shall, unless the said first mentioned marriage register books are the only register books in use for the parish, forward such of the said books as have not been filled to the Chief Registrar in order that they may be formally closed.

48. Searches in register books

Every incumbent, . . . by whom a marriage register book is kept shall at all reasonable hours allow searches to be made in any marriage register book in his keeping, and shall give a copy certified under his hand of any entry in such a book, on payment of the prescribed fee.

NOTE S.48: words omitted relate to marriages under Parts III & IV. See also Church Records Measure (Isle of Man) 2000 s.26(3).

49. Searches of indexes kept by Chief Registrar

(1) The Chief Registrar shall cause indexes of all certified copies of entries in marriage register books sent to him under this Part to be made and kept in the General Registry.

[(1A) Indexes made and kept by the Chief Registrar under subsection (1) and any information contained in them may be kept in such format (including electronic) as the Chief Registrar thinks fit, provided it is possible to search the information contained in the indexes

and to obtain a certified copy in legible form of any entry to which that information relates.]

(2) Any person shall be entitled to search the said indexes at any time when the General Registry is open for that purpose, and to have a certified copy of any entry in the said certified copies of marriage register books, on payment to the Chief Registrar of the prescribed fee.

(3) Any certified copy of an entry given in the General Registry shall be signed by or on behalf of the Chief Registrar; and any certified copy of an entry purporting to be so signed shall be received as evidence of the marriage to which it relates without any further or other proof of the entry.

NOTE S.49: subs.(1A) inserted by Marriage and Civil Registration (Amendment) Act 2011 Sch.1 para.29.

PART VI
GENERAL

[54 Offences relating to the recording of marriages

(1) A person who refuses or fails to comply with the provisions of this Part is guilty of an offence.

(2) A person who refuses, or without reasonable cause omits, to register a marriage which this Act requires that person to register, is guilty of an offence.

(3) A person is guilty of an offence if, having a marriage register book in his custody —

- (a) he carelessly loses or injures the book; or
- (b) he carelessly allows the book to be injured.

(4) If a person required under Part V to make and deliver to the Chief Registrar —

- (a) a certified copy of entries made in the marriage register book kept by the person; or
- (b) a certificate that there have been no entries made in that book since the date of the last certified copy,

refuses to deliver any such copy or certificate, or fails to deliver any such copy or certificate, at the time appointed by the Chief Registrar under section 43, that person is guilty of an offence.

(5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding £5,000.]

NOTE S.54 substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch.1 para.30; subs.(6) relates to marriages under Parts III & IV.

[55 Interpretation

In this Act —

“cleric” means a clerk in Holy Orders of the Church of England and includes a clerk in Holy Orders of the Church in Wales, the Church of Ireland or the Scottish Episcopal Church;

“incumbent”, in relation to a church or chapel in which marriages may be solemnized according to the rites of the Church of England, means —

- (a) the incumbent of the benefice in the area of which the church or chapel is situated,
- (b) if there is no incumbent, the priest-in-charge of that benefice,
- (c) if there is no incumbent or priest-in-charge of the benefice and a team ministry has been established for that benefice, any vicar in the team ministry to whom a special cure of souls has been assigned for the area in which the church or chapel is situated, and
- (d) if none of paragraphs (a) to (c) applies, such cleric as is designated in writing by the Bishop to exercise the function of the incumbent under this Act;

“parish” means an ecclesiastical parish;

“prescribed” means prescribed by regulations made under section 51;

“public chapel” means a chapel licensed by the Bishop under section 14(1) for the solemnization of marriages;.]

NOTE S.55 substituted by Marriage and Civil Registration (Amendment) Act 2011 Sch.1 para.30.
