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1969



Redundant Churches and other Religious Buildings Act 1969

CHAPTER 22

ARRANGEMENT OF SECTIONS

Section

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ELIZABETH II



1969 CHAPTER 22

An Act to authorise the making of grants to the Redundant Churches Fund; to exclude section 40 of the Town and Country Planning Act 1968 in relation to the demolition, in certain cases, of redundant places of public worship; to provide for, and make provision in connection with, the transfer to the Minister of Housing and Local Government or the Secretary of State of certain such places; and to make other provision relating to the acquisition and maintenance by that Minister and the Secretary of State of redundant churches and other religious buildings.

[16th May 1969]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Subject to the provisions of this section, in the period beginning with the passing of this Act and expiring with the day preceding the fifth anniversary of the coming into operation of the Pastoral Measure 1968 (hereafter in this section referred to as "the initial period") and in such later periods as may be specified by the Minister of Housing and Local Government by order made with the approval of the Treasury, that Minister may, with the like approval, out of moneys provided by Parliament, make, in respect of expenditure incurred or to be incurred by the Redundant Churches Fund established by that Measure, grants to that Fund of such amounts, payable at such times and subject to such conditions, if any, as he may from time to time determine.

Grants to
Redundant
Churches
Fund.
1968 No. 1.

(2) The aggregate amount of the grants that may be paid under the foregoing subsection in the initial period shall not

exceed £200,000 and the aggregate amount of the grants that may be so paid in a period specified in an order made under that subsection shall not exceed such sum as may, in relation to that period, be specified in the order.

(3) The power to make an order under subsection (1) above shall include power to vary or revoke that order by a subsequent order thereunder.

(4) The power to make an order under subsection (1) above shall be exercisable by statutory instrument, but a statutory instrument containing such an order shall not be made unless a draft of the instrument has been approved by a resolution of the Commons House of Parliament.

Section 40 of Town and Country Planning Act 1968 not to prevent demolition of buildings in pursuance of schemes under Pastoral Measure 1968.

1968 c. 72.
1962 c. 38.
1968 No. 1.

2. Section 40 of the Town and Country Planning Act 1968 (which restricts the execution of works for the demolition, alteration or extension of a building for the time being included in a list compiled or approved under section 32 of the Town and Country Planning Act 1962) shall not apply to the execution of works for the demolition, in pursuance of a pastoral or redundancy scheme (within the meaning of the Pastoral Measure 1968), of a redundant building (within the meaning of that Measure) or a part of such a building.

Substitution, in section 66 of Pastoral Measure 1968, of Minister of Housing and Local Government for Minister of Public Building and Works.

3. Section 66 of the Pastoral Measure 1968 (which authorises a Diocesan Board of Finance and the Redundant Churches Fund to make agreements with the Minister of Public Building and Works for the acquisition and preservation by him of redundant buildings vested in that Board or that Fund) shall have effect with the substitution, for any reference to the Minister of Public Building and Works, of a reference to the Minister of Housing and Local Government.

Power of court to authorise the transfer of certain redundant places of public religious worship to the Minister of Housing and Local Government or the Secretary of State.

1953 c. 49.

4.—(1) If, in the case of a building which is a place of public religious worship and held by or in trust for a charity but is not a church subject to the provisions of the Pastoral Measure 1968, the court is satisfied that the building, or a part thereof, is no longer required for use as a place of public religious worship and that the Minister is willing to enter into an agreement for the acquisition by him, under the powers conferred on him by section 5 of the Historic Buildings and Ancient Monuments Act 1953, of the building or part by way of gift or for a consideration other than a full consideration, but that it is not within the powers of the persons in whom the building is vested to carry out the agreement except by virtue of this section, the court may, under its jurisdiction with respect to charities, establish a scheme for the making and carrying out of the

agreement, and, if it appears to the court proper to do so, the scheme may provide for the acquisition by the Minister under the said section 5, whether or not by way of gift or for such a consideration, of other land, if any, held by or in trust for the charity and comprising, or contiguous or adjacent to, the building, and of objects, if any, which are, or have been, ordinarily kept in the building.

(2) A scheme under this section may provide for conferring on the Minister such rights of way over any land held by or in trust for the charity as appear to the court to be necessary for the purpose of the performance of his functions in relation to the building or any land acquired by him under the scheme or for giving to the public reasonable access to the building or land and, so far as so necessary, such rights of way, if any, as are, before the making of the scheme, enjoyed by persons attending services at the building.

(3) A scheme made under subsection (1) above may provide for the making of an application to the Minister, by a person specified in, or appointed in pursuance of, the scheme, for the restoration, if the Minister thinks fit, of the building or part to use as a place of public religious worship; and if the Minister, whether or not such an application is made to him, requests the Charity Commissioners to make provision for restoration of the building or part to such use, they may do so by a scheme under their jurisdiction under section 18 of the Charities Act 1960 c. 58. 1960 (which confers on the Charity Commissioners and the Secretary of State for Education and Science concurrent jurisdiction with the High Court for certain purposes) notwithstanding anything in subsection (4) of that section or that the charity by or in trust for whom the building was held before the establishment of the scheme mentioned in subsection (1) above has ceased to exist; and if it has ceased to exist, the scheme may provide for the constitution of a charity by or in trust for whom the building on its restoration is to be held.

(4) Sections 18 (except subsections (6) and (13)) and 21 (publicity) of the Charities Act 1960 shall have effect in relation to a scheme made under subsection (1) above as they do in relation to a scheme for the administration of a charity.

(5) In this and the next following section "the Minister", except in the case of the application of either of those sections to Wales and Monmouthshire, means the Minister of Housing and Local Government, and in the said excepted case means the Secretary of State; and expressions to which a meaning is assigned by the Charities Act 1960 for the purposes of that Act have that meaning also for the purposes of this and the next following section.

Trusts for repair, &c., of a building to continue after its transfer under section 4.

5.—(1) Where a building is acquired by the Minister in pursuance of the last foregoing section, then, so long as it remains vested in him, any property of a charity the purposes of which include the repair and maintenance of the building or the provision of objects for keeping in the building or the maintenance of objects ordinarily kept there, shall continue to be applicable for that purpose.

(2) Where a part of a building is so acquired by the Minister, then, so long as it remains vested in him, any such property as aforesaid shall be applicable for the repair and maintenance of that part of the building, or the provision of objects for keeping in that part or the maintenance of objects ordinarily kept there, to such extent, if any, as may be provided by the scheme under which the agreement for the acquisition by the Minister of the part of the building is made.

Expenses of Ministers in relation to redundant religious buildings not to be reimbursed out of the National Land Fund. 1953 c. 49. 1968 No. 1.

6. So much of section 7 of the Historic Buildings and Ancient Monuments Act 1953 as requires the payment to the Minister of Housing and Local Government and the Secretary of State out of the National Land Fund of sums equal to the amount of the expenses incurred by them under section 5 of that Act shall not apply to expenses incurred by that Minister in the exercise, in relation to redundant buildings within the meaning of the Pastoral Measure 1968, of powers conferred by the said section 5, or by that Minister or the Secretary of State in the exercise, in relation to buildings falling within section 4 of this Act, of powers so conferred.

Short title, saving, repeal and extent.

7.—(1) This Act may be cited as the Redundant Churches and other Religious Buildings Act 1969.

1960 c. 58.

(2) Nothing in this Act shall be taken to prejudice any power of the court (within the meaning of the Charities Act 1960) or the Charity Commissioners to establish a scheme for the administration of a charity or the power of the Charity Commissioners under section 23 of that Act to authorise dealings with trust property.

(3) The proviso to section 91 of the Pastoral Measure 1968 is hereby repealed.

(4) This Act does not extend to Scotland or Northern Ireland.

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