



Dioceses, Pastoral and Mission Measure 2007

2007 No. 1

PART IV

CHURCH BUILDINGS CLOSED FOR REGULAR PUBLIC WORSHIP

Introduction

40 Amendment of Part III of Pastoral Measure 1983

- (1) Part III of the 1983 Measure shall have effect subject to the amendments set out in this Part of this Measure.
- (2) For any reference in the said Part III to a pastoral scheme there shall be substituted a reference to a pastoral church buildings scheme.

Functions of mission and pastoral committee concerning buildings closed for regular public worship

41 Functions of mission and pastoral committee concerning buildings closed for regular public worship

For section 42 there shall be substituted the following section—

“42 Functions of mission and pastoral committee concerning buildings closed for regular public worship

- (1) The mission and pastoral committee shall be under a duty, in respect of each church proposed to be closed or building closed for regular public worship (except where it is proposed to close a church and make provision for the future of the building under section 46)—

Status: This is the original version (as it was originally enacted).

- (a) in the case of a listed building or a building situated in a conservation area, to make every endeavour to find a suitable alternative use or suitable alternative uses for the building, and
 - (b) in the case of any other building, to develop proposals for the suitable alternative use or uses of the building or for the demolition of the building and the disposal of its site.
- (2) In carrying out its functions under this section the mission and pastoral committee shall obtain advice from the Commissioners, persons having expertise in the management, development and disposal of property and such other professional advisers as it thinks fit.
- (3) The mission and pastoral committee shall report to the Commissioners at such times as it thinks appropriate on the progress made in discharging its duties under subsection (1) and, in any case, within the period of six months from its last report, and also when required to do so by the Commissioners.
- (4) When the mission and pastoral committee has found a suitable alternative use or suitable alternative uses for the building or has reached the conclusion that no such use can be found or has developed proposals in accordance with subsection (1)(b) above it shall report to the Commissioners with its recommendations or proposals.
- (5) The Commissioners may, in the case of any building closed for regular public worship, require the mission and pastoral committee to refer the case to them and, thereupon, the duties under subsection (1) shall be discharged by the Commissioners instead of the committee, but the Commissioners shall, in carrying out that duty, consult the committee.”.

Pastoral church buildings schemes

42 Provision by pastoral church buildings scheme for appropriation or demolition of church to be closed for regular public worship to be replaced by new church

Section 46 shall be amended as follows—

- (a) in subsection (1), for the words from the beginning of the subsection to the beginning of paragraph (a) there shall be substituted the following words “Where the Commissioners are satisfied that a new church or place of worship is to be provided in the area of a benefice to take the place of a church building or church buildings in that area which should thereupon be declared closed for regular public worship and where the Commissioners, after consulting the Church Buildings Council, are satisfied with the proposals made for the future of the church building or any of the church buildings to be closed, then a pastoral church buildings scheme may further provide—”;
- (b) in subsection (2), all the words following the words “diocesan board of finance”, where they first appear, shall be omitted; and
- (c) subsections (3) to (6) shall be omitted.

43 Other provision by pastoral church buildings scheme for church closed for regular public worship

Section 47 shall be amended as follows—

Status: This is the original version (as it was originally enacted).

- (a) in subsection (2), for the words “Advisory Board” there shall be substituted the words “Church Buildings Council”; and
- (b) after subsection (3) there shall be inserted a new subsection—
 - “(3A) Where a pastoral church buildings scheme contains a declaration of closure of a church for regular public worship and the church is neither a listed building nor situated in a conservation area, and the Commissioners are satisfied with the proposals for the future of the building, the scheme may provide for the demolition of the building closed for regular public worship and for any of the matters for which section 51(4) makes provision and section 51(5) to (11) shall apply accordingly.”.

Pastoral (church buildings disposal) schemes

44 Use seeking period

Section 49 shall be amended as follows—

- (a) for the heading there shall be substituted the following heading “Use seeking period”;
- (b) in subsection (1), the words from “, and the Commissioners” to the end of the subsection and the provisos shall be omitted;
- (c) at the end of that subsection the following words shall be added—
 - “Provided that the Commissioners shall not prepare a pastoral (church buildings disposal) scheme in respect of a building closed for regular public worship for a period of six months after the declaration takes effect if the scheme provides for the demolition of a building which is either a listed building or situated in a conservation area, unless the Commissioners are satisfied, after consulting the Church Buildings Council, that, at that stage, there is no objection to the demolition taking place.”;
- (d) in subsection (2)(b) after the word “faculty” there shall be inserted the words “, but after consulting the Diocesan Advisory Committee and the chancellor of the diocese unless the board considers that, having regard to the urgency of the need to safeguard the contents, it is not practicable to do so,”;
- (e) subsection (2)(d) shall be omitted; and
- (f) in subsection (4) for the words “Advisory Board” there shall be substituted the words “Church Buildings Council”.

45 Procedure for making pastoral (church buildings disposal) schemes

Section 50 shall be amended as follows—

- (a) in subsection (1), for the words from the beginning to the word “fulfilled” there shall be substituted the words “The Commissioners may at any time or, where the proviso to section 49(1) applies, after the period of six months mentioned therein has expired”;
- (b) in subsection (1), for the word “three”, in both places where it occurs, there shall be substituted the word “two”;
- (c) in subsection (2), for the words from the beginning to “Advisory Board” there shall be substituted the words “Before preparing any such draft scheme which provides for the demolition or the care and maintenance by the Churches

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Conservation Trust of the building closed for regular public worship or any part thereof the Commissioners shall consult the Church Buildings Council”, for the words “said Board” there shall be substituted the word “Council”, for the word “their” there shall be substituted the word “its” and the words “paragraph (b) of” shall be omitted;

- (d) after subsection (2) there shall be inserted the following subsection—
 - “(2A) After preparing the draft scheme and before proceeding under the following provisions of this section the Commissioners shall consult the bishop.”;
- (e) in subsection (3) there shall be inserted, at the beginning, the words “After taking into account any comments made by the bishop, if they decide to proceed with the draft scheme,”, after the word “concerned,” there shall be inserted the words “, the parish council or parish meeting concerned,” and for the words “Advisory Board” there shall be substituted the words “Church Buildings Council”;
- (f) After subsection (4) there shall be inserted the following subsection—
 - “(4A) Where the draft scheme makes or is to make any such provision as is referred to in section 51(1)(a) and it is proposed to make any architectural or structural changes in the building closed for regular public worship or any part thereof to facilitate the use or uses referred to in that section, the Commissioners shall not make the scheme unless they have first consulted the Church Buildings Council on those proposed changes.”;
- (g) after subsection (5) there shall be added the following subsections—
 - “(5A) The Commissioners may, if they think fit, afford an opportunity to any person, whether he has made written representations or not, to make oral representations with respect to the draft scheme.
 - (5B) The Commissioners may, before or after the period within which written representations may be made under this section, extend that period, and any representations made within the period so extended shall be deemed to be duly made.
 - (5C) The Commissioners may at any time make such amendments to the draft scheme as may appear to them to be necessary for the purposes of correcting any drafting mistake or omission.”; and
- (h) in subsection (9) for the words “pastoral schemes” there shall be substituted the words “pastoral church buildings schemes”.

46 Contents of pastoral (church buildings disposal) schemes

Section 51 shall be amended as follows—

- (a) in subsection (1)(b), for the words “Advisory Board” there shall be substituted the words “Church Buildings Council”;
- (b) in subsection (2)(c), after the word “Commissioners” there shall be inserted the words “or the diocesan board of finance”;
- (c) in subsection (7), for the words “(2) or (3)” there shall be substituted the words “(2), (3) or (4)”;

Status: This is the original version (as it was originally enacted).

- (d) in subsection (9), after the words “makes provision”, there shall be inserted the words “, within the period of three years from the declaration of closure or such longer period as the Commissioners may allow,”.