



# Mission and Pastoral Measure 2011

2011 No. 3

## PART 6

### BUILDINGS CLOSED FOR REGULAR PUBLIC WORSHIP

*Amendment and revocation of pastoral (church buildings disposal) schemes and provisions in pastoral church buildings schemes relating to closure of buildings for regular public worship*

#### **69 Amendment of pastoral (church buildings disposal) schemes and provisions**

- (1) A pastoral (church buildings disposal) scheme, and such provisions of a pastoral church buildings scheme as are made by virtue of section 58 or 59, may be amended by a subsequent pastoral (church buildings disposal) scheme prepared and made in accordance with subsections (2) to (11) of section 62, and subsection (13) shall apply.
- (2) An amending pastoral (church buildings disposal) scheme may revoke all or any provisions of the previous pastoral (church buildings disposal) scheme or, as the case may be, any such provisions of a pastoral church buildings scheme, and may substitute or add other provisions providing for any of the matters mentioned in section 63, so far as applicable, and may contain such transitional provisions as appear to the Commissioners to be necessary or expedient in consequence of the changes made by the amending scheme.
- (3) Without prejudice to the provisions of subsection (2), the Commissioners may, with the agreement of the Secretary of State, make an amending pastoral (church buildings disposal) scheme which provides—
  - (a) for empowering the Commissioners to sell, give or exchange any property vested in the Churches Conservation Trust, being a building closed for regular public worship or any part of it or any land annexed or belonging to the building or the church of which it forms part, for any use or uses which appear to the Commissioners to be suitable and which shall be specified or described in the scheme; and

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*Status: This is the original version (as it was originally enacted).*

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- (b) for empowering the diocesan board of finance to use or hold that property for any such use or uses, or to let or license it for that use or those uses, or partly the one and partly the other;

and the scheme may for that purpose provide that immediately before the date on which the property vests in the Commissioners under section 71(2) or in the diocesan board of finance under section 71(5), as the circumstances require, it shall cease to be vested in the Trust.

Before preparing a draft of such a scheme the Commissioners shall consult the Trust.

- (4) The proceeds of any sale or exchange made, and the premiums on any lease or licence granted, by virtue of subsection (3) shall be paid to the Commissioners, and out of those proceeds or premiums, as the case may be, the sum expended by the Churches Conservation Trust on the care and maintenance of the property to which the amending pastoral (church buildings disposal) scheme relates, or so much of it as the Commissioners may, with the agreement of the Secretary of State, determine, shall be repaid to the Trust by the Commissioners, and subject as aforesaid and to an appropriate order made under section 65(1)(b) the net proceeds or net premiums, as the case may be, shall be paid and applied in accordance with section 63(5).
- (5) Where any property to which the amending pastoral (church buildings disposal) scheme relates is by virtue of subsection (3) let or licensed by the diocesan board of finance, the net rent from time to time paid thereunder shall be paid by the board to the Churches Conservation Trust until the sum expended by the Trust on the care and maintenance of that property, or so much of that sum as the Commissioners may, with the agreement of the Secretary of State, determine, has been repaid to the Trust out of the rent.
- (6) A pastoral (church buildings disposal) scheme or any provision of it, and any such provision of a pastoral church buildings scheme as is referred to in subsection (1) may be amended or revoked under this section before it comes into operation.

## **70 Restoration of building closed for regular public worship to use as church building**

A pastoral church buildings scheme may provide that a building closed for regular public worship or part of such a building which is vested in the Churches Conservation Trust or the diocesan board of finance or the Commissioners shall be restored to use as a church or part of a church, and may further provide—

- (a) for designating the church as a parish church or chapel of ease;
- (b) for vesting the building or part, with or without any land vested with the building or part, in the incumbent of the benefice in the area of which it is situated, or in such other person as may be specified in the scheme;
- (c) for such transitional, supplementary or consequential matters as appear to the Commissioners to be necessary or expedient;
- (d) for revoking the declaration of closure for regular public worship and revoking or amending any provisions, whether in a pastoral church buildings scheme or pastoral (church buildings disposal) scheme, made under this Part in relation to the building or part of the building closed for regular public worship.