



# Mission and Pastoral Measure 2011

2011 No. 3

## PART 6

### BUILDINGS CLOSED FOR REGULAR PUBLIC WORSHIP

*Provisions for future use of buildings closed for regular public worship in pastoral church buildings schemes*

#### **58 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**

- (1) 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 through its Statutory Advisory Committee, 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—
- (a) for the appropriation of the building to be closed in accordance with section 63(1)(a) or for its demolition, and for any of the matters mentioned in section 63(2), (3) or (4);
  - (b) for the payment to the Commissioners of the proceeds of any sale or exchange of the building or the site thereof, or any part of the building or site, with or without any land annexed or belonging thereto, and the premiums on any lease or licence of the building or site or any part of the building or site with or without any such land; and
  - (c) subject to subsection (4), for the application of the net proceeds and net premiums to defray the cost of providing the new church or place of worship and, if the whole amount thereof is not required for that purpose, for the payment of two-thirds of the balance to the diocesan pastoral account and for the application by the Commissioners of the remaining one-third in accordance with section 64.

---

*Status: This is the original version (as it was originally enacted).*

---

- (2) A pastoral church buildings scheme which provides for the demolition of a building closed for regular public worship may provide for its demolition by the diocesan board of finance.
- (3) Where a pastoral church buildings scheme makes such provision as is mentioned in subsection (1), the declaration of closure for regular public worship shall not take effect until the new church or place of worship is provided unless the Commissioners are satisfied that, if the church or any of the churches to be replaced is disposed of or demolished before such provision, a suitable building will be available in the interim period, not necessarily in the same parish, for use in place of that church.
- (4) Where before a declaration of closure for regular public worship is made by a pastoral church buildings scheme under this section in respect of a church which was the subject of a sharing agreement under the Sharing of Church Buildings Act 1969 (c. 38) and which on the termination of the agreement was vested in an incumbent by section 9(3) of that Act, any contribution in the nature of capital made in accordance with the agreement by any party thereto, other than a party acting on behalf of the Church of England, or so much thereof as the Commissioners may determine, may be repaid to that party by the Commissioners out of the proceeds of any sale or exchange, or the premiums on any lease or licence, of that church, any part of that church, or the site thereof before the net proceeds or net premiums, as the case may be, are applied in accordance with subsection (1)(c).
- (5) References in this section to the provision of a new place of worship shall be construed as including references to the provision of such a place by adapting, improving or repairing an existing building.
- (6) In this section “place of worship” means a building licensed by the bishop for public worship in accordance with the rites and ceremonies of the Church of England, being a building used wholly for the purposes of such worship and purposes ancillary thereto, or partly for those purposes and partly for other ecclesiastical purposes of the parish or purposes ancillary thereto, and includes a building which, pursuant to an agreement under the Sharing of Church Buildings Act 1969, is to be used as a place of worship jointly with another church and is to be owned by the Church of England only or to be jointly owned by that Church and any other Church.

## **59 Other provision by pastoral church buildings scheme for church to be closed for regular public worship**

- (1) Where a pastoral church buildings scheme makes a declaration of closure of a church for regular public worship in respect of any church or part of a church, not being a case to which section 58 applies, and the Commissioners are satisfied that a suitable use or uses will be available for the building to be closed for regular public worship when the declaration takes effect, the pastoral church buildings scheme may provide for the appropriation of the building to the said use or uses, and may make further provision for any of the matters mentioned in section 63(2) and section 63(5) to (11) shall apply accordingly.
- (2) Where a pastoral church buildings scheme makes a declaration of closure for regular public worship in respect of any church or part of a church and the Commissioners are satisfied that no suitable or appropriate alternative use will be available for the building to be closed for regular public worship when the declaration takes effect, then, if it appears to the Commissioners—

---

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

---

- (a) after consultation with the Church Buildings Council through its Statutory Advisory Committee that the building is of such historic and archaeological interest or architectural quality that it ought to be preserved in the interests of the nation and the Church of England; and
  - (b) that the Churches Conservation Trust will have the resources to meet the cost of repairing and maintaining it,
- the scheme may provide for its care and maintenance by the Trust.
- (3) Where a pastoral church buildings scheme provides for the care and maintenance of a building to be closed for regular public worship or any part thereof by the Trust, the scheme may also provide for the care and maintenance by the Trust of the whole or any part of the land annexed or belonging to the building or the church of which the building is part, and may so provide notwithstanding that the land is or has been used for burials.
- (4) 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 to be closed for regular public worship and for any of the matters for which section 63(4) makes provision and section 63(5) to (11) shall apply accordingly.

## **60 No other cases to be dealt with by pastoral church buildings schemes**

Except in the cases specified in sections 58 and 59 and without prejudice to the provisions relating to the restoration of a building closed for regular public worship to use as a church, no further provision beyond the declaration of closure for regular public worship itself shall be made by a pastoral church buildings scheme with respect to the building closed for regular public worship, but such provision shall be made by the following provisions of this Part and schemes made under it (in this Measure referred to as pastoral (church buildings disposal) schemes).