



# Mission and Pastoral Measure 2011

2011 No. 3

## PART 6

### BUILDINGS CLOSED FOR REGULAR PUBLIC WORSHIP

#### *Pastoral (church buildings disposal) schemes*

#### **62 Procedure for making pastoral (church buildings disposal) schemes**

- (1) The Commissioners may at any time or, where the proviso to section 61(1) applies, after the period of six months mentioned therein has expired, and shall in any case not later than two years after the declaration of closure for regular public worship takes effect, prepare a draft scheme with respect to the building closed for regular public worship providing for any of the matters mentioned in section 63:

Provided that if before the end of the period of two years it is found to be impracticable to prepare the draft scheme before that period expires, and it seems to the Commissioners, after consulting the diocesan board of finance, reasonable to do so, they may, with the consent of the bishop, postpone the preparation of the draft scheme for such minimum further period or periods as they find to be necessary.

- (2) Before preparing any such draft scheme which provides for the demolition or the care and maintenance by the Churches Conservation Trust of the building closed for regular public worship or any part of it the Commissioners shall consult the Church Buildings Council through its Statutory Advisory Committee:

Provided that if the Council has advised that the demolition of the building closed for regular public worship or part of it would not in its opinion be objectionable this subsection shall not apply in relation to that building or part, as the case may be.

- (3) After preparing the draft scheme and before proceeding under the following provisions of this section the Commissioners shall consult the bishop.
- (4) After taking into account any comments made by the bishop, if they decide to proceed with the draft scheme, the Commissioners shall serve a copy of the draft scheme on

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*Status: This is the original version (as it was originally enacted).*

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the diocesan board of finance, the local planning authority or authorities concerned, the parish council or parish meeting concerned, the Commonwealth War Graves Commission, English Heritage, the Joint Committee of the National Amenity Societies and the Church Buildings Council and, if the draft scheme provides for the care and maintenance by the Churches Conservation Trust of the building closed for regular public worship or any part thereof, on that Trust.

- (5) The Commissioners shall also publish in one or more newspapers circulating in the locality in which the building closed for regular public worship is situated a notice stating the effect of the draft scheme and naming a place or places where a copy thereof may be inspected, and stating that written representations with respect to the draft scheme may be made to the Commissioners not later than a date specified in the notice, being a date not less than twenty-eight days after the first publication of the notice.
- (6) Where the draft scheme makes or is to make any such provision as is referred to in section 63(1)(a) and it is proposed to make any architectural or structural changes in the building closed for regular public worship or any part of it 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 through its Statutory Advisory Committee on those proposed changes.
- (7) The Commissioners shall consider any representations duly made with respect to the draft scheme and any unforeseen change of circumstances affecting its implementation, and may decide not to proceed with it or to amend it or to proceed with it in its original form, and shall consult the bishop before making their decision.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) If the Commissioners decide to proceed with the draft scheme, they shall seal a copy thereof, with such amendments (if any) as they may have made, and shall thereby make the scheme.
- (12) If the Commissioners decide in accordance with subsection (7) not to proceed with a draft scheme they shall as soon as possible prepare a new draft scheme, and subsections (2) to (11) shall apply.
- (13) Sections 14 and 27 shall apply, with the necessary modifications, to schemes under this section as they apply to pastoral church buildings schemes.