



# Mission and Pastoral Measure 2011

2011 No. 3

## PART 6

### BUILDINGS CLOSED FOR REGULAR PUBLIC WORSHIP

*Preservation of churches closed for regular public worship by the Secretary of State*

#### **79 Transfer of churches closed for regular public worship**

(1) Notwithstanding anything in this Part—

- (a) where a building closed for regular public worship or any part of such a building is vested in the diocesan board of finance, whether in pursuance of a pastoral church buildings scheme or a pastoral (church buildings disposal) scheme or pending the making of a pastoral (church buildings disposal) scheme, the board may, with the approval of the bishop and the Commissioners, enter into and carry out an agreement with the Secretary of State for the acquisition and preservation by the Secretary of State, whether in pursuance of existing statutory provisions or further provisions enacted after the passing of this Measure, of the building or part with or without other land so vested in the board;
- (b) where a building closed for regular public worship or any part of such a building is vested in the Churches Conservation Trust in pursuance of a pastoral (church buildings disposal) scheme or a pastoral church buildings scheme to which section 59 applies the Trust may enter into and carry out such an agreement for the acquisition and preservation by the Secretary of State of the building or part with or without other land so vested;
- (c) where a building closed for regular public worship or any part of such a building is situated in England and is vested in the diocesan board of finance, whether in pursuance of a pastoral church buildings scheme or a pastoral (church buildings disposal) scheme or pending the making of a pastoral (church buildings disposal) scheme, the board may, with the approval of the bishop and the Commissioners, enter into and carry out an agreement with English Heritage for the acquisition and preservation by English Heritage of

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*Changes to legislation: There are currently no known outstanding effects for the Mission and Pastoral Measure 2011, Cross*  
*Heading: Preservation of churches closed for regular public worship by the Secretary of State. (See end of Document for details)*

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the building or part with or without other land so situated and so vested in the board;

- (d) where a building closed for regular public worship or any part of such a building is situated in England and is vested in the Churches Conservation Trust in pursuance of a pastoral (church buildings disposal) scheme or a pastoral church buildings scheme to which section 59 applies, the Trust may enter into and carry out an agreement with English Heritage for the acquisition and preservation by English Heritage of the building or part with or without any other land so situated and so vested;

and on any such acquisition this Part, except so far as it is applied by subsections (3) and (4), and any pastoral (church buildings disposal) scheme made with respect to the building, or any provisions of a pastoral church buildings scheme so made by virtue of section 58 or 59 shall cease to apply to the property acquired.

- (2) English Heritage shall not enter into an agreement under subsection (1)(c) or (d) without the consent of the Secretary of State.
- (3) Where a building closed for regular public worship or part of such a building is acquired under subsection (1)—
- (a) any rights of way or other easements conferred under section 72(1) and any rights of way enjoyed under section 72(2) shall vest in the Secretary of State or (as the case may be) English Heritage or be enjoyed by him or her or it for the performance of his or her or its functions in relation to the property or for giving reasonable access to the public;
- (b) sections 71(9), 74(2), 76(1) and 76(2) shall apply as they apply to buildings or parts of buildings and land vested in the Churches Conservation Trust;
- (c) section 78(1) shall not apply to a disposal to the Secretary of State or (as the case may be) English Heritage.
- (4) A pastoral church buildings scheme may make provision under section 70, with the consent of the Secretary of State or (as the case may be) English Heritage for restoring to use as a church or part of a church any building closed for regular public worship or part of such a building acquired by the Secretary of State or English Heritage under this section, and for any of the other matters specified in section 70 and that section shall accordingly apply to any such building or part and to any land acquired by the Secretary of State or English Heritage with it in like manner as it applies to a building closed for regular public worship vested in the Churches Conservation Trust and land so vested with it.
- (5) Before giving his or her consent under subsection (4) in relation to a building or part situated in England, the Secretary of State shall consult English Heritage.
- (6) Where a building closed for regular public worship or any part of such a building is acquired by the Secretary of State or English Heritage under this section, or an agreement for such an acquisition has been made, and any land previously annexed or belonging to the building is vested in the incumbent of the benefice in the area in which the building is situated, the incumbent may, with the approval of the bishop and the Commissioners, enter into and carry out an agreement with the Secretary of State or English Heritage (as the case may be) for the acquisition of the land by the Secretary of State or English Heritage (as the case may be) and for its maintenance with the building or part of the building and subsection (3) shall apply in relation to any land so acquired as it applies in relation to a building closed for regular public worship or part of such a building acquired under subsection (1).

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- (7) English Heritage shall not enter into an agreement under subsection (6) unless—
- (a) the land is situated in England, and
  - (b) the Secretary of State has consented.
- (8) An agreement under this section may provide for the acquisition and preservation by the Secretary of State or (as the case may be) English Heritage of any of the contents of the building closed for regular public worship or a part of such a building, and on such an acquisition section 76(1) shall apply to the contents as it applies to the contents of a building or part vested in the Churches Conservation Trust, but otherwise this Part and any pastoral (church buildings disposal) scheme or pastoral church buildings scheme relating to the contents shall cease to apply to the contents so acquired.
- (9) Where a building closed for regular public worship or part of such a building situated in England has been acquired for its preservation by the Secretary of State under subsection (1) either with or without any other land so situated, English Heritage may by agreement with the Secretary of State undertake on his or her behalf the management and preservation of the building or part together with the other land (if any).
- (10) Where the Secretary of State has under subsection (6) acquired land situated in England for its maintenance with a building or part of such a building, English Heritage may undertake, in any agreement made under subsection (9) in relation to the building or part, the maintenance of the land on behalf of the Secretary of State.
- (11) Where the Secretary of State has under subsection (8) acquired for their preservation the contents of a building closed for regular public worship or part of such a building, English Heritage may undertake, in any agreement made under subsection (9) in relation to the building or part, the preservation of the contents on behalf of the Secretary of State.

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**Commencement Information**

**II** S. 79 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

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