



Mission and Pastoral Measure 2011

2011 No. 3

PART 8

MISCELLANEOUS AND GENERAL

General provisions

109 Churches etc. affected by private and local Acts

- (1) Subject to [F¹subsection (3)], the provisions of this Measure, and in particular those relating to churches closed for regular public worship, shall apply to—
- (a) churches affected by any private or local Act passed before 1st April 1969;
 - (b) land comprising the sites of any such churches or annexed or belonging to any such churches; and
 - (c) any burial ground which is affected by any such Act and is vested in the incumbent of a benefice or is subject to the jurisdiction of the bishop of any diocese;

and a scheme made under this Measure may amend or revoke any provision of a private or local Act so passed, if it appears to the Commissioners that the provision of the Act is inconsistent with or rendered unnecessary by the provisions of the scheme or the provisions of this Measure applicable thereto.

- (2) Where any private or local Act passed before 1st April 1969 provided for the erection of a new church, with or without other buildings and accommodation, and the bishop of the diocese in which the church was to be erected is satisfied, after consultation with the mission and pastoral committee, that it is no longer expedient for a new church and other buildings and accommodation to be erected as provided by the Act or that a place of worship should be provided instead of that church, a pastoral scheme may provide for any or all of the following—
- (a) for the erection on the land on which the church and any other buildings or accommodation were to be erected of a building suitable for licensing by the bishop as a place of worship;

Changes to legislation: There are currently no known outstanding effects for the Mission and Pastoral Measure 2011, Section 109. (See end of Document for details)

- (b) for empowering any person in whom that land is vested to sell, lease or otherwise dispose of it, or any part of it, in such manner and upon and subject to such terms as the scheme may provide;
- (c) for specifying the purposes for which any moneys received as a result of any such disposal are to be applied;

and any provisions of the Act relating to the erection of the new church and other buildings or accommodation, and any other provisions thereof which are inconsistent with, or rendered unnecessary by, the provisions of the scheme, may be amended or revoked by the scheme.

In this subsection “place of worship” has the same meaning as in section 58.

- (3) If it appears to the Commissioners that a proposed pastoral or pastoral (church buildings disposal) scheme will affect the rights (other than the patronage rights) of any person under any such private or local Act as is referred to in subsection (1) or (2) they shall, in the case of a pastoral scheme, serve a copy of the draft scheme on that person together with such a notice as is mentioned in sections 9(1) and 24(1) and he or she shall thereafter be deemed to be an interested party in relation to that scheme, and, in the case of a pastoral (church buildings disposal) scheme, they shall serve a copy of the draft scheme on that person under section 62(4).

Textual Amendments

F1 Words in s. 109(1) substituted (16.3.2020) by [Church of England \(Miscellaneous Provisions\) Measure 2020 \(No. 1\)](#), **ss. 15(2), 16(2)**

Commencement Information

I1 S. 109 in force at 1.7.2012 by [S.I. 2012/1](#), **art. 2**

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