



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.

Changes to legislation: There are currently no known outstanding effects for the Mission and Pastoral Measure 2011, Section 58. (See end of Document for details)

- (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.

Commencement Information

II S. 58 in force at 1.7.2012 by [S.I. 2012/1](#), [art. 2](#)

Changes to legislation:

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