Mission and Pastoral Measure 2011

2011 No. 3

PART 6

BUILDINGS CLOSED FOR REGULAR PUBLIC WORSHIP

Appointment of statutory bodies for buildings closed for regular public worship

57 Appointment of Churches Conservation Trust

(1) There shall be a body corporate called the Churches Conservation Trust, with perpetual succession and a common seal.

(2) The Churches Conservation Trust shall consist of a person to be known as the "Chair" and not less than four **[**[F1]nor more than eleven other members**]**, and the Chair and other members shall be appointed by Her Majesty, and before any such appointment the advice of the Archbishops of Canterbury and York shall be submitted to Her Majesty through the Prime Minister.

(3) Schedule 5 shall apply to the constitution and procedure of the Churches Conservation Trust.

(4) The Churches Conservation Trust shall have as its object the preservation, in the interests of the nation and the Church of England, of churches and parts of churches of historic and archaeological interest or architectural quality vested in the Trust by this Part, together with their contents so vested.

(5) The Churches Conservation Trust shall have power—

(a) to hold and manage all churches and parts of churches and other property vested in the Trust by this Part or acquired under subsection (6) and, in particular, to carry out all necessary works of maintenance and repair in respect of that property and to replace, renew and provide or improve such services or facilities as are required to facilitate greater access to and use of that property;

(b) to acquire property (including rights of way) where the Trust considers that to do so would assist it in the exercise of its powers under paragraph (a);

Changes to legislation: *There are currently no known outstanding effects for the Mission and Pastoral Measure 2011, Section 57. (See end of Document for details)*

(c) to permit the occasional use of property, or to grant a licence permitting the temporary use of property, vested in the Trust for purposes considered by the Trust to be suitable and, in any case, either without charge or on payment of a fee;

(d) to let any property vested in the Trust on such terms (including terms as to the purposes for which it may be used) as the Commissioners may approve, after consultation with the bishop and the Church Buildings Council through its Statutory Advisory Committee, being terms which the Commissioners consider reasonable and proper having regard to all the circumstances;

(e) in respect of any property which the Trust has let or is proposing to let under paragraph (d), to carry out such works as the Trust considers desirable, after consultation with the Church Buildings Council through its Statutory Advisory Committee;

(f) to charge entrance fees for admission to any property vested in the Trust, to raise money by public subscription and appeals, and to accept gifts and bequests either for the general purposes of the Trust or on specific trusts for purposes falling within the general purposes;

(g) to assist, on payment of a fee, in the management of any place of Christian religious worship (not being a church or part of a church) which is vested in any body entrusted with functions similar to those of the Trust;

(h) to administer all sums coming into its hands and to invest as provided in subsection (8) any sums not immediately required for the purposes of the Trust;

(i) to appoint a secretary and such other officers and agents as the Trust considers necessary for the proper discharge of its duties;

(j) to delegate functions to local trustees or bodies.

[[F2](5A) The Churches Conservation Trust shall have power, with the consent of the Commissioners, to transfer, by way of grant, property or funds held by it, other than any church building, to such charitable foundations as it thinks fit.

(5B) The Churches Conservation Trust shall have power, with the consent of the Commissioners, to dispose of any fixtures, fittings or other contents of a church building vested in the Trust under this Part or acquired by the Trust under subsection (6).**]**

(6) Where the freehold interest in a building or any land annexed or belonging thereto has been disposed of under a pastoral (church buildings disposal) scheme or a pastoral church buildings scheme to which section 58 or 59 applies and the owner of that freehold interest is unable for any reason to use the building for the use specified in the scheme including any use allowed under any covenant imposed in relation to the scheme under section 74 and is willing to dispose of the freehold interest by way of gift, the Churches Conservation Trust may, with the prior consent in writing of the Commissioners, acquire the freehold by way of gift but, before consenting to such an acquisition, the Commissioners shall—

(a) consult the bishop and the Church Buildings Council through its Statutory Advisory Committee; and

(b) be satisfied that the Churches Conservation Trust will have the resources to meet the cost of maintaining the church closed for regular public worship.

(7) The Commissioners shall seal the deed of transfer of any land acquired under subsection (6).

(8) The powers to invest any sums referred to in subsection (5)(h) are—

(a) power to invest in investments in which trustees may invest under the general power of investment in section 3 of the Trustee Act 2000 (c. 29) (as restricted by sections 4 and 5 of that Act); and

(b) power to invest in the investments referred to in paragraph 21(1)(e) and (f) of the Schedule to the Church Funds Investment Measure 1958 (6 & 7 Eliz. 2 No. 1).

(9) The powers conferred on the Churches Conservation Trust by subsection (5)(c) and (d) may be exercised so as to permit the use of a church or part of a church vested in the Trust for such worship (including worship by persons belonging to other Christian Churches) as may be authorised by the bishop after consulting the incumbent or priest in charge of the benefice in the area of which the church is situated.

(10) The terms of a lease granted under subsection (5)(d) in respect of any property may provide that the property shall not be subject to the legal effects of consecration during the currency of the lease, notwithstanding the provisions of section 74(2).

(11) Where any such property has been let under subsection (5)(d) and the terms of the lease provide to the effect that no alteration may be made to it without the approval of the Churches Conservation Trust, its approval shall only be given after consultation with the Church Buildings Council through its Statutory Advisory Committee.

(12) A statement in a document signed by the secretary or other duly authorised officer of the Commissioners that the Commissioners have approved the terms of any lease granted under subsection (5)(d) which is specified in the document shall be conclusive evidence that those terms have been so approved.

(13) As a condition of giving their approval to the terms of any lease under subsection (5)(d) the Commissioners may require the Churches Conservation Trust to include in the lease such provisions, if any, as appear to them to be necessary to give effect to those terms.

(14) The Churches Conservation Trust may contribute to the cost of the care and maintenance of a church or part of a church vested in a diocesan board of finance under this Part pending the making or coming into operation of arrangements under a pastoral (church buildings disposal) scheme.

(15) All expenditure of the Churches Conservation Trust shall be defrayed out of the sums in its hands.

(16) The Churches Conservation Trust shall give to the Commissioners and to the Church Buildings Council through its Statutory Advisory Committee such information and advice as the Commissioners or the Council may, from time to time, require about—

(a) the Trust's financial position generally; and

(b) the estimated cost of repairing and thereafter maintaining any church or part of a church which is proposed to be vested in the Trust or which the Commissioners consider is likely to be proposed for vesting in the Trust.

(17) If—

(a) the Church Buildings Council has prepared a report, under section 21(7), about a church in respect of which the mission and pastoral committee is considering whether to make a recommendation that a declaration of closure for regular public worship be made, and

(b) the Commissioners, after consulting the Council through its Statutory Advisory Committee, are of the opinion that, in the event of the church being closed for regular public worship and no suitable or appropriate alternative use being found for it, it is likely 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 of the Church of England,

the Commissioners may, with the consent of the mission and pastoral committee, and subject to any conditions or limitations which they may specify, request the Churches Conservation Trust to give advice to them and, if specified, advice or assistance to any other specified person or body, in identifying and developing proposals for any use or uses of the church, or any part of it, which would be consistent with the primary use of the church as a whole as a place of worship and which would have the object of ensuring the continuance of that use.

(18) Notwithstanding subsection (4), the Trust shall have power to give such advice and assistance as is described in subsection (17).

(19) The Commissioners may make grants out of their general fund in respect of the expenditure of the Churches Conservation Trust:

Provided that the total amount of the grants made in any funding period shall not exceed the figure determined in respect of that period in accordance with section 65.

(20) The Churches Conservation Trust shall, as soon as possible after the end of each accounting year, transmit a copy of its accounts for that year and a report on its proceedings during that year to the Commissioners and to the Church Buildings Council; and in this subsection "accounting year" means the period of twelve months beginning on a date to be determined by the Trust with the agreement of the Commissioners.

(21) The Churches Conservation Trust shall transmit copies of the said accounts and report to the Secretary of State and the Secretary of State shall lay copies thereof before each House of Parliament and the Commissioners shall transmit copies of the said accounts and report to the Secretary General of the General Synod and the Secretary General shall lay copies thereof before the General Synod.

Textual Amendments

F1 Words in s. 57(2) substituted (1.7.2018) by Mission and Pastoral etc. (Amendment) Measure 2018 (No. 4), **ss. 8**, 14(3); S.I. 2018/722, art. 2(b)

F2 S. 57(5A)(5B) inserted (19.5.2014) by Church of England (Miscellaneous Provisions) Measure 2014 (No. 1), s. 21(2), **Sch. 2 para. 19(7)**; S.I. 2014/1369, art. 2

Commencement Information

I1 S. 57 in force at 1.7.2012 by S.I. 2012/1, **art. 2**

Changes to legislation:
There are currently no known outstanding effects for the Mission and Pastoral Measure 2011, Section 57.