



# Mission and Pastoral Measure 2011

2011 No. 3

## PART 6

### BUILDINGS CLOSED FOR REGULAR PUBLIC WORSHIP

#### *Vesting of property and other supplementary provisions*

#### **71 Vesting of property**

- (1) Where a pastoral (church buildings disposal) scheme or a pastoral church buildings scheme to which section 58 applies provides for the demolition of the building closed for regular public worship or any part of it, the building or part and any land which under the scheme is to be sold, given, exchanged or let with the site of the demolished building or part shall, by virtue of this Measure, without any conveyance or other assurance, vest in the appropriate body on the date when the relevant provisions of the scheme come into operation.

In this subsection “the appropriate body” means the body, being either the Commissioners or the diocesan board of finance, by which in accordance with the scheme the building or part in question is to be demolished.

- (2) Where a pastoral (church buildings disposal) scheme or a pastoral church buildings scheme to which section 58 or 59 applies provides for empowering the Commissioners to sell, give or exchange the building closed for regular public worship or any part of it or any land annexed or belonging to the building or the church of which it forms part for a use or uses specified or described in the scheme, the building or part or land shall vest in the Commissioners on the date when the relevant provisions of the scheme come into operation.
- (3) Where a pastoral (church buildings disposal) scheme or pastoral church buildings scheme to which section 58 or 59 applies provides for land annexed or belonging to a building closed for regular public worship to be appropriated to use as the site for a parsonage house or part of the house or as parsonage land the land shall on the date when any such provision comes into operation vest in the incumbent of the benefice

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*Changes to legislation: There are currently no known outstanding effects for the Mission and Pastoral Measure 2011, Section 71. (See end of Document for details)*

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in which the land is situated as property of the benefice and without any conveyance or further assurance.

- (4) Where a pastoral (church buildings disposal) scheme or pastoral church buildings scheme to which section 58 or 59 applies provides for land annexed or belonging to a building closed for regular public worship or the whole or part of the site of a demolished building or land annexed or belonging to it to be appropriated for any ecclesiastical purposes of the parish the land or site shall on the date when any such provision comes into operation vest in the diocesan board of finance without any conveyance or further assurance to be held on trust for the parochial church council for that parish to be used for those purposes.
- (5) Where a pastoral (church buildings disposal) scheme or a pastoral church buildings scheme to which section 58 or 59 applies provides for the use, holding, letting or licensing by the diocesan board of finance of the building closed for regular public worship or any part of it or any land annexed or belonging to the building or the church of which it forms part for a use or uses specified or described in the scheme, and the building or part or land is not, on the date when the relevant provisions of the scheme come into operation, vested in the board, it shall, by virtue of this Measure, without any conveyance or other assurance, vest in the board on that date.
- (6) Where a pastoral (church buildings disposal) scheme or a pastoral church buildings scheme to which section 58 or 59 applies provides for appropriating any land to use as part of a churchyard or burial ground, the land shall, on the date when the relevant provisions of the scheme come into operation, vest by virtue of this Measure, without any conveyance or other assurance, in the person in whom the churchyard or burial ground is vested.
- (7) Where a pastoral (church buildings disposal) scheme or a pastoral church buildings scheme to which section 59 applies provides for the care and maintenance by the Churches Conservation Trust of a building closed for regular public worship or any part of it or any land annexed or belonging to the building or the church of which it forms part, the building or part or land shall, by virtue of this Measure, without any conveyance or other assurance vest in the Trust.
- (8) Where a pastoral (church buildings disposal) scheme provides for transferring to the diocesan board of finance responsibility for the care and maintenance of any land annexed or belonging to a building closed for regular public worship or the church of which it forms part, the land shall, by virtue of this Measure, without any conveyance or other assurance, vest in the board.
- (9) Any property vesting under this section or under section 61(1) shall vest free of any trust or burial rights:

Provided that any person entitled to burial rights may claim compensation in respect of the loss of the rights, and any such claim in default of agreement shall be referred to and determined by the consistory court of the diocese, subject to an appeal to the Dean of the Arches and Auditor, and the amount of any compensation awarded shall be paid by the diocesan board of finance and the payment shall be treated as money expended on the property for the purpose of furthering its disposal or use.
- (10) The body in whom any property vests under this section or under section 61(1) shall be deemed to have an interest, for the purposes of faculty proceedings, in any other property so vested or any property formerly annexed or belonging to or held with property so vested.

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**Commencement Information**

**II** S. 71 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 71.