Mission and Pastoral Measure 2011

2011 No. 3

PART 6

BUILDINGS CLOSED FOR REGULAR PUBLIC WORSHIP

Vesting of property and other supplementary provisions

77 Trusts for the repair etc. of buildings closed for regular public worship and contents

(1) If and so long as a building closed for regular public worship or part of it—

(a) is vested in the diocesan board of finance pending the making or in pursuance of a pastoral (church buildings disposal) scheme;

(b) 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; or

(c) is vested in the Commissioners or the board for use or uses specified or described in a pastoral church buildings scheme or pastoral (church buildings disposal) scheme;

any property of a charity the purposes of which include the repair and maintenance of the building or the provision or maintenance of ornaments or other contents of the building shall continue to be applicable for that purpose:

Provided that—

(i) in the case mentioned in paragraph (c), it shall only be so applicable if the scheme so provides; and

(ii) if the building closed for regular public worship consists of part of a church or only part of the building is vested, it shall only be so applicable if and to the extent that the scheme so provides.

(2) If and so long as any land annexed or belonging to a building closed for regular public worship is vested in the diocesan board of finance in pursuance of a pastoral (church buildings disposal) scheme or 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, then, if that land comprises a churchyard, any property of a charity the purposes of which include the maintenance of the churchyard shall continue to be applicable for that purpose:

Provided that if part only of the churchyard is so vested, the property shall only be so applicable if and to the extent that the scheme so provides.

(3) Nothing in subsections (1) and (2) shall affect the powers to make schemes in respect of any such charity under **[**[F1]the Charities Act 2011 **]**, and paragraph 9(6) of Schedule 3 to this Measure shall apply to charities affected by a pastoral (church buildings disposal) scheme as it applies to charities affected by a pastoral scheme or order.

(4) Where the purposes of a charity include the giving of sermons or lectures in any church and, by reason of a declaration of closure for regular public worship relating to the church or a part thereof, the sermons or lectures cannot be given in that church, they shall be given in the parish church of the parish in which the church is situated, or in such other church as the bishop may direct in an instrument under seal with the approval of the Charity Commission.

Textual Amendments

F1 Words in s. 77(3) substituted (14.3.2012) by Charities Act 2011 (c. 25) , s. 355 , **Sch. 7 para. 147** (with s. 20(2) , Sch. 8)

Commencement Information

I1 S. 77 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 77.