

**ELIZABETH II**



**1965 CHAPTER xxxi**

An Act to provide for the demolition of the church of Saint Laurence, Catford, in the London borough of Lewisham and of the parsonage house and church hall adjacent thereto; to authorise the sale of the sites thereof and of lands appurtenant thereto and the use for other purposes of the said sites and lands; and for purposes incidental thereto. [5th August 1965]

**W**HEREAS the church of Saint Laurence, Catford (hereafter called "the existing church"), in the London borough of Lewisham, was built in or about the year 1887:

And whereas the existing church was consecrated on 19th November, 1887, and upon the parish of Saint Laurence, Catford (hereafter called "the parish") being constituted by Order in Council of Her late Majesty Queen Victoria made on 10th August, 1888, the existing church became the parish church of the parish:

And whereas there are adjacent to the existing church a parsonage house used as the house of residence for the incumbent of the benefice of the parish and a church hall used in connection with the activities of the parish:

And whereas the freehold of the site of the existing church and of the lands appurtenant thereto is vested in the incumbent for the time being of the benefice of Saint Mary, Lewisham, the present incumbent being Canon Francis Robert Longworth-Dames; the freehold of the site of the parsonage house and of the lands appurtenant thereto is vested in the incumbent for the time being of the benefice of the parish, the present incumbent being the Reverend Charles Pinder (hereafter called "the incumbent"); and the freehold of the site of the church hall and of the land appurtenant thereto is vested in the Rochester and Southwark Diocesan Church Trust, which is a company incorporated under the Companies Acts, 1862 to 1890 (hereafter called "the trust"):

And whereas it is expedient that the freehold of the site of the existing church and of the lands appurtenant thereto should be vested in the incumbent; that the incumbent should be authorised, after a new church has been constructed and consecrated for public worship as the parish church for the parish, to cause or permit the demolition of the existing church; and that the incumbent and the trust should respectively be authorised to cause or permit the demolition of the parsonage house and the church hall as in this Act provided:

And whereas it is expedient that the incumbent and the trust should, to the extent of their respective interests therein, be authorised to arrange for the sale, leasing or other disposition of the sites of the existing church, the parsonage house and the church hall and the lands respectively appurtenant thereto (hereafter together called "the scheduled land" and that such provisions as are contained in this Act with respect to the application of the proceeds of such sale, leasing or other disposition, and the use for other purposes of the scheduled land, should be enacted:

And whereas, although no part of the scheduled land is known to have been used for the interment of human remains, it is expedient that provision should be made, as in this Act contained, for dealing with any such remains as may be found therein:

And whereas the Right Reverend Father in God, Mervyn, by divine permission Lord Bishop of Southwark, has consented to the provisions of this Act:

And whereas it is expedient that the several provisions contained in this Act should be enacted:

And whereas the objects of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Saint Laurence, Catford Act Short title. 1965.

2.—(1) In this Act, unless there be something in the subject or Interpretation. context repugnant to such construction—

“ the benefice ” means the benefice of the parish;

“ the bishop ” means the Bishop of Southwark for the time being, and, during a vacancy in the see of Southwark, includes the guardian of the spiritualities thereof;

“ the diocese ” means the diocese of Southwark;

“ the existing church ” means the parish church of Saint Laurence, Catford;

“ the existing church hall ” and “ the existing parsonage house ” mean respectively the church hall and parsonage house situate on the scheduled land adjacent to the existing church;

“ the incumbent ” means the incumbent for the time being of the benefice or, during any period when the benefice is vacant, the bishop;

“ the new church ” means such new church as may be erected for use as the parish church for the parish in place of the existing church;

“ the owner ” means the person in whom the scheduled land is for the time being vested;

“ the parish ” means the parish of Saint Laurence, Catford, as for the time being constituted;

“ the parochial church council ” means the parochial church council of the parish;

“ the scheduled land ” means the lands described in the schedule to this Act comprising the sites of the existing church and the parsonage house and church hall adjacent thereto, and the lands respectively appurtenant thereto;

“ the specified date ” means the date upon which the new church, having been made available for public worship, is consecrated;

“ the trust ” means the Rochester and Southwark Diocesan Church Trust.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this Act.

Vesting of  
site of  
existing  
church, etc.,  
in  
incumbent.

3. Those parts of the scheduled land which comprise the site of the existing church and of the lands appurtenant thereto, together with the buildings erected thereon, shall on the passing of this Act vest in the incumbent for an estate in fee simple.

Demolition of  
existing  
church,  
parsonage  
house and  
church hall.

4.—(1) The incumbent may, at any time after the specified date, cause or permit the existing church to be demolished and the materials thereof to be sold or otherwise disposed of as he may think fit:

Provided that before the existing church is demolished the incumbent shall arrange for—

- (a) the removal of all memorial stones or plaques and other memorials therein or thereon, which stones, plaques and memorials shall be preserved and installed in such other place or places as the parochial church council may direct; and
- (b) the removal from the existing church and the installation in the new church (whether before or after the specified date) of any furniture, instrument, equipment or other chattel which the parochial church council may, before the specified date, direct the incumbent to instal in the new church; and all furniture, instruments, equipment and other chattels not so directed to be installed in the new church shall be dealt with by the incumbent in such manner as the bishop may approve.

(2) The incumbent may, at any time after the date upon which a new parsonage house within the parish is completed and is available for occupation, and the Church Commissioners for England have consented to that house becoming the house of residence for the incumbent of the benefice, cause or permit the existing parsonage house to be demolished and the materials thereof to be sold or otherwise disposed of as he may think fit.

(3) The trust may, at any time after the passing of this Act, with the consent of the parochial church council, cause or permit the existing church hall to be demolished and the materials thereof to be sold or otherwise disposed of as the trust may think fit.

(4) No licence or faculty of the consistory court of the diocese or other or further authority shall be requisite for the exercise of the powers conferred, and the performance of the obligations imposed, by this section.

(5) Nothing in this section shall authorise the demolition of any consecrated building until that building, and the site thereof, have been freed from the effects of consecration pursuant to the provisions of section 6 (Discharge of trusts and restrictions affecting scheduled land and saving for private rights) of this Act.

5.—(1) The incumbent and the trust may, to the extent of their respective interests therein, sell, lease or otherwise dispose of the scheduled land or any part thereof for such price or consideration, in such manner and upon and subject to such terms and provisions as the incumbent may think fit: Sale, etc., of scheduled land and application of proceeds.

Provided that the incumbent shall not exercise the powers of this subsection—

- (a) before the specified date, otherwise than by way of a contract which will not prejudice or affect the continued use of the existing church for public worship until the specified date;
- (b) before the date upon which a new parsonage house within the parish is completed and becomes available for occupation as the house of residence for the incumbent of the benefice, otherwise than by way of a contract which will not prejudice or affect the continued occupation of the existing parsonage house by the incumbent until that date.

(2) Any moneys received by the incumbent under the last preceding section and this section shall be paid to the trust, and all moneys received by the trust under this section shall be applied by the trust as follows:—

- (a) in the acquisition of a site for the new church and other buildings referred to in paragraph (b) of this subsection;
- (b) in the construction and furnishing of a new church, a parsonage house, curate's accommodation, a church hall and such other buildings or accommodation as the incumbent and the parochial church council, with the approval of the trust, may think fit; and in payment of expenses incurred by the incumbent in removing from the existing parsonage house to such new parsonage house to such extent as the parochial church council, with the approval of the trust, may think fit;
- (c) in the removal of human remains (if any) pursuant to section 8 (Removal of human remains from scheduled land) of this Act;
- (d) in the demolition of buildings pursuant to section 4 (Demolition of existing church, parsonage house and church hall) of this Act, including work of dismantling and all other ancillary work;

- (e) in defraying the cost of preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto incurred by the trust under section 10 (Costs of Act) of this Act;

and any remaining balance shall be applied by the trust—

- (f) as to five thousand pounds thereof, in establishing a fund to be retained by the trust and held by them upon trust to apply the same or any part thereof (including accumulated interest thereon) at the request of the parochial church council in defraying the cost of extraordinary repairs to the fabric of the new church and other buildings or accommodation referred to in paragraph (b) of this subsection;
- (g) as to a further five thousand pounds thereof, in establishing a fund to be retained by the trust and held by them upon trust to apply the same or any part thereof (including any accumulated interest thereon) at the request of the parochial church council in or towards payment of salaries to any person or persons (whether or not in holy orders) employed for such ecclesiastical purposes connected with the affairs of the parish as are charitable;
- (h) as to the residue thereof for such ecclesiastical purposes within the diocese as may be charitable and as the bishop may from time to time approve.

(3) On the specified date the new church shall become the parish church of the parish in place of the existing church.

Discharge of trusts and restrictions affecting scheduled land and saving for private rights.

6. As from the date on which the incumbent or the trust (as the case may be) complete a sale, lease or other disposition of the scheduled land or any part thereof, the scheduled land, or the part thereof so sold, leased or disposed of, shall be freed and discharged from all trusts, uses, obligations, disabilities and restrictions whatsoever (including the effects of consecration) which immediately before the said date attached thereto under ecclesiastical law or otherwise and from all rights and interests of any person who is an executor, administrator or relative of any deceased person whose remains are interred in the scheduled land or such part thereof as may be sold, leased or disposed of, and from all other trusts, uses, obligations, disabilities and restrictions whatsoever which attached thereto immediately before the said date by reason of the scheduled land, or the part thereof, having been or formed the site of a church or the enclosure of a church, or having been used or set apart for the interment of human remains:

Provided that nothing in this Act shall operate to affect prejudicially any private right or easement (not being a right in respect of a grave) over the said land or any part thereof which attached thereto immediately before the passing of this Act.

7. Notwithstanding anything contained in any enactment, but subject to the provisions of this Act, it shall be lawful at any time after the specified date to use, deal with or dispose of the scheduled land or any part thereof for any purpose in like manner as if no part thereof had ever been or formed the site of a church or the enclosure of a church, or been used or set apart for the interment of human remains.

Power to use scheduled land for other purposes.

8.—(1) If it is discovered that there are human remains interred in the scheduled land, or that there is good reason for presuming that such remains are so interred, the following provisions of this section shall apply:

Removal of human remains from scheduled land.

Provided that the Secretary of State, on the application of the owner and on being satisfied that in the circumstances the removal of human remains from the scheduled land or any part thereof is not necessary or desirable, may dispense with all or any of the requirements of this section in relation to the scheduled land or any part thereof on such conditions (if any) as he may think fit.

(2) Before any work of demolition or construction is begun on the scheduled land, or any part thereof, the owner shall give notice of his intention to remove, or cause to be removed, from the scheduled land the remains of any deceased person found to have been interred therein by publishing a notice once in each of two successive weeks in a newspaper circulating in the London borough of Lewisham, with an interval between publications of not less than six days, and shall display a like notice in a conspicuous place on the scheduled land, and such notice shall have embodied in it the substance of subsections (3), (4), (5), (6), (7) and (8) of this section.

(3) At any time within two months after the first publication of such notice, any person who is a personal representative or relative of any deceased person whose remains are interred in the scheduled land, or any part thereof, may give notice in writing to the owner of his intention to undertake the removal of such remains, and thereupon he shall be at liberty without any faculty for the purpose, but subject as hereinafter mentioned to any regulations made by the bishop, to cause such remains to be removed to and reinterred in any consecrated burial ground or cemetery in which burials may legally take place, but in the case of a churchyard, only with the consent of the incumbent of the benefice concerned.

(4) If any person giving such notice as aforesaid shall fail to satisfy the owner that he is such personal representative or relative as he claims to be, the question shall be determined on the application of either party in a summary manner by the registrar of the consistory court of the diocese who shall have power to make an order specifying who shall remove the remains and as to the payment of the costs of the application.

(5) The expenses of such removal and reinterment (not exceeding in respect of remains removed from any one grave the sum of twenty-five pounds) shall be defrayed by the owner, such sum to be apportioned if necessary equally according to the number of remains in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the owner in respect of the remains in any grave, or if after such notice has been given the person giving the same shall fail within one month to cause such remains to be removed in compliance with the provisions of this section, and with any regulation of the bishop, the owner, without any faculty for that purpose, shall remove the remains of any deceased person found to have been interred therein and cause them to be interred in such other consecrated burial ground or cemetery in which burials may legally take place as, subject to the consent of the bishop, the owner thinks suitable for the purpose, but, in the case of interment in a churchyard, the previous consent of the incumbent of the benefice concerned shall also be required.

(7) Upon any removal of remains from the scheduled land, a certificate of removal and reinterment shall be sent to the Registrar General by the owner giving the dates of removal and reinterment respectively and identifying the place from which the remains were removed and the place in which they were reinterred showing the particulars of each removal separately.

(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the London borough of Lewisham.

Saving for town and country planning.  
c. 38.

9. The provisions of the Town and Country Planning Act, 1962, and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is or may be authorised or regulated by or under this Act.

Costs of Act.

10. All the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the trust.



## SCHEDULE

### DESCRIPTION OF THE SCHEDULED LAND

### Section 2.

All that piece of land in the London borough of Lewisham containing 47,000 square feet or thereabouts and now forming the sites of the existing church, the existing church hall and the existing parsonage house and land appurtenant thereto, comprising a corner site fronted on the east side by Bromley Road and on the north side by Catford Road and bounded by a line commencing on the Bromley Road frontage immediately adjoining No. 4 Bromley Road and extending in a north-north-easterly direction for a distance of 190 feet or thereabouts, thence continuing in a curve in a westerly direction for a distance of 90 feet or thereabouts, thence proceeding due west along the Catford Road frontage for a distance of 158 feet or thereabouts, thence proceeding due south for a distance of 244 feet 6 inches or thereabouts, and thence proceeding due east for a distance of 173 feet or thereabouts to the point of commencement, together with the existing church, the existing church hall and the existing parsonage house erected thereon or on some part thereof.



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# Saint Laurence, Catford Act 1965

## CHAPTER xxxi.

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SCHEDULE—Description of the scheduled land.