

ELIZABETH II



1965 CHAPTER viii

An Act to provide for the removal of certain restrictions attaching to land including the site of the church of Saint Mark, Camberwell, in the London borough of Southwark; to authorise the sale, leasing or other disposition of that land and the use thereof for other purposes; and for purposes incidental thereto.

[2nd June 1965]

WHEREAS by deed of gift dated the 25th April, 1879, John Allan Rolls granted to the Ecclesiastical Commissioners for England the land described in Part I of the schedule to this Act (hereafter called “the church site”) to be appropriated for the site of an intended new church:

And whereas the church of Saint Mark, Camberwell (hereafter called “the church”) was thereafter erected on the scheduled land and was consecrated on 12th June, 1880:

And whereas the parish of Saint Mark, Camberwell (hereafter called "the parish") was constituted by Order in Council of Her late Majesty Queen Victoria made on 20th November, 1880:

And whereas in the year 1915 the land described in Part II of the schedule to this Act (hereafter called "the parsonage site") was granted to the Ecclesiastical Commissioners for England to be appropriated for the site of a parsonage house:

And whereas in or about the year 1915 a parsonage house was erected on the parsonage site and subsequently two church halls were erected on land comprised in the church site:

No. 5. And whereas the benefice of the parish has been vacant since the year 1962 and by notice having effect from the 12th July, 1962, the Right Reverend Father in God, Mervyn, by divine permission Lord Bishop of Southwark (hereafter called "the bishop") declared, pursuant to the Benefices (Suspension of Presentation) Measure, 1953, that the benefice should not be filled until the 12th July, 1967:

And whereas the church has not been used for public worship since the 7th April, 1963, having become redundant, but the needs of the parish are adequately met by the use for public worship of the church of Saint Philip, Camberwell:

No. 3. And whereas, pursuant to the Pastoral Reorganisation Measure, 1949, a scheme is proposed to be made providing (inter alia) for the formation of a new united parish intended to be known as the parish of Saint Philip and Saint Mark, Camberwell, by the union of the existing parish of Saint Philip, Camberwell and the parish, and for the church of Saint Philip, Camberwell to become the parish church of the united parish:

And whereas the freeholds of the church site and the parsonage site are vested in the incumbent for the time being of the benefice of Saint George, Camberwell, but that benefice is now vacant and the freeholds are in abeyance:

And whereas it is expedient to make such provision in relation to the vesting of the freehold of the church site and the parsonage site (hereafter together referred to as "the scheduled land") as is in this Act contained:

And whereas it is expedient that the bishop should be authorised to arrange for the sale, leasing or other disposition of the scheduled land as hereinafter provided and that such provisions as are contained in this Act with respect to 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 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 Mark, Camberwell Act Short title. 1965.

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

“ 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 church ” means the church of Saint Mark, Camberwell, in the diocese of Southwark;

“ the church site ” means the land described in Part I of the schedule to this Act and includes the church and other buildings thereon;

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

“ the parsonage site ” means the land described in Part II of the schedule to this Act and includes the buildings thereon;

“ the scheduled land ” means the land described in Parts I and II of the schedule to this Act comprising the sites of the church and of the two church halls and the parsonage house adjacent to the church, and land appurtenant thereto and includes the buildings thereon;

“ 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.

3. The church site and the parsonage site shall on the passing of this Act vest in the bishop for an estate in fee simple. Vesting of scheduled land.

Sale, etc., of
scheduled
land and
application of
proceeds.

4.—(1) The bishop may 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 bishop may think fit.

(2) Any moneys received by the bishop under this section (after deduction therefrom of the amount of any costs, charges and expenses incurred by the bishop under section 9 (Costs of Act) of this Act or in connection with any sale, leasing or other disposal of the scheduled land) shall be paid to the trust, and all moneys received by the trust under this section shall be applied as follows:—

(a) if the parish of Saint Mark, Camberwell, is, within the period of two years from the passing of this Act, united with the parish of Saint Philip, Camberwell, the first six thousand pounds thereof shall, if the parochial church council of such united parish so request within three months from the date of such union, be paid to that council and shall be applied by that council at their discretion either—

(i) in or towards the provision of accommodation for curates of the united parish; or

(ii) with the consent of the South London Church Fund and Southwark Diocesan Board of Finance, in or towards the provision of a church hall within the united parish;

(b) subject to the foregoing paragraph, the said moneys shall be applied by the trust for such ecclesiastical purposes within the diocese of Southwark as may be charitable and as the bishop may from time to time approve.

(3) Before the powers conferred by subsection (1) of this section are exercised all furniture, instruments, equipment and other chattels then within the church, including in particular (but without prejudice to the generality of the foregoing) the Holy Table, communion vessels, font and organ, shall be dealt with by the bishop in such manner as he may think fit.

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

5. As from the passing of this Act the scheduled land 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, 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 any 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.

6. Notwithstanding anything contained in any enactment, but subject to the provisions of this Act, it shall be lawful 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.

7.—(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 the scheduled land, or any part thereof, is used by the owner for any purpose likely to involve the disturbance of human remains (any question as to which shall be determined by the Secretary of State, whose decision shall be final) 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 Southwark, 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 the 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 the bishop 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 Southwark.

Saving for
town and
country
planning.
c. 38.

8. 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.

9. 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 bishop.

SCHEDULE

DESCRIPTION OF THE LANDS REFERRED TO IN THE FOREGOING ACT Section 2.

PART I

THE CHURCH SITE

All that piece of land in the borough of Camberwell containing 18,900 square feet or thereabouts and now forming the sites of the church and two church halls, situated on the east side of Cobourg Road and bounded by a line commencing on the Cobourg Road frontage immediately adjoining No. 89 Cobourg Road on the south side thereof and extending in a southerly direction for a distance of 106 feet or thereabouts, thence proceeding in an easterly direction for a distance of 176 feet or thereabouts, thence proceeding in a generally northerly direction for a total distance of 106 feet 11 inches or thereabouts, thence proceeding in a westerly direction for a distance of 174 feet 9 inches to the point of commencement together with the church erected on some part thereof.

PART II

THE PARSONAGE SITE

All that piece of land in the borough of Camberwell containing 7,850 square feet or thereabouts and now forming the site of Saint Mark's vicarage, situated on the east side of Cobourg Road and bounded by a line commencing on the Cobourg Road frontage immediately adjoining Saint Mark's church site and on the south side thereof, and extending in a southerly direction for a distance of 44 feet 8 inches or thereabouts, thence proceeding in an easterly direction for a distance of 175 feet or thereabouts, thence proceeding in a northerly direction for a distance of 44 feet 8 inches or thereabouts, thence proceeding in a westerly direction for a distance of 176 feet or thereabouts to the point of commencement.



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Saint Mark, Camberwell Act 1965

CHAPTER viii

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Vesting of scheduled land.
4. Sale, etc., of scheduled land and application of proceeds.
5. Discharge of trusts and restrictions affecting scheduled land and saving for private rights.
6. Power to use scheduled land for other purposes.
7. Removal of human remains from scheduled land.
8. Saving for town and country planning.
9. Costs of Act.

SCHEDULE—Description of the lands referred to in the foregoing Act—

Part I—The church site.

Part II—The parsonage site.