



Saint Stephen, Clapham Park Act 1969

CHAPTER xlv

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ELIZABETH II



1969 CHAPTER xlv

Act to provide for the demolition of the church of Saint Stephen, Clapham Park, and for the provision of a new church and other buildings; to authorise the use for other purposes of the site of the present church; and for purposes incidental thereto. [25th July 1969]

WHEREAS the existing church of Saint Stephen, Clapham Park (hereafter called "the existing church"), was consecrated on 22nd June, 1867, and is the parish church of the parish of Saint Stephen, Clapham Park (hereafter called "the parish"):

and whereas the freehold of the site of the existing church and of the lands appurtenant thereto, is vested partly in the incumbent for the time being of the benefice of the parish, the present incumbent being the Reverend John Bruce Hall and partly in the Rochester and Southwark Diocesan Church Trust (hereafter called "the trust"):

And whereas the existing church is in need of urgent and substantial repair and decoration and is in a number of ways inconvenient and unsatisfactory as the parish church for the parish and its restoration to a proper state of repair and decoration would involve considerable and immediate expenditure without securing for the parish a convenient and suitable parish church:

And whereas in order to meet the present needs of the parish it is expedient that a new church together with other buildings and accommodation should be provided in place of the existing church:

And whereas it is expedient that the freehold of so much of the site of the existing church as is vested in the incumbent should be vested in the trust and that the trust should be authorised subject to the provisions in this Act contained, to cause or permit the demolition of the existing church and that the provisions as are in this Act contained with reference to the provision of a new church and other buildings should be enacted:

And whereas it is expedient that such provisions as are contained in this Act with respect to the use, dealing with and disposal or redevelopment of the site of the existing church and of the lands appurtenant thereto should be enacted:

And whereas no part of the site of the church or of the site appurtenant lands has been used for the interment of human remains:

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

And whereas it is expedient that the other 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:—

Short title.

1. This Act may be cited as the Saint Stephen, Clapham Park Act 1969.

(1) In this Act, unless there be something in the subject Interpretation, or 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 guardians of the spiritualities thereof;

“the diocese” means the diocese of Southwark;

“the existing church” means the existing church erected on the scheduled land;

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

“the new church” means such new church as may be provided within the parish in place of the existing church;

“the parish” means the parish of Saint Stephen, Clapham Park, as for the time being constituted;

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

“the scheduled land” means the land described in the Schedule to this Act comprising the site of the existing church and lands appurtenant thereto;

“the specified date” has the meaning assigned thereto by subsection (4) of section 4 (Demolition of existing church) of this Act;

“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.

So much of the scheduled land as is not then vested in the trust shall on the passing of this Act vest in the trust for an estate in fee simple. Vesting of scheduled land in trust.

(1) The trust may cause or permit the existing church to be demolished and the materials thereof to be sold or otherwise disposed of as they may think fit: Demolition of existing church.

Provided that no part of the existing church shall be demolished

(1) the bishop has certified that satisfactory arrangements have been made for the holding of services temporarily in some suitable place in the parish until the new church is available for public worship; and

(ii) the trust has arranged for the removal from the existing church and the installation at some convenient time thereafter in the new church or in such other place as the bishop, after consultation with the incumbent and the parochial church council, may direct, of the organ, all equipment and furniture ancillary thereto, such memorial plaques and other memorials as the bishop, after consultation as aforesaid, may direct.

(2) 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.

(3) 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.

(4) The date upon which the bishop gives his certificate pursuant to paragraph (i) of the proviso to subsection (1) of this section (which date shall be recorded in the parish register) is in this Act referred to as "the specified date".

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

5.—(1) For the purpose of the provision of the new church and the other buildings and accommodation referred to in subsection (3) of this section, the trust shall retain such interest in the scheduled land as may be requisite:

Provided that if the trust, with the consent of the incumbent and the parochial church council, acquire before the specified date a sufficient interest in other land within the parish to form the site of the new church and such other buildings and accommodation as the incumbent and the parochial church council, with the approval of the trust, may think fit, the foregoing provisions of this subsection shall not have effect.

(2) Subject to the provisions of the foregoing subsection, the trust may sell, lease or otherwise dispose of or deal with 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 they may think fit.

(3) Any moneys received by the trust under this and the last foregoing section shall be applied by the trust as follows:

(a) in reimbursing, to such extent as the trust may think fit, any expenditure incurred by the parochial church council in the temporary adaptation, before the specified date, of premises for public worship;

(b) in paying or in reimbursing the cost of the demolition of buildings pursuant to section 4 (Demolition of existing church) of this Act, including work of dismantling and other ancillary work;

(c) in the provision and furnishing of the new church and such other buildings or accommodation as the incumbent and the parochial church council, with the approval of the trust, may think fit;

(d) in defraying the costs of preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto incurred by the trust under section 9 (Costs of Act) of this Act;

and any remaining balance shall be applied by the trust for such ecclesiastical purposes within the parish as may be charitable and as the bishop may from time to time approve.

As from the specified date the scheduled land shall be 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 other trusts, uses, obligations, disabilities and restrictions whatsoever which attached thereto immediately before the said date by reason of such land having been or formed the site of a church or the enclosure of a church.

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

Provided that nothing in this Act shall operate to affect prejudicially any private right or easement over the said land or any part thereof which attached thereto immediately before the specified date.

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 for 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.

Power to use scheduled land for other purposes.

The provisions of the Town and Country Planning Acts 1968 and any restrictions or powers thereby 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.

Saving for town and country planning.

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

Costs of Act.

SCHEDULE

Section 2.

DESCRIPTION OF THE SCHEDULED LAND

All that piece of land in the London borough of Lambeth having frontage to Weir Road and comprising the site of the existing and land appurtenant thereto, together with the existing thereon or on some part thereof.

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