



Greater Manchester (Light Rapid Transit System) Act 1994

1994 CHAPTER vi

PART IV

PROTECTIVE PROVISIONS

20 For protection of Trustees of King Street Baptist Church, Oldham

For the protection of the Trustees the following provisions shall, unless otherwise agreed in writing between the Executive and the Trustees, have effect:—

(1) In this section—

“the Act of 1951” means the Baptist and Congregational Trusts Act 1951;

“the Association” means the Lancashire and Cheshire Association of Baptist Churches (Incorporated), whose registered office is at Latchford Baptist Church, Loushers Lane, Warrington WA4 2RP;

“the present lands” means the land delineated and numbered 23 in the borough on the deposited plans and described in the deposited book of reference as the King Street Baptist Church, Oldham;

“the prior works” means the construction to the reasonable satisfaction of the Trustees' architects of buildings and facilities ready for use and occupation comparable and reasonably equivalent to those erected on the present lands including, for the avoidance of doubt, comparable ground level accommodation and the capability of extending the accommodation by 66% of the total accommodation;

“the replacement lands” means lands in a location which is reasonably equivalent to the location of the present lands having regard to their amenity, their proximity to the central area of the borough and their suitability for the purposes hereinafter specified and of a size capable of providing the buildings and facilities to be constructed thereon with public highway, vehicular and pedestrian access and other rights and appurtenances similar to those now

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

enjoyed by the present lands for an estate in fee simple or for the term of years now held subject only to the ground rents now prevailing;

“the Trustees” means the Association and such individuals as are for the time being trustees of the King Street Baptist Church, Oldham:

- (2) Whereas the Trustees hold the present lands by virtue of a Memorandum of Choice and Appointment dated 19th September 1984 for the residue of two long leasehold estates existing until or beyond 15th October 2859 subject to ground rents aggregating £48.95 upon trust subject to the provisions of section 6 of the Act of 1951 for occupation, use or enjoyment for all or any of the following purposes namely:—
- (a) the public worship of God according to the principles and usages for the time being of Protestant Dissenters of the Baptist denomination;
 - (b) the instruction of children or adults or the promotion of other religious or charitable purposes in accordance with the principles and usages aforesaid:

Now it is hereby provided that until at the cost and expense of the Executive—

- (i) the prior works have been completed and are ready for use and occupation on the replacement lands;
- (ii) the Trustees' architects have certified that they have approved the design and specification of the prior works and the contract for and the construction of the prior works and are satisfied that the payments due under the said contract have been made or secured and the warranties in the contract enure for the benefit of the Trustees; and
- (iii) the prior works and the replacement lands have for the estate aforesaid been vested in the Trustees by way of Deed of Exchange of the present lands; the Executive shall not exercise in respect of the present lands the powers of this Act:

Provided that the issue of a certificate by the Trustees' architects shall not be unreasonably withheld and the completion of the said Deed of Exchange and the payment of the Trustees' architects' and legal fees shall be taken to satisfy the obligation of the Executive to pay compensation:

- (3) Until the provisions of sub-paragraphs (i), (ii) and (iii) above have been complied with—
- (a) none of the authorised works shall be constructed within 15 metres of the present lands;
 - (b) during the construction of any of the authorised works more than 15 metres from the present lands the Executive shall at all times—
 - (i) ensure reasonable access to and egress from the present lands for vehicles and pedestrians;
 - (ii) prevent the construction of the authorised works from interfering with acts of worship by noise and (so far as is reasonably practicable) by dust or other nuisance; and
 - (iii) use their best endeavours to avoid disturbing or interfering with use being made of the present lands:
- (4) Any difference arising between the Executive and the Trustees under this section (other than a difference as to the meaning or construction of this section) shall be referred to and settled by a single arbitrator to be agreed between the parties, or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Royal Institution of Chartered Surveyors.