

Holy Trinity Hounslow Act, 1958

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CHAPTER xviii

An Act to authorise the sale of part of the churchyard of Holy Trinity Church Hounslow to authorise the erection of buildings thereon and to provide for the erection by the London Diocesan Fund of a new church on part of the remainder of the said churchyard and for other purposes.

[7th July 1958.]

WHEREAS the church of Holy Trinity Hounslow in the borough of Heston and Isleworth in the county of Middlesex (hereinafter called "the church") was consecrated on the twentieth day of April eighteen hundred and thirty-six (the consolidated chapelry of Hounslow having been formed from contiguous ecclesiastical parishes of Heston and Isleworth pursuant to an Act 59 Geo. 3 c. 34 (1818) and an Order in Council of His late Majesty William the Fourth dated the twenty-second day of December eighteen hundred and thirty-five):

And whereas burials in the church were discontinued by an Order in Council of Her late Majesty Queen Victoria dated the eleventh day of August eighteen hundred and fifty-four and burials in the churchyard attached to the church were restricted by Orders in Council of Her late Majesty Queen Victoria dated the eleventh day of August eighteen hundred and fifty-four the thirty-first day of March eighteen hundred and sixty-five the fifth day of July eighteen hundred and sixty-five the third day of February eighteen hundred and sixty-six and the twenty-seventh day of June eighteen hundred and sixty-six and apart from interments in double graves and vaults the said churchyard has not been used for the interment of human remains since the year nineteen hundred and fifteen:

And whereas the church was destroyed by fire in the year nineteen hundred and forty-three:

And whereas the freehold of the site of the church and of the said churchyard is vested in the incumbent of the benefice of Holy Trinity Hounslow and the present incumbent thereof is the Reverend Cyril Edward Carter:

And whereas it is expedient that a portion of the said churchyard be sold and developed and that the shell of the church be demolished and a new church be erected on a part of the remainder of the said churchyard:

And whereas it is expedient that such provisions as are contained in this Act with respect to the sale and development of a portion of the said churchyard and the removal of human remains interred in the said churchyard and the erection of a new church should be enacted:

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:—

Short title

1. This Act may be cited as the Holy Trinity Hounslow Act 1958.

Interpretation.

2.—(1) In this Act unless the subject or context otherwise requires—

“ the benefice ” means the benefice of the parish of Holy Trinity Hounslow or other the benefice in which the scheduled lands may from time to time be situate;

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

“ the church ” means the ruined church of Holy Trinity Hounslow;

“ the diocese ” means the diocese of London;

“ the diocesan dilapidations board ” means the diocesan dilapidations board of the diocese;

“ enactment ” has the same meaning as in the Town and Country Planning Act 1947;

“ the fund ” means the London Diocesan Fund;

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

“ the owner ” means the person in whom the transferred portion of the scheduled lands or any part thereof is for the time being vested;

“ the parochial church council ” means the parochial church council of the parish of Holy Trinity Hounslow;

“ the retained portion of the scheduled lands ” means the part of the scheduled lands which is described in Part II of the schedule to this Act and is shown coloured blue on the plan referred to in this section;

“ the scheduled lands ” means the lands which are described in the schedule to this Act and are shown and coloured blue and pink on a plan marked “ Plan of the scheduled land ” signed in triplicate by Harry Bernard Taylor the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred one copy of which has been deposited at the office of the Clerk of the Parliaments House of Lords one in the Private Bill Office of the House of Commons and one at 1 The Sanctuary in the city of Westminster being the office of Messrs. Lee Bolton and Lee the solicitors to the Incumbent;

“ the transferred portion of the scheduled lands ” means the portion of the scheduled lands which is described in Part I of the schedule to this Act and is shown coloured pink on the plan above referred to.

(2) If there be any divergence between the lands shown coloured blue and pink on the plan referred to in subsection (1) of this section and the lands described in the Schedule to this Act the said plan shall prevail.

3.—(1) The Incumbent may sell the transferred portion of the scheduled lands 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.

Power to sell part of scheduled lands and application of proceeds.

(2) The Incumbent after deducting the amount of the cost of and in connection with the demolition of the remains of the church incurred by the Incumbent under section 7 (Demolition of remains of church) of this Act the amount of the cost of and in connection with the removal of human remains incurred by the Incumbent under section 9 (Removal of human remains from scheduled lands) of this Act and the amount of any costs charges and expenses incurred by the Incumbent under section 11 (Costs of Act) of this Act or in connection with any sale shall pay the net proceeds of any sale effected under the powers conferred by this section to the fund.

(3) All moneys received by the fund under this section shall be dealt with by the fund in accordance with the following provisions of this subsection:—

(a) The fund shall apply a sum not exceeding one hundred thousand pounds towards the cost of building a new

church on the retained portion of the scheduled lands in accordance with plans specifications and particulars to be approved by the Incumbent and the parochial church council and subject to the Incumbent's obtaining any necessary licence or faculty of the consistory court of the diocese;

- (b) The fund shall retain the sum of one thousand pounds on trust for the parochial church council and shall at the request of the parochial church council apply the same or any part thereof including any accumulated interest thereon in defraying the cost of extraordinary repairs to the fabric of the new church referred to in the last preceding paragraph of this subsection;
- (c) The fund shall retain a sum not exceeding six thousand pounds on trust for the parochial church council and shall at the request of the parochial church council apply the same in defraying the cost of providing a hall on a site adjacent to the existing parish hall of Holy Trinity Hounslow the hall so provided to be approved by the parochial church council and to be used (i) for the holding of services during the time when the new church referred to in paragraph (a) of this subsection is being built and (ii) after the completion and consecration of that church for such parochial church purposes as are charitable;
- (d) The fund shall retain a sum not exceeding two thousand pounds and shall apply the same in defraying the cost of improving the existing parsonage house of the benefice in such manner and to such extent as may be approved by the Incumbent and the diocesan dilapidations board;
- (e) The fund shall apply any balance of the moneys received by them under this section towards the cost of the provision alteration improvement repair or restoration of churches throughout the diocese as the fund in their absolute discretion may determine.

Discharge of trusts and restrictions affecting transferred portion of scheduled lands and saving for private rights.

4. As from the date on which the Incumbent exercises his power of sale over the transferred portion of the scheduled lands or any part thereof the transferred portion of the scheduled lands or such part thereof as may be sold shall be freed and discharged from all trusts uses obligations disabilities and restrictions whatsoever which immediately before the said date attached thereto under ecclesiastical law and from all rights and interests of any person who is an heir executor administrator or relative of any deceased person whose remains are interred in the transferred portion of the scheduled lands or such part thereof as may be sold and from all other trusts uses obligations disabilities and restrictions whatsoever which attached thereto immediately before the said date by reason of the transferred portion of the scheduled

lands or any part thereof forming the site or enclosures of a church or being a disused burial ground or churchyard or otherwise:

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 transferred portion of the scheduled lands or any part thereof which may be sold which attached thereto immediately before the said date.

5. Notwithstanding anything contained in any enactment but subject to the provisions of this Act it shall be lawful at any time after the date on which the Incumbent exercises his power of sale over the transferred portion of the scheduled lands or any part thereof to use deal with or dispose of the transferred portion of the scheduled lands or such part thereof as may be sold for building or for any other purpose in like manner as if no part thereof had ever been consecrated or formed the site or enclosures of a church or used or set apart for the purpose of burial of human remains or had ever been or formed the churchyard of a church.

Power to use transferred portion of scheduled lands for building or other purposes.

6. Before erecting or causing to be erected any building on the transferred portion of the scheduled lands the owner shall construct and shall thereafter maintain to the reasonable satisfaction of the Incumbent and of the mayor aldermen and burgesses of the borough of Heston and Isleworth an access road on such part of the transferred portion of the scheduled lands as may be approved by the said mayor aldermen and burgesses.

As to access road.

7. The Incumbent shall and may without any licence or faculty of the consistory court of the diocese or any other or further authority forthwith after the passing of this Act proceed to demolish to ground level the remains of the church.

Demolition of remains of church.

8. Subject to the granting of any necessary licence or faculty of the consistory court of the diocese the fund shall forthwith after the passing of this Act proceed to erect and equip a new church to be the parish church of the benefice on part of the retained portion of the scheduled lands.

Erection of church on retained portion of scheduled lands.

9.—(1) Before the owner erects or causes to be erected any building on the transferred portion of the scheduled lands or the fund erects or causes to be erected a new church on the retained portion of the scheduled lands the Incumbent shall remove or cause to be removed from the transferred portion of the scheduled lands and from so much of the retained portion of the scheduled lands as is reasonably necessary for and in connection with the erection of the new church the remains of all deceased persons interred therein.

Removal of human remains from scheduled lands.

(2) Before proceeding to remove any such remains the Incumbent shall give notice of his intention so to do by publishing a notice once in each of two successive weeks in a newspaper

circulating in the borough of Heston and Isleworth with an interval between the dates of publication of not less than six clear days and by displaying the notice in a conspicuous place in the scheduled lands 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 an heir executor administrator or relative of any deceased person whose remains are interred in the transferred portion of the scheduled lands or in so much of the retained portion of the scheduled lands as is necessary for and in connection with the erection of the new church may give notice in writing to the Incumbent 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 parish concerned.

(4) If any person giving such notice as aforesaid shall fail to satisfy the Incumbent that he is such heir executor administrator 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 Incumbent 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 Incumbent in respect of the remains in any grave or if after such a notice has been given the person giving the same shall fail to comply with the provisions of this section and with any regulation of the bishop the Incumbent may without any faculty for that purpose remove the remains of the deceased person 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 Incumbent thinks suitable for the purpose but in the case of interment in a churchyard the previous consent of the incumbent of the parish concerned shall also be required.

(7) Upon any removal of remains from the scheduled lands a certificate of removal and reinterment shall be sent to the Registrar General by the Incumbent 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 and every such certificate shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar General.

(8) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Incumbent be removed and re-erected at the place of reinterment of the remains or at such place as the bishop may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Incumbent and the Incumbent shall cause a record to be made of each monument and tombstone taken from the scheduled lands under this section containing—

(a) a copy of the inscription on it; and

(b) if it is intended to preserve the monument or tombstone a statement showing where it has been taken to;

and shall deposit a copy of the record with the Registrar General.

(9) 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 borough of Heston and Isleworth.

10. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 (Development Orders) and subsection (1) of section 118 (Application to land regulated by special enactments) of that Act.

Saving for town and country planning.

10 & 11 Geo. 6 c. 51.

11. 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 Incumbent.

Costs of Act.

SCHEDULE

DESCRIPTION OF THE LANDS DEALT WITH BY THE
FOREGOING ACT

PART I

A piece of land in the borough of Heston and Isleworth containing twenty-three thousand seven hundred and four square feet or thereabouts bounded on the north by land in the ownership of the Metropolitan Police extending two hundred and forty-one feet or thereabouts in an easterly direction from Montague Road to the Red Lion public house thence in a southerly direction for a distance of one hundred and forty-nine feet or thereabouts to the High Street thence in a westerly direction for a distance of one hundred and sixty-eight feet or thereabouts along the northern side of the High Street thence at an angle of ninety degrees in a northerly direction for a distance of eighty feet or thereabouts thence proceeding in an easterly northerly westerly and northerly direction along the boundary between the said piece of land and the land described in Part II of this schedule (being the retained portion of the scheduled lands) to a point one hundred and thirty-seven feet or thereabouts measured in a straight line in an easterly direction from the eastern side of Montague Road thence in a westerly direction for a distance of one hundred and thirty-seven feet or thereabouts parallel with the northern boundary of the said piece of land to the eastern boundary of Montague Road at a distance of twenty-two feet or thereabouts from the said northern boundary and thence in a northerly direction along the eastern boundary of Montague Road to the point of commencement.

PART II

A piece of land in the borough of Heston and Isleworth containing seventeen thousand and twenty-five square feet or thereabouts bounded on the north by a straight line extending for a distance of one hundred and thirty-seven feet or thereabouts in an easterly direction from a point on the eastern side of Montague Road twenty-two feet or thereabouts measured in a southerly direction from the northern boundary of land described in Part I of this schedule (being the transferred portion of the scheduled lands) thence proceeding from the eastern end of the said straight line in a southerly easterly southerly and westerly direction along the boundary between the said piece of land and the said land described in Part I of this schedule to a point being the northern extremity of a line drawn at an angle of ninety degrees in a northerly direction for a distance of eighty feet or thereabouts from a point on the northern side of the High Street one hundred and sixty-eight feet or thereabouts westwards of the intersection of the High Street and the eastern boundary of the land described in Part I of this schedule thence in a southerly direction along the said line to the northern side of the High Street thence in a westerly direction along the northern side of the High Street for a distance of eighty feet or thereabouts to the corner of the High Street and Montague Road thence in a northerly direction along the eastern side of Montague Road for a distance of one hundred and forty-three feet or thereabouts to the point of commencement.

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