



Town and Country Planning Act 1971

1971 CHAPTER 78

PART XIV

APPLICATION OF ACT TO SPECIAL CASES

Other special cases

274 Ecclesiastical property

- (1) Without prejudice to the provisions of the Acquisition of Land (Authorisation Procedure) Act 1946 with respect to notices served under that Act, where under any of the provisions of this Act a notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Church Commissioners.
- (2) Where the fee simple of any ecclesiastical property is in abeyance—
 - (a) if the property is situated elsewhere than in Wales, then for the purposes of the provisions of this Act specified in Part VII of Schedule 21 to this Act the fee simple shall be treated as being vested in the Church Commissioners;
 - (b) in any case, the fee simple shall, for the purposes of a compulsory acquisition of the property under Part VI of this Act, be treated as being vested in the Church Commissioners, and any notice to treat shall be served, or be deemed to have been served, accordingly.
- (3) Any compensation payable under Part VIII (except sections 171, 172 and 175) or section 212 of this Act in respect of land which is ecclesiastical property shall be paid to the Church Commissioners, to be applied for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising, or disposing of the proceeds of, such a sale.
- (4) Any sum which under any of the provisions of this Act specified in Part III of Schedule 21 to this Act is payable in relation to land which is, or on the appointed day was, ecclesiastical property, and apart from this subsection would be payable to an incumbent, shall be paid to the Church Commissioners, to be applied for the

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purposes mentioned in subsection (3) of this section; and where any sum is recoverable under section 159, 168 or 279 of this Act in respect of any such land, the Church Commissioners may apply any money or securities held by them in the payment of that sum.

- (5) In this section "ecclesiastical property" means land belonging to an ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of a bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.