



Harbours Act 1964

1964 CHAPTER 40

Miscellaneous and General

49 Provisions as to ecclesiastical property

- (1) Where under this Act a document is required to be served on an owner of land, and the land is ecclesiastical property, a copy of the document shall be served on the Church Commissioners.
- (2) Where the fee simple of any ecclesiastical property is in abeyance, it shall be treated for the purposes of an application to the Minister or the Minister of Agriculture, Fisheries and Food for any of the following orders in which provision for the compulsory acquisition of the property is proposed to be included, namely, a harbour revision order, a harbour empowerment order and an order under section 20 of this Act, and of a compulsory acquisition of the property in pursuance of a provision for the compulsory acquisition thereof included in any such order, as being vested in the Church Commissioners, and (in the case of such an acquisition as aforesaid) any notice to treat shall be served accordingly.
- (3) Where provision for the compulsory acquisition of land is included in such an order as aforesaid, the order must be so framed as to secure—
 - (a) that if, at the time of the acquisition of any land in pursuance of that provision, the land is ecclesiastical property, any sum agreed upon or awarded for the acquisition of the fee simple of the land shall be paid to the Church Commissioners ; and
 - (b) that any sum to be paid by way of compensation for damage sustained by reason of severance or injury affecting land that is ecclesiastical property (being severance or injury arising from the acquisition of land in pursuance of that provision) shall be so paid.
- (4) Any sum which, in pursuance of a provision included in an order in compliance with the last foregoing subsection, is paid to the Church Commissioners with reference to any land shall, if the land is not consecrated, be applied by them for the purposes for which the proceeds of a sale by agreement of the fee simple of the land would be applicable under any enactment or Measure authorising such a sale or disposing of

Status: This is the original version (as it was originally enacted).

the proceeds of such a sale, and if the land is consecrated, be applied by them in such manner as they may determine.

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