



Opencast Coal Act 1958

1958 CHAPTER 69 6 and 7 Eliz 2

PART III

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

42 Special provisions as to property held for religious purposes.

- (1) The provisions of this section shall have effect where any compensation is payable by [^{F1}any person (“the person liable”)] under this Act, and apart from this section would be payable to a person in right of an interest in land held by him for religious purposes:

Provided that this section shall not apply to any compensation payable by virtue of section twenty-two of this Act.

- (2) If the land [^{F2}, not being land in Scotland, Wales or Monmouthshire,] is ecclesiastical property, the compensation shall be paid to the [^{F3}Church Commissioners][^{F3}Diocesan Board of Finance for the diocese in which the land is situated].
- (3) If the land, being land in Scotland, is property belonging to the Church of Scotland, the compensation shall be paid to the general treasurer of that Church.
- (4) If, in the case of land not falling within subsection (2) or subsection (3) of this section, [^{F1}the person liable is] so requested by or on behalf of a body of persons notified to [^{F1}the person liable] by the Minister, after consultation with such persons or organisations as he may think appropriate, as the appropriate representative body, [^{F1}the person liable] shall pay the compensation to that representative body.
- (5) Where apart from this section compensation would be payable to a person as the owner of land, and—
- by virtue of subsection (2) or subsection (4) of this section the compensation is payable to the [^{F4}Church Commissioners][^{F4}Diocesan Board of Finance for the diocese in which the land is situated] or a representative body, and
 - by virtue of the operation in relation to that land of section twenty-four or section thirty of this Act, compensation is recoverable from him by another person,

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the [^{F4}Church Commissioners][^{F4}Diocesan Board of Finance for the diocese in which the land is situated] or representative body, as the case may be, shall indemnify him against any liability in respect of the compensation referred to in paragraph (b) of this subsection, and for that purpose may apply any money or securities held by them.

- (6) [^{F5}Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant, it shall be treated for the purposes of this Act as being vested in the Diocesan Board of Finance for the diocese in which the land is situated.]
- (7) In this section “ecclesiastical property” means property belonging to an ecclesiastical benefice [^{F6}of the Church of England], or being or forming part of a church subject to the jurisdiction of a bishop of a diocese [^{F6}of the Church of England] or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

Textual Amendments

- F1** Words in s. 42(1)(4) substituted (31.10.1994) by 1994 c. 21, s. 52, **Sch. 8 para. 31(1)(2)** (with s. 40(7); S.I. 1994/2553, **art. 2**)
- F2** Words in s. 42(2) omitted (E.) (1.10.2006) by virtue of Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), s. 16(2), **Sch. 5 para. 6(b)**; 2006 No. 2, Instrument made by Archbishops
- F3** Words in s. 42(2) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), s. 16(2), **Sch. 5 para. 6(a)**; 2006 No. 2, Instrument made by Archbishops
- F4** Words in s. 42(5) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), s. 16(2), **Sch. 5 para. 6(a)**; 2006 No. 2, Instrument made by Archbishops
- F5** S. 42(6) substituted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), s. 16(2), **Sch. 5 para. 6(c)**; 2006 No. 2, Instrument made by Archbishops
- F6** Words in s. 42(7) inserted (E.) (1.10.2006) by Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), s. 16(2), **Sch. 5 para. 6(d)**; 2006 No. 2, Instrument made by Archbishops

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