

**ELIZABETH II**



**1967 CHAPTER xi**

An Act to provide for the disposition of the church of Saint Barnabas, Lewisham, and the use for other purposes thereof; and for purposes incidental thereto.

[28th June 1967]

**W**HEREAS the church of Saint Barnabas, Lewisham (hereafter called "the church"), was built in or about the year 1882 as a chapel within the parish of Saint Stephen, Lewisham (hereafter called "the parish"), in the diocese of Southwark, and was made available for public worship and consecrated as the Church of the Transfiguration, Lewisham:

And whereas by the year 1947 the church was no longer required for the purposes of public worship within the parish and had ceased to be used for those purposes, and by a Scheme made by the Ecclesiastical Commissioners for England on the 27th March, 1947, under the Union of Benefices Measures, 1923 to 1936, the church was (subject to the provisions of the said Measures) proposed to be appropriated for educational, charitable or other purposes in connection with the Church of England having in

view the spiritual, intellectual, moral or social welfare of the parishioners of the parish and others, or either exclusively or in conjunction with any such purposes as aforesaid for use or occupation by any diocesan body or organisation or otherwise for the furtherance of the work of the Church of England and subject to such conditions, regulations and provisions as the Bishop of Southwark should, by deed pursuant to the said Measure of 1923, declare and appoint:

And whereas the said Scheme was approved by Order in Council of His late Majesty King George VI made the 23rd April, 1947:

And whereas by deed dated the 19th July, 1948, and made pursuant to the said Measure of 1923, Bertram, by divine permission Lord Bishop of Southwark, declared that the Rochester and Southwark Diocesan Church Trust (hereafter called "the trust"), being the diocesan authority for the diocese of Southwark, should hold the church, and the site thereof, to be used (by or under the direction or with the permission of the incumbent of the parish) for, inter alia, any ecclesiastical purpose, for mission services or a Sunday school, or for any other object or purpose in connection with the Church of England having reference to the spiritual, intellectual, social or moral wants or welfare of the neighbouring population:

And whereas the freehold of the site of the existing church is vested in the trust:

And whereas the church is included in the list of buildings of special architectural or historic interest deposited with the Greater London Council under the provisions of section 32 of the Town and Country Planning Act, 1962:

1962 c. 38.

And whereas the Royal Association in Aid of the Deaf and Dumb (hereafter called "the Association") is a charitable body constituted in or about the year 1841 for the purpose of promoting the spiritual, social and general welfare of the deaf and dumb:

And whereas by lease dated the 1st May, 1954, the trust leased the church to the Association for the term of twenty-one years from the 25th March, 1954, at a nominal rent subject to a covenant restricting the use thereof to (inter alia) charitable purposes having in view the spiritual, intellectual, moral or social welfare of deaf and dumb people and the church was adapted for and has, since the commencement of the said term of years, been used for, such purposes:

And whereas the church is now vested, for the unexpired residue of the said term of years granted by the said lease, in the

Official Custodian for Charities upon trusts administered in connection with the Association pursuant to an order of the Charity Commissioners dated the 24th March, 1965:

And whereas the Association pursuant to its objects is desirous of acquiring the freehold of the church with a view to the more effectual use thereof for the benefit of deaf and dumb people:

And whereas it is expedient that such provisions as are contained in this Act with respect to the sale, leasing, use and disposition of the church and of the site thereof should be enacted:

And whereas no part of the church or of the site thereof has been used for the interment of human remains:

And whereas the Right Reverend Father in God, Mervyn, by divine permission Lord Bishop of Southwark, has consented to the provisions of this Act:

And whereas it is expedient that the other 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:—

1. This Act may be cited as the Saint Barnabas, Lewisham, Short title. Act 1967.

2.—(1) In this Act, unless there be something in the subject or Interpretation. context repugnant to such construction—

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

“ the church ” means the church of Saint Barnabas, Lewisham, erected on the scheduled land;

“ the parish ” means the parish of Saint Stephen, Lewisham, as for the time being constituted;

“ the scheduled land ” means the land described in the schedule to this Act;

“ the trust ” means the Rochester and Southwark Diocesan Church Trust.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this Act.

Sale, etc., of scheduled land and application of proceeds.

3.—(1) The trust may sell, lease or otherwise dispose of the scheduled land for such price or consideration (if any), in such manner and upon and subject to such terms and provisions as they may think fit.

(2) Any moneys received by the trust under this section shall, after payment of the costs of preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto incurred by the trust under section 6 (Costs of Act) of this Act, be applied by the trust for such ecclesiastical purposes within the parish as may be charitable and as the bishop may from time to time approve.

Discharge of trusts and restrictions affecting scheduled land and saving for private rights.

4. As from the passing of this Act the scheduled land shall be freed and discharged from all trusts, uses, obligations, disabilities and restrictions whatsoever (including the effects of consecration) which immediately before the passing of this Act attached thereto under ecclesiastical law or otherwise and from all other trusts, uses, obligations, disabilities and restrictions whatsoever which attached thereto immediately before the passing of this Act by reason of such land having been or formed the site of a church or the enclosure of a church:

Provided that nothing in this Act shall operate to affect prejudicially any private right or easement over the said land or any part thereof which attached thereto immediately before the passing of this Act.

Power to use scheduled land for other purposes.

5. Notwithstanding anything contained in any enactment, but subject to the provisions of this Act, it shall be lawful at any time after the passing of this Act to use, deal with or dispose of the scheduled land or any part thereof for any purpose in like manner as if no part thereof had ever been or formed the site of a church or the enclosure of a church.

Costs of Act.

6. 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 trust.

SCHEDULE

Section 2

DESCRIPTION OF THE SCHEDULED LAND

All that piece of land in the London borough of Lewisham containing 7,035 square feet or thereabouts, and now forming the site of the existing church and land appurtenant thereto, comprising a site fronted on the south-east side by Algernon Road, and bounded by a line commencing on the Algernon Road frontage immediately adjoining No. 2 (" Woodside ") Algernon Road, and extending in a north-easterly direction along the Algernon Road frontage for a distance of 73 feet or thereabouts, thence proceeding in a north-westerly direction for a distance of 101 feet or thereabouts, thence proceeding in a south-westerly direction for a distance of 67 feet or thereabouts, thence proceeding in a south-easterly direction for a distance of 17 feet or thereabouts, thence proceeding in a south-westerly direction for a distance of 2 feet or thereabouts, thence proceeding in a south-easterly direction for a distance of 84 feet or thereabouts to the point of commencement, together with the existing church erected thereon, or on some part thereof.



PRINTED BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR

SIR PERCY FAULKNER, K.B.E., C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 1s. 0d. net

PRINTED IN ENGLAND



# Saint Barnabas, Lewisham, Act 1967

CHAPTER xi

## ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Sale, etc., of scheduled land and application of proceeds.
4. Discharge of trusts and restrictions affecting scheduled land and saving for private rights.
5. Power to use scheduled land for other purposes.
6. Costs of Act.

SCHEDULE—Description of the scheduled land.