

ELIZABETH II



1967 CHAPTER vii

An Act to provide for the demolition of the church of Saint Mary-le-Park, Battersea, and of the church hall adjacent thereto; to provide for the erection of a new church and other buildings on part of the site of the existing church and church hall; to authorise the use for other purposes of other parts of the said site; and for purposes incidental thereto. [10th May 1967]

WHEREAS the erection of the existing church of Saint Mary-le-Park, Battersea (hereafter called "the existing church") was begun, and carried through as far as it has at present progressed, in the last two decades of the nineteenth century, but the existing church, which was intended to be ultimately of cathedral proportions, remains very incomplete:

And whereas the existing church was originally a chapel within the parish of Saint Mary, Battersea, but by virtue of an Order in Council notice of which was published in the London Gazette on the 19th July, 1935, has since that date been the parish church for the parish of Saint Mary-le-Park, Battersea (hereafter called

“ the parish ”), constituted by and formed out of the parish of Saint Mary, Battersea, by that Order in Council, the present incumbent of the benefice of the parish (hereafter called “ the incumbent ”) being the Reverend Ian Kitteringham:

And whereas there is adjacent to the existing church a church hall (hereafter called “ the existing church hall ”) used in connection with the activities of the parish:

And whereas the freehold of the site of the existing church and of certain land appurtenant thereto is vested in the incumbent for the time being of the benefice of the parish of Saint Mary, Battersea, the present incumbent being the Reverend Neville David Gill, and the freehold of the remainder of the land described in the Schedule to this Act (hereafter called “ the scheduled land ”) is vested in the Rochester and Southwark Diocesan Church Trust (hereafter called “ the trust ”):

And whereas the existing church is in a number of ways inconvenient and unsatisfactory as the parish church for the parish and its completion, and subsequent upkeep, would involve large and disproportionate expenditure without securing for the parish a convenient and suitable parish church:

And whereas the existing parsonage house for the incumbent, situate in Petworth Street, Battersea, the freehold of which is vested in the incumbent, is unsatisfactory as a parsonage house for the incumbent of the parish and the parochial church council of the parish have consented to the provisions of this Act relating to the proceeds of any sale of that house:

And whereas it is therefore expedient that the freehold of the site of the existing church and of those other parts of the scheduled land which are not already vested in the trust should be vested in the trust and that the trust should be authorised, subject to the provisions in this Act contained (including the provision for the temporary use of the church hall for purposes of public worship), to cause or permit the demolition of the existing church and subsequently of the existing church hall as in this Act provided, and that such provisions as are in this Act contained with reference to the construction of a new church, church hall and parsonage house should be enacted:

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 scheduled land should be enacted:

And whereas no part of the church or of the scheduled land 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 Mary-le-Park, Battersea 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 diocese ” means the diocese of Southwark;

“ the existing church ” and “ the existing church hall ” mean respectively the existing church and church hall erected on the scheduled land;

“ the existing parsonage house ” means the existing house of residence for the incumbent situate in Petworth Street, Battersea;

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

“ the new church ” means such new church as may be erected on the scheduled land for use as the parish church of the parish in place of the existing church;

“ the parish ” means the parish of Saint Mary-le-Park, Battersea, as for the time being constituted;

“ the parochial church council ” means the parochial church council of the parish;

“ the scheduled land ” means the land described in the Schedule to this Act comprising the sites of the existing church and church hall and lands appurtenant thereto;

“ the specified date ” means the date upon which the new church, having been made available for public worship, is consecrated;

“ 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.

Vesting of site of existing church, etc., in trust.

3. Those parts of the scheduled land which comprise the site of the existing church and land appurtenant thereto, and which immediately before the passing of this Act are not vested in the trust, shall on the passing of this Act vest in the trust for an estate in fee simple.

Demolition of existing church and church hall.

4.—(1) The trust may, at any time after the passing of this Act, cause or permit the existing church to be demolished and the materials thereof to be sold or otherwise disposed of as they may think fit:

Provided that before the existing church is demolished the trust shall arrange for—

(a) the use, in compliance with any directions of the incumbent approved by the parochial church council and the bishop, of the existing church hall for public worship temporarily in place of the existing church from the date upon which the existing church first ceases to be open for public worship until the specified date;

(b) the removal from the existing church and the installation, at some convenient time thereafter, in the new church or in such other place as the bishop, after consultation with the incumbent and the parochial church council, may direct, of the statue of the Virgin and Child now standing in the north transept of the existing church.

(2) The trust may, at any time after the specified date, with the consent of the parochial church council, cause or permit the existing church hall to be demolished and the materials thereof to be sold or otherwise disposed of as they may think fit.

(3) No licence or faculty of the consistory court of the diocese or other or further authority shall be requisite for the exercise of the powers conferred, and the performance of the obligations imposed, by this section.

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

5.—(1) For the purpose of the erection of the new church, the new church hall and the other buildings and accommodation referred to in subsection (3) of this section, the trust shall retain such interests in the scheduled land as may be requisite.

(2) Subject to the provisions of the foregoing subsection the trust may sell, lease or otherwise dispose of the scheduled land, or any part thereof, for such price or consideration, in such manner and upon and subject to such terms and provisions as they may think fit.

(3) The proceeds of any sale by the incumbent of the existing parsonage house shall be paid to the trust, and all moneys received by the trust under this section or under section 4 (Demolition of existing church and church hall) of this Act, shall be applied by the trust as follows:—

- (a) in reimbursing, to such extent as the trust may think fit, any expenditure incurred by the parochial church council in the temporary adaptation for public worship of the existing church hall;
- (b) in paying or in reimbursing the cost of the demolition of buildings pursuant to section 4 (Demolition of existing church and church hall) of this Act, including work of dismantling and other ancillary work;
- (c) in the constructing and furnishing of a new church, a church hall, a parsonage house, and such other buildings or accommodation as the incumbent and the parochial church council, with the approval of the trust, may think fit;
- (d) in payment of expenses incurred by the incumbent in or by reason of his removal from the existing parsonage house to such new parsonage house as aforesaid to such extent as the parochial church council, with the approval of the trust, may think fit;
- (e) in defraying the costs of preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto incurred by the trust under section 9 (Costs of Act) of this Act;

and any remaining balance shall 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.

(4) On the specified date the new church shall become the parish church of the parish in place of the existing church.

(5) On completion of the new parsonage house referred to in paragraph (c) of subsection (3) of this section, that house shall, for the purposes of the Parsonages Measures, 1938 and 1947, or any statutory modification or re-enactment thereof, become the house of residence for the incumbent.

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

6. As from the date upon which the existing church first ceases to be open for public worship and is temporarily replaced by the existing church hall (which date shall be certified by the bishop and recorded in the parish register), 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 said date attached thereto under ecclesiastical law or otherwise and from all other trusts, uses, obligations, disabilities and restrictions whatsoever which attached thereto immediately before the said date 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.

7. Notwithstanding anything contained in any enactment, but subject to the provisions of this Act, it shall be lawful at any time after the date referred to in section 6 (Discharge of trusts and restrictions affecting scheduled land and saving for private rights) 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.

Saving for town and country planning.

8. The provisions of the Town and Country Planning Acts, 1962 to 1966, and any restrictions or powers thereby conferred or imposed in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is or may be authorised or regulated by or under this Act.

Costs of Act.

9. 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 Wandsworth containing 25,137 square feet or thereabouts and now forming the sites of the existing church and the existing church hall and land appurtenant thereto, comprising a corner site fronted on the north-west side by Parkgate Road, and on the north-east side by Albert Bridge Road and bounded by a line commencing on the Parkgate Road frontage immediately adjoining No. 46 Parkgate Road, and extending in a north-easterly direction for a distance of 249 feet or thereabouts, thence proceeding in an easterly direction for a distance of nine feet or thereabouts, thence proceeding in a south-south-easterly direction along the Albert Bridge Road frontage for a distance of 120 feet or thereabouts, thence proceeding in a west-south-westerly direction for a distance of 225 feet or thereabouts, thence proceeding in a west-north-westerly direction for a distance of 86 feet or thereabouts to the point of commencement; together with the existing church and the existing church hall erected thereon.



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CHAPTER vii

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9. Costs of Act.

SCHEDULE—Description of the scheduled land.