



Mines And Quarries (Tips) Act 1969

1969 CHAPTER 10

PART II

PREVENTION OF PUBLIC DANGER FROM DISUSED TIPS

31 Ecclesiastical property.

- (1) No notice under section 14 may be served in respect of a disused tip if the land on which the tip is situated is ecclesiastical property, but nothing in this subsection affects the powers of a local authority under section 17.
- (2) Where under this Part of this Act a document is required or authorised to be given to, or served on, any person as occupier of, or owner of an estate or interest in, any land which is ecclesiastical property, a copy of the document shall be given to or served on the [^{F1}Church Commissioners][^{F1} Diocesan Board of Finance for the diocese in which the land is situated].
- (3) Any compensation payable under section 20 to a person by virtue of his having an estate in fee simple in any land shall, if that land is ecclesiastical property, be paid (where the fee simple is vested in any person other than the [^{F1}Church Commissioners][^{F1} Diocesan Board of Finance for the diocese in which the land is situated]) to [^{F2}them][^{F2} it] instead of that person.
- (4) Any sums paid under subsection (3) to the [^{F1}Church Commissioners][^{F1} Diocesan Board of Finance for the diocese in which the land is situated] with reference to any land shall, if the land is not consecrated, be applied by [^{F2}them][^{F2} it] for the purposes for which the proceeds of a sale by agreement of the fee simple in the land would be applicable under any enactment or Measure authorising such a sale, and, if the land is consecrated, be applied by [^{F2}them][^{F2} it][^{F3} in such a manner as they may determine][^{F3} as if the land had been sold under the Pastoral Measure 1983].
- (5) [^{F4}Where the fee simple in any ecclesiastical property is in abeyance][^{F4} Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant]—

*Changes to legislation: There are currently no known outstanding effects for the
Mines And Quarries (Tips) Act 1969, Section 31. (See end of Document for details)*

- (a) it shall be treated for the purposes of this Part of this Act as being vested in the [F1Church Commissioners][F1 Diocesan Board of Finance for the diocese in which the land is situated]; and
- (b) where, by virtue of paragraph (a) above, the [F1Church Commissioners][F1 Diocesan Board of Finance for the diocese in which the land is situated][F4are owners][F4 is the owner] of land belonging to a benefice and, by virtue of [F2their][F2 its] ownership of that land, [F5are][F5 is] under a liability to pay any sum under this Part of this Act, either as owner of a disused tip or as a contributory, [F2their][F2 its] liability shall be met from, and shall not exceed the total of, the sums held by [F2them][F2 it] for that benefice.
- (6) Where subsection (5) does not apply but a liability to pay any sum under this Part of this Act falls on any person, either as owner of a disused tip or as a contributory, by virtue of there being vested in him the fee simple in land belonging to a benefice, the [F1Church Commissioners][F1 Diocesan Board of Finance for the diocese in which the land is situated] may apply any sums held by [F2them][F2 it] for that benefice in discharging the whole or any part of that liability.
- (7) In the foregoing provisions of this section “benefice” means an ecclesiastical benefice of the Church of England and “ecclesiastical property” means land belonging to a benefice 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.
- (8) Subsection (1) applies in relation to Scottish church land as it applies to ecclesiastical property within the meaning of subsection (7).

In this subsection, “Scottish church land” means any land being or forming part of a church of the Church of Scotland, or the site of such a church, or the manse, glebe, churchyard or burial ground appertaining to such a church.

Textual Amendments

- F1** Words in s. 31 substituted (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), s. 16\(2\), Sch. 5 para. 16\(a\)](#); S.I. 2006/2, Instrument made by Archbishops
- F2** Words in s. 31 substituted (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), s. 16\(2\), Sch. 5 para. 16\(b\)](#); S.I. 2006/2, Instrument made by Archbishops
- F3** Words in s. 31(4) substituted (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), s. 16\(2\), Sch. 5 para. 16\(c\)](#); S.I. 2006/2, Instrument made by Archbishops
- F4** Words in s. 31(5) substituted (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), s. 16\(2\), Sch. 5 para. 16\(d\)](#); S.I. 2006/2, Instrument made by Archbishops
- F5** Word in s. 31(5) substituted (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), s. 16\(2\), Sch. 5 para. 16\(d\)](#); S.I. 2006/2, Instrument made by Archbishops

Changes to legislation:

There are currently no known outstanding effects for the Mines And Quarries (Tips) Act 1969, Section 31.