



Redundant Churches and other Religious Buildings Act 1969

1969 CHAPTER 22

4 Power of court to authorise the transfer of certain redundant places of public religious worship to the Minister of Housing and Local Government or the Secretary of State

- (1) If, in the case of a building which is a place of public religious worship and held by or in trust for a charity but is not a church subject to the provisions of the Pastoral Measure 1968, the court is satisfied that the building, or a part thereof, is no longer required for use as a place of public religious worship and that the Minister is willing to enter into an agreement for the acquisition by him, under the powers conferred on him by section 5 of the Historic Buildings and Ancient Monuments Act 1953, of the building or part by way of gift or for a consideration other than a full consideration, but that it is not within the powers of the persons in whom the building is vested to carry out the agreement except by virtue of this section, the court may, under its jurisdiction with respect to charities, establish a scheme for the making and carrying out of the agreement, and, if it appears to the court proper to do so, the scheme may provide for the acquisition by the Minister under the said section 5, whether or not by way of gift or for such a consideration, of other land, if any, held by or in trust for the charity and comprising, or contiguous or adjacent to, the building, and of objects, if any, which are, or have been, ordinarily kept in the building.
- (2) A scheme under this section may provide for conferring on the Minister such rights of way over any land held by or in trust for the charity as appear to the court to be necessary for the purpose of the performance of his functions in relation to the building or any land acquired by him under the scheme or for giving to the public reasonable access to the building or land and, so far as so necessary, such rights of way, if any, as are, before the making of the scheme, enjoyed by persons attending services at the building.
- (3) A scheme made under subsection (1) above may provide for the making of an application to the Minister, by a person specified in, or appointed in pursuance of, the scheme, for the restoration, if the Minister thinks fit, of the building or part to use as a place of public religious worship; and if the Minister, whether or not such

an application is made to him, requests the Charity Commissioners to make provision for restoration of the building or part to such use, they may do so by a scheme under their jurisdiction under section 18 of the Charities Act 1960 (which confers on the Charity Commissioners and the Secretary of State for Education and Science concurrent jurisdiction with the High Court for certain purposes) notwithstanding anything in subsection (4) of that section or that the charity by or in trust for whom the building was held before the establishment of the scheme mentioned in subsection (1) above has ceased to exist; and if it has ceased to exist, the scheme may provide for the constitution of a charity by or in trust for whom the building on its restoration is to be held.

- (4) Sections 18 (except subsections (6) and (13)) and 21 (publicity) of the Charities Act 1960 shall have effect in relation to a scheme made under subsection (1) above as they do in relation to a scheme for the administration of a charity.
- (5) In this and the next following section " the Minister ", except in the case of the application of either of those sections to Wales and Monmouthshire, means the Minister of Housing and Local Government, and in the said excepted case means the Secretary of State; and expressions to which a meaning is assigned by the Charities Act 1960 for the purposes of that Act have that meaning also for the purposes of this and the next following section.