ELIZABETH II



1978 CHAPTER ix

An Act to authorise the development and disposal of lands comprising the site of Christ Church Woburn Square and of the churchyard appurtenant thereto and of the churchyard of the former church of Saint Matthew Oakley Square; to authorise the erection of buildings thereon; and for connected purposes.

[30th June 1978]

WHEREAS—

(1) Christ Church was erected and consecrated as a church consequent upon the Act of 1830:

(2) Christ Church is no longer required as a place of worship and has been partially demolished but a redundancy scheme made in pursuance of the Pastoral Measure 1968 could not provide for the disposal or development of the site of Christ Church or of the churchyard appurtenant thereto: 1968 No. 1.

(3) Saint Matthew's was erected and consecrated as a church consequent upon the Act of 1851:

(4) By a Scheme of the Church Commissioners made pursuant to the said Measure and confirmed by Her Majesty in Council on 27th October 1976, Saint Matthew's was declared redundant and pursuant to a further such Scheme confirmed on 17th January 1977 was subsequently demolished and the site of the church was appropriated to use as part of the churchyard annexed or belonging thereto (hereinafter in this Preamble referred to as "Saint Matthew's Churchyard") but neither Scheme could provide for the disposal or development of Saint Matthew's Churchyard:

(5) The Act of 1830 contains provisions prohibiting the erection on the site of Christ Church and the churchyard appurtenant thereto of any building other than a building to be used as a chapel of ease, a parochial chapel or a church and prohibiting the performance of any funeral service therein or the burial of any corpse in that chapel, church or churchyard; and the Act of 1851 contains similar provisions in relation to Saint Matthew's Churchyard and it is expedient that those provisions be repealed:

(6) No burials have taken place in Christ Church, the churchyard appurtenant thereto or in Saint Matthew's Churchyard:

(7) The benefice of the parish in which Christ Church is situated is occupied and the incumbent thereof has consented to the provisions of this Act:

(8) Presentation to the benefice of the parish in which Saint Matthew's is situated is suspended and the freehold of Saint Matthew's Churchyard is in abeyance:

(9) It is expedient that the freeholds of Christ Church together with the churchyard appurtenant thereto and Saint Matthew's Churchyard should vest in the bishop and be sold or otherwise disposed of or dealt with and that the bishop should be enabled to cause or permit Christ Church to be demolished and the scheduled lands to be developed:

(10) It is expedient that such provisions as are contained in this Act with respect to the sale, development, use, disposal and dealing with the scheduled lands together with the other provisions contained in this Act should be enacted:

(11) 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 Christ Church Woburn Square and Saint Matthew Oakley Square Act 1978. Short title.

2. In this Act (including the Preamble hereto), except where the context otherwise requires— Interpretation.

"the Act of 1830" means the Act first referred to in Schedule 2 to this Act;

"the Act of 1851" means the Act secondly referred to in Schedule 2 to this Act;

"the bishop" means the bishop of London for the time being and during a vacancy in the see of London includes the guardian of the spiritualities thereof;

"Christ Church" means the church referred to in Part I of Schedule 1 to this Act;

"the diocese" means the diocese of London;

"the Fund" means the London Diocesan Fund;

"the scheduled lands" means the lands described in Schedule 1 to this Act and shown coloured pink in respect of the land described in Part I of the said Schedule and shown coloured blue in respect of the land described in Part II of the said Schedule on a plan marked "Plan of the scheduled lands" signed in triplicate by the Right Honourable the Lord Aberdare, the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred, one copy of which has been deposited at the office of the Clerk of the Parliaments, House of Lords, one at the Private Bill Office of the House of Commons and one at the office of the London Diocesan Fund; and

"Saint Matthew's" means the former church referred to in Part II of Schedule 1 to this Act.

3. The scheduled lands shall on the passing of this Act vest in the bishop for an estate in fee simple. Vesting of scheduled lands.

4.—(1) The bishop may at any time after the passing of this Act cause or permit Christ Church to be demolished and the materials thereof to be sold or otherwise disposed of as he may think fit. Power to demolish Christ Church.

(2) 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 by this section.

Power to sell or let, etc., the scheduled lands.

5.—(1) The bishop may sell, let or grant easements or rights in, over or in relation to or otherwise dispose of or deal with the scheduled lands or any part thereof in any manner whatsoever, for such price or consideration, and upon and subject to such terms as he may think fit.

(2) After deducting the amount of any costs, charges and expenses incurred under section 8 (Costs of Act) of this Act and in connection with any transaction relating to the scheduled lands or any part thereof, the bishop shall pay the net proceeds of that transaction to the Fund.

(3) Any money received by the Fund under this section shall be applied by the Fund in such manner and for such ecclesiastical purposes within the diocese which are charitable as the bishop, after consultation with the incumbent (if any) in question, in his sole discretion may determine.

Discharge of trusts, etc.

6. As from the passing of this Act the scheduled lands 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 by virtue of any provisions of the Act of 1830 or the Act of 1851:

Provided that nothing in this Act shall operate to affect prejudicially any private right or easement (not being a right conferred by the Act of 1830 or the Act of 1851) over the scheduled lands or any part thereof, being a right or easement which attached thereto immediately before the passing of this Act.

Repeals.

7. The enactments specified in Schedule 2 to this Act (which include enactments which were spent before the passing of this Act) are hereby repealed to the extent specified in column 3 of that Schedule.

Costs of Act.

8. All the costs, charges and expenses preliminary to and of and incidental to the preparing for, obtaining and passing of this Act or otherwise in relation thereto shall be paid by the bishop.

SCHEDULES

SCHEDULE 1

Section 2.

DESCRIPTION OF THE SCHEDULED LANDS

PART I

CHRIST CHURCH WOBURN SQUARE

A piece of land in the London borough of Camden containing some 959·12 square metres or thereabouts, including the sites of the church of Christ Church Woburn Square and of the contiguous church hall and land adjacent thereto, having a frontage to Woburn Square of 35·36 metres or thereabouts and being bounded on the north-west side by number 10 Woburn Square and numbers 41 and 42 Thornhaugh Mews and at the rear and along the south-east boundary by the Institutes of Education and Law (University of London).

PART II

SAINT MATTHEW OAKLEY SQUARE

A piece of land in the London borough of Camden containing some 1,593·27 square metres or thereabouts, comprising the site of the churchyard of the former church of Saint Matthew having a frontage to Oakley Square of 69·19 metres or thereabouts, and a return frontage to Crowndale Road of 43·89 metres or thereabouts and being bounded on the south-west side by number 52 Oakley Square and on the north-west side by a private drive leading to the Post Office which fronts on to Eversholt Street and Crowndale Road.

Section 7.

SCHEDULE 2

REPEALS

Chapter	Title	Extent of repeal
1 Will. 4 c. cxxxii (1830)	An Act for prohibiting Burying and Funeral Service in a Chapel of Ease intended to be built for the Parish of Saint George Bloomsbury in the County of Middlesex.	The whole Act.
14 & 15 Vict. c. *15* (1851)	An Act to give effect to certain Restrictions and Conditions relating to a Church and Parsonage House proposed to be erected on Sites to be given by the Most Noble Francis Duke of Bedford, Knight of the Most Noble Order of the Garter, and to Two Dwelling Houses proposed to be purchased and conveyed for Vicarage and Rectory Houses on the Estate of the said Duke, in the County of Middlesex.	In the Preamble, from the beginning to the words "to agree and to allow: And" and the words "gift and". Sections I to III. In section IV, from the words "shall not be used" to the words "as aforesaid" where they secondly occur and from the words "and that the said parsonage house" to the end of the section. In the Schedule, Part I.

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Christ Church Woburn Square and Saint Matthew Oakley Square Act 1978

CHAPTER ix

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Vesting of scheduled lands.
4. Power to demolish Christ Church.
5. Power to sell or let, etc., the scheduled lands.
6. Discharge of trusts, etc.
7. Repeals.
8. Costs of Act.

SCHEDULES:

Schedule 1—Description of the scheduled lands.

Part I—Christ Church Woburn Square.

Part II—Saint Matthew Oakley Square.

Schedule 2—Repeals.