CHAPTER cxci.

An Act to provide for the pulling down of the Parish Church of Hanover Chapel (Regent Street) and building a new Parish Church instead thereof and for other purposes. [5th August 1891.]

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WHEREAS the parish church of Hanover Chapel (Regent Street) is situate on the western side of Regent Street between Hanover Street and Princes Street in the county of London and is inconveniently situate at the extreme eastern boundary of the parish and remote from that part of the parish in which the parishioners principally reside:

And whereas the porch and approach to the said church form an inconvenient projecting obstruction in Regent Street:

And whereas the site on which the said church now stands was granted by the then Commissioners of His Majesty's Woods Forests and Land Revenues without consideration by a deed dated the 12th day of June 1824 to Her Majesty's Commissioners as then constituted for building new churches and was therein described as follows:—

"All that piece or parcel of ground situate lying and being on the west side of that part of the principal new street now being made and formed under the powers of an Act of Parliament passed in the fifty-third year of the reign of His late Majesty King George the Third cap. 121 which lies between Princes Street on the north and Hanover Street on the south in the said parish of Saint George Hanover Square in the county of Middlesex abutting towards the east on the said street now called Regent Street towards the west on a stable yard and premises belonging to the Crown now leased or agreed to be leased to John Peachey towards the north in part on a messuage or dwelling house lately erected and built on ground belonging to the Crown on the west side of Regent Street aforesaid now leased or agreed to be leased to

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James Burton or his nominee or nominees and in other part on ground also belonging to the Crown in the rear of the said messuage or dwelling house now leased or agreed to be leased to the said John Peachey and towards the south on a messuage or dwelling house lately erected and built on ground also belonging to the Crown on the west side of Regent Street aforesaid now leased or agreed to be leased to the said John Peachey which said piece or parcel of ground contains the several dimensions specified and set forth in the map or plan thereof hereto annexed and is thereon coloured red together with all and singular ways passages lights easements and appurtenances whatsoever to the said piece or parcel of ground in any wise belonging or appertaining except nevertheless and always reserved to His Majesty His heirs and successors out of the grant hereby made the free passage and running of water and soil coming or to come off and from the ground houses and buildings of His Majesty His heirs and successors in by and through the channels sewers drains and watercourses which now are or at any time hereafter shall be made in upon or under the said premises hereby given and granted or any part thereof" :

And whereas the said chapel was consecrated on the 20th day of June 1825 and thus became a consecrated chapel in the parish of Saint George Hanover Square :

And whereas by an Order in Council dated the 6th day of May 1835 a district was assigned to the said chapel which has become a separate parish :

And whereas the said site so conveyed as aforesaid is or is reputed to be now vested in the vicar for the time being of the said parish under and by virtue of the Acts commonly known as the Church Building Acts for an estate in fee simple for the purposes of the said Acts :

And whereas by virtue of the Act 19 and 20 Vict. cap. 55 the powers of the Church Building Commissioners were transferred to the Ecclesiastical Commissioners :

And whereas the present vicar of the said parish is the Reverend Herbert Augustine Moore who was instituted to the vicarage on the 23rd day of May 1890 and the patron is the Reverend David Anderson the rector of Saint George Hanover Square :

And whereas there is at present no vicarage house for the said parish :

And whereas the most noble Hugh Lupus Duke of Westminster is willing to present a piece of land in a more convenient position in the parish on the western side of Davies Street to be conveyed to the Ecclesiastical Commissioners as a site for a new church in

substitution for the existing church and also for a vicarage house for the vicar for the time being of the said parish and it is expedient that the said existing church should be removed and that a new church and vicarage house should be erected on the new site and that the sale of the existing site to the Crown should be authorised and that provisions should be made as in this Act set forth :

And whereas the Bill for this Act has been assented to by the lord bishop of the diocese the said patron and the said vicar :

And whereas the objects aforesaid cannot be accomplished 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 :—

Short title.

1. This Act may be cited as the Hanover Chapel (Regent Street) Act 1891.

Interpretation.

2. In this Act unless the subject or context otherwise requires—

"The parish" means the parish of Hanover Chapel (Regent Street) in the county of London ;

"The existing church" means the said Hanover Chapel ;

"The new church" means the new parish church to be built under the provisions of this Act ;

"The bishop" means the lord bishop of the diocese of London for the time being ;

"The patron" means the person or persons for the time being entitled to present to the vicarage ;

"The vicar" means the vicar of the parish for the time being.

Act to commence on new site being conveyed to the Ecclesiastical Commissioners.

3.—(1) When the site for the new church and vicarage house shall have been conveyed to the Ecclesiastical Commissioners they shall cause a notice that such conveyance has been made to be issued under their common seal and to be served on the bishop the patron and the vicar and to be published in the London Gazette :

(2) After the erection of the new church (or as soon as due provision shall have been made for the performance of divine service to the satisfaction of the bishop and patron) the vicar shall cause the existing church to be closed and divine service to be discontinued therein and shall also cause the fabric of the existing church and the materials thereof (except as hereinafter provided) and of the portico thereto to be sold either by public auction or with the consent of the bishop and the patron by private contract

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and shall cause such materials to be cleared away from the site of the existing church and shall pay the proceeds of such sale after providing for the expenses thereof to the Ecclesiastical Commissioners to be by them held as hereinafter directed:

Provided that any of such materials which the bishop patron and vicar may desire to have retained for removal and use in the new church may be reserved for use accordingly.

Removal of font and other fittings and furniture for safe custody.

4. Before the materials of the existing church are sold the vicar shall cause the font communion table stained-glass windows church plate organ bells monuments tablets memorial-brasses tombs and such other ornaments fittings and furniture (if any) as the bishop thinks fit together with all registers deeds records books and documents belonging to or kept in the existing church to be removed to such place of safe custody as the bishop may determine there to be kept until the new church is ready for the reception of the same respectively whereupon the same or such part thereof as may be suitable for the purpose shall be removed to the new church and erected and placed therein The said registers deeds records books and documents shall be kept in a secure place in the new church and the church plate and such part of the ornaments fittings and furniture as shall be deemed suitable for the use of the new church shall be removed thereto or retained therein as the case may be and the remaining part of such ornaments fittings and furniture shall be disposed of by the vicar in such manner and for such purposes as may be directed by the bishop.

Human remains to be removed.

5.—(1) The vicar shall cause the remains of any person interred or deposited in or under the existing church to be removed under the superintendence of the medical officer of health of the parish and interred in any consecrated burial-ground wherein burials may legally take place and shall cause the monuments brasses tablets and tombstones in the existing church to be removed to and fixed or re-erected in the new church or new place of interment:

(2) Every such removal of remains monuments or tombstones may be made without any faculty:

(3) No monument brass tablet or tombstone shall be fixed or re-erected in any church (other than in the new church) except with a faculty from the consistory court of the bishop:

(4) Not less than one month prior to any removal under the provisions of this section notice thereof shall be given by the vicar by advertisement in a London daily newspaper and in a newspaper circulating in the parish and the heirs executors administrators relations or friends of any person whose remains are interred or

deposited in or under the existing church may remove the remains of such person to any consecrated burial-ground wherein burials may legally take place and with the consent of the bishop and subject as aforesaid the monument brass tablet or tombstone erected in the existing church to the memory of such person to any place they may think fit:

(5) Provided that if under the provisions of this section the heirs executors administrators relatives or friends of any person whose remains are interred or deposited as aforesaid shall remove the remains of such person or any monument brass tablet or tombstone the costs and expenses thereof (but not exceeding in any case ten pounds) shall be defrayed by the Ecclesiastical Commissioners out of moneys in their hands for the purposes of this Act.

As to conveyance of site of existing church.

6. Immediately after the materials shall have been cleared away from the site of the existing church and the remains of all persons interred or deposited in or under the existing church shall have been removed and upon payment by the Commissioners of Woods to the Ecclesiastical Commissioners of the sum of forty-four thousand nine hundred and fifty pounds (which said sum has been found by the award of William James Beadel the arbitrator to whom the settlement thereof has been referred to be the amount which should be paid by the Crown for the purchase of the said site) the vicar shall execute a conveyance to Her Majesty of the piece or parcel of ground granted by the said recited deed of the 12th day of June 1824 and the Ecclesiastical Commissioners shall give a receipt thereupon for the said sum paid to them by the Commissioners of Woods as aforesaid and from and after the execution of the said conveyance and the inrolment thereof in the office of Land Revenue Records and Inrolments the said piece or parcel of ground granted by the said recited deed of the 12th day of June 1824 shall become again vested in Her Majesty Her heirs and successors as part of the possessions and land revenues of the Crown freed and discharged from all ecclesiastical uses trusts purposes obligations and disabilities whatsoever and from all rights and interests of the owners of any seats or pews and others therein as if the said grant of the 12th day of June 1824 had never been made.

Proceeds of sale.

7. The purchase-money for the said site ascertained as aforesaid and the proceeds of the sale of the fabric and materials of the existing church as herein provided shall be held by the Ecclesiastical Commissioners and from time to time applied as follows:—

(1) In payment of the costs charges and expenses of and incidental to the preparing applying for and passing this Act

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and the sale by this Act authorised except so far as the same shall not have been defrayed out of moneys advanced by the Ecclesiastical Commissioners as hereinafter authorised;

(2) In repayment of any advances made by the Ecclesiastical Commissioners as hereinafter authorised;

(3) In the laying out of lands as and for a site for the new church and vicarage and appurtenances thereto and approaches and all costs and expenses connected therewith;

(4) In or towards the erection and completion of the new church with all proper approaches walls fences gates bells fittings ornaments and conveniences and in payment of all costs and expenses connected therewith;

(5) In or towards the erection and completion of the new vicarage house with its appurtenances;

(6) The balance of moneys from time to time remaining in their hands shall be invested in securities in which trustees are for the time being authorised by law to invest trust moneys and the resulting income shall be paid by them half-yearly to the vicar as part of his emoluments from the vicarage:

Provided that the amount to be expended for the purposes of subsections 3 4 and 5 shall not (without the consent of the bishop and the Ecclesiastical Commissioners) exceed two-fifths of the sum obtained by the sale of the said site.

Plans &c. of new church.

8. Plans elevations and specifications of the new church (including all necessary arrangements as to decorations fittings and number of sittings) shall be prepared by the vicar and the patron and submitted for the approval of the bishop and the Ecclesiastical Commissioners and the vicar and patron may when the same plans elevations and specifications have been prepared and approved and the Ecclesiastical Commissioners are possessed of funds sufficient for the building of the new church cause the new church to be erected formed and completed ready for consecration in accordance (so far as is necessary) with the plans drawings and specifications so approved subject to any alterations therein or additions thereto to which the bishop may consent or which he may direct and shall take all necessary steps to procure the consecration thereof.

Plans &c. of vicarage house.

9. Plans elevations and specifications of the new vicarage house shall also be prepared by the vicar and the patron and submitted for the approval of the bishop and the Ecclesiastical Commissioners and the vicar and patron may when the same plans elevations and specifications have been prepared and approved and the Ecclesiastical Commissioners are possessed of funds sufficient for the building

thereof cause the same to be built and completed in accordance with plans drawings and specifications so approved subject to any alterations therein or additions thereto to which the bishop may consent or which he may make.

New church to be in all respects substituted for existing church.

10. The new church when completed and ready for consecration shall be consecrated as the parish church of the parish and shall with respect to patronage right of presentation maintenance repair and (subject as hereinafter provided) endowments fees and other emoluments and the application thereof and in all other respects whatsoever civil as well as ecclesiastical be deemed to be in substitution for the existing church and all books and registers and other property of whatsoever kind now belonging to or held by any person in trust for or for the use of the existing church shall from and after the consecration of the new church belong to and be held in trust for and for the use of the new church The church plate of the existing church shall on and after the consecration of the new church be removed to and thenceforward belong to and be for the use of the new church.

Seats to be free.

11. In the new church it shall not be lawful to let the pews or seats or any of them but the same shall remain free and unappropriated for ever.

Vicar and churchwardens to be vicar &c. of new church.

12. On the consecration of the new church the new church and the approaches and appurtenances thereto shall vest in the vicar and the person who at the passing of this Act is vicar of the existing church shall without any presentation admission institution induction or process of law or other process whatsoever be the first vicar of the new church and the churchwardens and other officers and servants (if any) of the existing church for the time being shall continue so to be and shall also be the first churchwardens and corresponding officers and servants of the new church.

As to Trinity Chapel site scheme.

13. Nothing in this Act or done under the provisions of this Act shall prejudice or affect the provisions of the scheme for the administration of the charity of the "Trinity Chapel Site" but the money payable under the said scheme to the churchwardens for the time being of the existing church shall continue to be payable to them to be applied until the consecration of the new church for the maintenance of divine service according to such temporary arrangements as may be made for that purpose and after the consecration of the new church for the maintenance of divine service therein upon the conditions of the said scheme :

Provided that if it shall appear advisable to the trustees of the Trinity Chapel site scheme (having regard to the endowment

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which the vicar will receive under the provisions of this Act) that there shall be a redistribution of the moneys payable under the said scheme for the benefit of the existing church or the new church (other than the sum of fifty pounds payable as therein directed for maintaining the fabric of Hanover Chapel) then it shall be lawful for the said trustees to apply to the Charity Commissioners under the provisions of the Charitable Trusts Acts 1853 to 1891 for a scheme to be established by them amending the said scheme for the administration of the charity of the "Trinity Chapel Site" so as to provide for the future administration of the said moneys for the benefit of the mother parish of St. George Hanover Square or any ecclesiastical parish or district therein.

New vicarage.

14. The new vicarage when completed shall be the vicarage house of the parish.

Payment of funds.

15. Payments from time to time as and when required for the purposes of this Act shall be made by the Ecclesiastical Commissioners on the direction of the vicar and patron.

Power to Ecclesiastical Commissioners to advance money for purposes of Act.

16. The Ecclesiastical Commissioners may from time to time advance and lend to the vicar for any of the purposes of this Act (including the payment of the costs charges and expenses of and incidental to the preparing applying for and passing of this Act and the sale by this Act authorised) such sums of money as they may think fit and as they may consider to be secured by the provisions of this Act and may retain by way of repayment out of any moneys received by them under the provisions of this Act the amount of any such advances together with interest at the rate of three and a half per centum per annum on the amount advanced from the date of the advance to the date of repayment.

Saving Metropolitan Building Act.

17. Nothing in this Act shall exempt from any of the provisions of the Metropolitan Building Act 1855 any building which would have been subject thereto but for the provisions of this Act.

No burials to take place in the new church.

18. No interments shall be permitted in or under the new church or the approaches and appurtenances thereto.

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