Holy Trinity, West Hampstead Act 1968

CHAPTER viii

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ELIZABETH II



1968 CHAPTER viii

An Act to provide for the demolition of the church of Holy Trinity, West Hampstead and for the erection of a new church in place thereof, a church hall and other buildings; to authorise the use for other purposes of part of the site of the present church; and for purposes incidental thereto. [30th May 1968]

WHEREAS the existing church of Holy Trinity, West Hampstead (hereafter called "the existing church") in the London borough of Camden, which was completed in the year 1872 and is the parish church of the parish of Trinity, West Hampstead (hereafter called "the parish"), is situate on the land described in the schedule to this Act (hereafter called "the scheduled land") and there is now adjacent to the existing church on the scheduled land a church hall and ancillary accommodation:

And whereas the scheduled land is vested in fee simple in the incumbent for the time being of the benefice of the parish (the present incumbent being the Reverend Peter Swinbank):

And whereas the existing church, which is a large and lofty one-faced structure, shows signs of settlement and its life must

now be regarded as limited, the size and condition of the existing church are such as to involve a disproportionate and increasing burden of expenditure on maintenance, cleaning and heating without securing for the parish an effective and convenient parish church, and the needs of the parish for public worship would be better met by the provision of a smaller and more convenient parish church situate on the scheduled land:

And whereas it is desirable that the existing church hall facilities available for use in connection with the activities of the parish should be improved:

And whereas it is therefore expedient that provision should be made for the demolition of the existing church and the church hall adjacent thereto and the construction on the scheduled land of a new church, church hall and other accommodation as in this Act provided and that, upon the consecration for public worship of such new church, that church should become the parish church of the parish:

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 scheduled land has been used for the interment of human remains:

And whereas it is expedient that the other provisions of this Act should be enacted:

And whereas the Right Reverend and Right Honourable Father in God, Robert, by divine permission Lord Bishop of London, has consented to the provisions of this Act:

And whereas the provisions 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:—

Short title.

1. This Act may be cited as the Holy Trinity, West Hampstead Act 1968.

Interpretation.

2.—(1) In this Act, unless there be something in the subject or context repugnant to such construction—

" the benefice " means the benefice of the parish;

" 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;

" the diocese " means the diocese of London;

" the existing church " means the existing church of Trinity (known as Holy Trinity), West Hampstead;

" the fund " means the London Diocesan Fund;

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

" the new church " means a new church to 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 Trinity, West Hampstead;

" 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 including the existing church, the adjoining church hall and adjacent land;

" the specified date " means such date as may be appointed by the bishop for the purposes of this Act, and in so appointing the bishop shall have regard to the desirability of ensuring that satisfactory arrangements are made for the holding of services temporarily pending the new church being made available for public worship.

(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.

Demolition of existing church and church hall and erection of new church.

3.—(1) The incumbent may, at any time after the specified date, cause or permit the existing church and the church hall adjacent thereto to be demolished and the materials thereof to be sold or otherwise disposed of as he may think fit:

Provided that before any part of the existing church is demolished the incumbent shall arrange for the removal from the existing church of all memorial plaques and other memorials therein or thereon, which shall be preserved and dealt with in such manner as the incumbent and the parochial church council, with the approval of the bishop, may direct.

(2) The incumbent and the fund shall use their best endeavours to procure the construction and completion of the new church as to enable it to be made available for public worship before the expiration of a period of three years from the specified date.

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

(4) Nothing in this section shall authorise the demolition of any consecrated building until that building, and the site thereof, have been freed from the effects of consecration pursuant to the provisions of section 5 (Discharge of trusts, etc., and saving for private rights) of this Act.

Disposal of part of scheduled land and application of proceeds.

4.—(1) For the purpose of the erection of the new church and church hall referred to in subsection (3) of this section, the incumbent shall retain such interests in such part or parts of the scheduled land as may be requisite.

(2) Subject to the provisions of the foregoing subsection, on and after the specified date the incumbent 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, with the approval of the fund, he may think fit.

(3) All moneys received by the incumbent under the last preceding section and this section shall be paid to the fund, and all moneys so received by the fund, and all income from time to time derived from such moneys, shall be applied by the fund as follows:—

(*a*) in reimbursing, to such extent as the fund may think fit, any expenditure incurred by the parochial church council in the temporary adaptation of premises for the holding of services during the period from the closing of the existing church until the new church referred to in paragraph (*c*) of this subsection is available for public worship;

(*b*) in payment of the cost of demolition of the existing church and the church hall adjacent thereto and the removal of plaques and other memorials pursuant to subsection (2) of section 3 (Demolition of existing church and church hall and erection of new church) of this Act;

(*c*) in the construction on the scheduled land of the new church (which shall be constructed in accordance with plans, specifications and particulars approved by the incumbent, the parochial church council, the diocesan advisory committee and the Church Commissioners for England), a church hall and such other buildings and accommodation (whether or not connected with the benefice or the activities of the parish) as the incumbent and the parochial church council, with the approval of the fund, may think fit (all income derived from such other buildings

and accommodation being held in trust for the purposes referred to in, and subject to the provisions of, paragraphs (*e*) and (*f*) of this subsection);

(*d*) in defraying the costs, charges and expenses referred to in section 8 (Costs of Act) of this Act;

and any remaining balance shall be applied by the fund—

(*e*) as to the first forty thousand pounds thereof, in establishing a fund to be held upon trust to pay the income therefrom to the parochial church council who shall apply the same for ecclesiastical purposes within the parish which are charitable; and upon trust, at the request of the parochial church council, to apply the capital thereof (to such extent as the fund may think fit) in defraying any exceptional expenditure for those purposes;

(*f*) as to any residue thereof, for ecclesiastical purposes within the diocese which are charitable.

(4) On the date when the new church, having been approved by the Church Commissioners for England as suitable to be the parish church of the parish, is consecrated, that church shall become the parish church of the parish in place of the existing church.

Discharge of trusts, etc., and saving for private rights.

5. As from the specified date (which date shall be recorded in the parish register), the site of the existing church and all land which under ecclesiastical law then forms part of the enclosure of the existing church 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 the said site and other land or any part thereof 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 site or any part thereof which attached thereto immediately before the said date.

Power to use scheduled land for other purposes.

6. Notwithstanding anything contained in any enactment, but subject to the provisions of this Act, it shall be lawful at any time after the specified date to use, deal with or dispose of the site of the existing church and all land which under ecclesiastical law immediately before that date formed part of the enclosure of

the existing church, or any part thereof, for any purpose in lik manner as if no part thereof had ever been or formed the site of church or the enclosure of a church.

Saving for town and country planning. 1962 c. 38.

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

Costs of Act.

8. All the costs, charges and expenses preliminary to and o and incidental to the preparing, applying for, obtaining an passing of this Act or otherwise in relation thereto shall be pai by the fund.

SCHEDULE

DESCRIPTION OF LAND REFERRED TO IN THIS ACT Section 2.

A piece of land in the London borough of Camden including the ...es of the church of Holy Trinity, West Hampstead and of the ...ntiguous church hall and land adjacent thereto, having a frontage ...Finchley Road of 144 feet or thereabouts and being bounded on the ...rth-west side by Nos. 122 and 122C Finchley Road and No. 6 ...therhall Gardens, at the rear by Nos. 11, 11A and 15 Maresfield ...rdens, and on the south-east side by No. 120 Finchley Road.

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