Saint Mary, Summerstown Act 1968

CHAPTER v

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ELIZABETH II

1968 CHAPTER v

An Act to authorise the sale of the site of the former church of Saint Mary, Summerstown in the London borough of Wandsworth; to free the said land from the restrictions attaching to it as a site of a church; and for other purposes. [8th May 1968]

WHEREAS the former church of Saint Mary, Summerstown was completed on the land described in the Schedule to this Act (hereafter called "the scheduled land") in or about the year 1835 and was consecrated in the year 1845, thereafter becoming the parish church of the parish of Saint Mary, Summerstown (hereafter called "the parish"):

And whereas the said church became derelict and, having been closed to public worship, was demolished under the authority of a faculty of the consistory court of the diocese of Rochester (in which diocese the parish was then situate) granted on the 4th April, 1894:

And whereas, apart from a temporary structure which was in use between the years 1894 and 1899, no other church has ever been constructed on the scheduled land and the present parish church, which was constructed in the year 1904, is situate at the corner of Keble Street and Wimbledon Road, Summerstown, in the London Borough of Wandsworth:

And whereas, under the authority of a faculty of the consistory court of the diocese of Southwark granted on the 22nd October 1925, a church hall was erected on the scheduled land in or about the year 1926:

And whereas no part of the scheduled land has been used for the interment of human remains:

And whereas the freehold of the scheduled land is now vested as to part in the Rochester and Southwark Diocesan Church Trust and as to the remainder in the incumbent for the time being of the benefice of the parish, the present incumbent being the Reverend Kenneth Charles Francis:

And whereas it is expedient that the freehold of the whole of the scheduled land should be vested in the Rochester and Southwark Diocesan Church Trust and that the provisions in this Act contained with respect to the sale, leasing, use and disposition of the scheduled land should be enacted:

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

And whereas the Right Reverend Father in God, Mervyn, by divine permission Lord Bishop of Southwark, has consented to the provisions of this Act:

And whereas 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:—

Short title.

1. This Act may be cited as the Saint Mary, Summerstown Act 1968.

Interpretation.

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

" the bishop " means the Bishop of Southwark for the time being, and during a vacancy in the see of Southwark includes the guardians of the spiritualities thereof;

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

" the parish " means the parish of Saint Mary, Summerstown;

" the parochial church council " means the parochial church council of the parish;

" the trust " means the Rochester and Southwark Diocesan Church Trust;

" the scheduled land " means the land described in the Schedule to this Act.

(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.

Vesting of part of scheduled land.

3. So much of the scheduled land as is immediately before the passing of this Act vested in the incumbent shall on the passing of this Act vest in the trust for an estate in fee simple subject to the provisions of this Act but otherwise in like manner as if the said land had been acquired by the parochial church council with the consent of the trust as diocesan authority pursuant to section 6 of the Parochial Church Councils (Powers) Measure, 1956; and the provisions of that section shall (subject as aforesaid) apply accordingly. 1956 No. 3.

Disposal of scheduled land and application of proceeds.

4.—(1) The trust 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 the trust may think fit.

(2) All moneys received by the trust under this section, and all income from time to time derived from such moneys, shall, subject to payment thereout of the costs, charges and expenses referred to in section 8 (Costs of Act) of this Act, be applied by the trust for such ecclesiastical purposes within the parish as may be charitable, and as may from time to time be approved by the incumbent and the parochial church council.

Discharge of trusts and saving for private rights.

5. As from the passing of this Act the scheduled land 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 otherwise and from all other trusts, uses, obligations, disabilities and restrictions whatsoever which attached thereto immediately before the passing of this Act by reason of the said 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 land or any part thereof which attached thereto immediately before the passing of this Act.

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 passing of this Act to use, deal with or dispose of the scheduled land, or any part thereof, for any purpose in like manner as if no part thereof had ever been or formed the site of a 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 conferred in relation to land, shall apply and may be exercised in relation to any land notwithstanding that the development thereof is or may be authorised or regulated by or under this Act.

Costs of Act.

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

SCHEDULE

DESCRIPTION OF LAND REFERRED TO IN THIS ACT

A piece of land in the London borough of Wandsworth containing Section 2
900 square feet or thereabouts and now forming the site of the
isting church hall and land appurtenant thereto, comprising a site
onted on the north-east side by Garratt Lane and on the north-west
de adjoining premises occupied by the Tooting Tyre Service Limited
nd on the south-east side adjoining premises occupied by Blue Star
arages Limited, and bounded by a line commencing on the Garratt
ane side immediately adjoining No. 660 Garratt Lane and extending
a south-easterly direction for a distance of 50 feet or thereabouts,
ien proceeding in a south-westerly direction for a distance of 130 feet
r thereabouts, and thence proceeding in a north-westerly direction
or a distance of 56 feet or thereabouts, and thence proceeding in a
orth-easterly direction for a distance of 105 feet or thereabouts to
he point of commencement, together with the existing hall and
ncillary buildings thereon or on some part thereof.

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