Saint Saviour, Paddington Act 1969

CHAPTER xlii

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Vesting of part of scheduled land.
4. Demolition of existing church and church hall and erection of new church.
5. Disposal of part of scheduled land and application of proceeds.
6. Discharge of trusts, etc., and saving for private rights.
7. Power to use scheduled land for other purposes.
8. Saving for town and country planning.
9. Costs of Act.

SCHEDULE—Description of land referred to in this Act.

ELIZABETH II



1969 CHAPTER xlii

An Act to provide for the demolition of the church of Saint Saviour, Paddington and for the erection of a new church and other buildings; to authorise the use for other purposes of part of the site of the present church; and for purposes incidental thereto. [25th July 1969]

WHEREAS the freehold of the land described in the Schedule to this Act (hereafter called "the scheduled land") was on the 13th March, 1856, conveyed to Her Majesty's Commissioners for Building New Churches and thereafter a church was constructed thereon (hereafter called "the existing church") which was consecrated on the 12th April, 1856, and is now the parish church of the parish of Saint Saviour, Paddington (hereafter called "the parish"):

And whereas the scheduled land is vested in fee simple as to the greater part in the incumbent for the time being of the benefice of the parish, the present incumbent being the Reverend O'Brien Hamilton, and as to the remainder in the London Diocesan Fund (hereafter called "the fund") as custodian trustee for the parochial church council of the parish:

And whereas the existing church, which is a large stone structure capable of seating 1,700 worshippers, is in continuing

need of substantial works of repair and maintenance, and i
size and condition are such as to involve large and disproportionat
expenditure on repair, maintenance, cleaning and heating:

And whereas the needs of the parish for public worship woul
be better met by the provision of a smaller and more convenie
parish church situate on the scheduled land:

And whereas it is therefore expedient that the freehold of t
scheduled land (so far as not already vested in the fund) shoul
be vested in the fund and that the fund should be authorise
subject to the provisions in this Act contained, to cause or perm
the demolition of the existing church and the church hall adjace
thereto and that such provisions as are in this Act containe
with reference to the construction of a new church, a new churc
hall and other buildings on 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, upon the consecration o
the said new church, that church should become the parish
church of the parish in place of the existing church:

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

And whereas the Right Reverend and Right Honourable Fathe
in God, Robert, by divine permission Lord Bishop of Londo
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 Saviour Paddington
Act 1969.

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 Saint Saviour, Paddington;

"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 Saint Saviour, Paddington;

"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 church hall adjacent thereto and other land adjacent to the church;

"the specified date" means the date upon which the new church, having been approved by the Church Commissioners for England as suitable to be the parish church of the parish, is consecrated.

(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.—(1) 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 fund 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 fund 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.

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

(1) The fund may, at any time after the passing of this Act 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 they may think fit:

Provided that no part of the existing church shall be demolished until—

(a) the bishop has certified that satisfactory arrangements have been made for the holding of services temporarily in some suitable place until the specified date; and

(b) the fund has arranged for the removal from the existing church and the installation at some convenient time thereafter in the new church of memorial plaques and other memorials in the existing church or the installation

or disposal thereof as the bishop, after consultation the incumbent and the parochial church council, m direct.

(2) The incumbent and the fund shall use their best endeav to procure the construction and completion of the new ch so as to enable it to be made available for public worship befor the expiration of a period of three years from the date u which the bishop gives his certificate pursuant to paragra of the proviso to subsection (1) of this section.

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

(4) Nothing in this section shall authorise the demolition any consecrated building until that building, and the site thereo have been freed from the effects of consecration pursuant to th provisions of section 6 (Discharge of trusts, etc., and saving fo private rights) of this Act.

Disposal of part of scheduled land and application of proceeds.

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

(2) (*a*) Subject to the provisions of the foregoing subsection, the fund and the parochial church council may, to the extent of their respective interests therein, 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 provisi as they may think fit.

(*b*) A conveyance to the Church Commissioners for England of the new church and any land forming the curtilage thereof shall, for the purposes of section 16 of the New Parishes Measure, 1943, as amended by section 6 of the Church Property (Miscellaneous Provisions) Measure, 1960, be deemed to have been made under section 13 of the said Measure of 1943.

1943 No. 1.

1960 No. 1.

(3) All moneys received by the fund under the last preceding section and this section, 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 council in the temporary adaptation of premises for the holding of services during the period from the closing of the existing church until the specified date;

(*b*) in payment of the cost of demolition of the said church and the church hall adjacent thereto and from the removal and reinstallation or other disposal of the plaques and other memorials pursuant to paragraph

subsection (1) of section 4 (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 as the incumbent and the parochial church council, with the approval of the fund, may think fit;

(d) in defraying the costs, charges and expenses referred to in section 9 (Costs of Act) of this Act;

and any remaining balance shall be applied by the fund—

(e) as to such sum as the fund may approve, in establishing a fund to be held upon trust to apply the income therefrom in defraying, at the request of the parochial church council, any expenses incurred by the incumbent for ecclesiastical purposes which are charitable and are connected with the benefice or the activities of the parish;

(f) as to any residue thereof, for such ecclesiastical purposes within the rural deanery within which the parish may from time to time be situate as may be charitable and as may from time to time be approved by the bishop and by the incumbent who before giving his approval shall consult the parochial church council.

(4) On the specified date the new 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 date upon which the bishop gives his certificate pursuant to paragraph (*a*) of the proviso to subsection (1) of section 4 (Demolition of existing church and church hall and erection of new church) of this Act (which date shall be recorded in the parish register), the site of the existing church and all which under ecclesiastical law then forms part of the enclosure 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 enclosure of a church:

Provided that nothing in this Act shall operate to affe... prejudicially any private right or easement over the said site other land or any part thereof which attached thereto immedi... before the said date.

Power to use scheduled land for other purposes.

7. Notwithstanding anything contained in any enactment but subject to the provisions of this Act, it shall be lawful at any time after the date referred to in section 6 (Discharge of trusts, etc., and saving for private rights) of this Act to use, deal with or dispose of the site of the existing church and all land which formed part of the enclosure of the existing church, 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.

8. 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.

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

SCHEDULE

Section 2.

DESCRIPTION OF LAND REFERRED TO IN THIS ACT.

A piece of land in the city of Westminster containing 18,500 square feet or thereabouts, being the site of the existing church and hall bounded by Warwick Avenue, Clifton Villas, Clifton Gardens, Warrington Crescent and by the south-western boundary of the public footpath separating the church and hall site from the adjoining garden.

PRINTED IN ENGLAND BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR HARRY PITCHFORTH

Controller of Her Majesty's Stationery Office and Queen's *Printer of Acts of Parliament*

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

1*s.* 9*d.* net