ELIZABETH II



1967 CHAPTER xiv

An Act to provide for the demolition of the church of Saint Stephen, South Lambeth 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. [28th June 1967]

WHEREAS the existing church of Saint Stephen, South Lambeth (hereafter called "the existing church") was consecrated in May, 1861, and is the parish church for the parish of Saint Stephen, South Lambeth (hereafter called "the parish"), the present incumbent of the benefice of that parish being the Reverend John Hugh Carroll:

And whereas the freehold of the site of the existing church, and of the lands appurtenant thereto, is vested in the incumbent for the time being of the benefice of the parish of Saint Michael, Stockwell, the present incumbent of that benefice being the Reverend Joseph Edwards Tibbott:

And whereas the existing church is in need of substantial repair and decoration but is in a number of ways inconvenient and unsatisfactory as the parish church for the parish and its restoration to a proper state of repair and decoration would involve large and disproportionate expenditure without securing for the parish a convenient and suitable parish church;

And whereas the existing parsonage house for the incumbent for the time being of the benefice of the parish which is situate close to the existing church, and the freehold of which is vested in the incumbent of that benefice, is in need of structural repair involving substantial expenditure:

And whereas it is expedient that the freehold of the site of the existing church and the existing parsonage house should be vested in the Rochester and Southwark Diocesan Church Trust (hereafter called "the trust") and that the trust should be authorised, subject to the provisions in this Act contained, to cause or permit the demolition of the existing church and the existing parsonage house and that such provisions as are in this Act contained with reference to the construction of a new church and other buildings should be enacted:

And whereas it is expedient that such provisions as are contained in this Act with respect to the use, dealing with and disposal of the site of the existing church and of the lands appurtenant thereto should be enacted:

And whereas no part of the site of the church or of the said appurtenant lands has been used for the interment of human remains:

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

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 Stephen, South Lambeth Act 1967.

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 diocese" means the diocese of Southwark;

" the existing church " means the existing church erected on the scheduled land;

" the existing parsonage house " means the existing house of residence for the incumbent situate in St. Stephen's Terrace, Lambeth;

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

" the new church " means such new church as may 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 Stephen, South Lambeth as for the time being constituted;

" 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 comprising the sites of the existing church and the existing parsonage house and lands appurtenant thereto;

" the specified date " means the date upon which the new church, having been made available for public worship, is consecrated;

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

(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 scheduled land in trust.

3. The scheduled land shall on the passing of this Act vest in the trust for an estate in fee simple.

Demolition of existing church and parsonage house.

4.—(1) The trust may, at any time after the passing of this Act, cause or permit the existing church and the existing parsonage house 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—

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

(ii) the trust has arranged for the removal from the existing church and the installation at some convenient time thereafter in the new church or in such other place as the bishop, after consultation with the incumbent and the parochial church council, may direct, of the organ and

all equipment and furniture ancillary thereto, and of such memorial plaques and other memorials as the bishop, after consultation as aforesaid, may direct.

(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, and the performance of the obligations imposed, by this section.

(3) 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 6 (Discharge of trusts and restrictions affecting scheduled land and saving for private rights) of this Act.

Sale, etc., of part of scheduled land and application of proceeds.

5.—(1) For the purpose of the erection of the new church, the new parsonage house and the other buildings and accommodation referred to in subsection (3) of this section, the trust shall retain such interests in the scheduled land as may be requisite.

(2) Subject to the provisions of the foregoing subsection, 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 they may think fit.

(3) Any moneys received by the trust under this and the last foregoing section shall be applied by the trust as follows:—

(*a*) in reimbursing, to such extent as the trust may think fit, any expenditure incurred by the parochial church council in the temporary adaptation, before the specified date, of premises for public worship;

(*b*) in paying or in reimbursing the cost of the demolition of buildings pursuant to section 4 (Demolition of existing church and parsonage house) of this Act, including work of dismantling and other ancillary work;

(*c*) in the constructing and furnishing of a new church and parsonage house, and such other buildings or accommodation as the incumbent and the parochial church council, with the approval of the trust, may think fit;

(*d*) in payment of expenses incurred by the incumbent in or by reason of his removal from the existing parsonage house to such new parsonage house as aforesaid (including the expense of any temporary accommodation) to such extent as the parochial church council, with the approval of the trust, may think fit;

(*e*) in defraying the costs of preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto incurred by the trust under section 9 (Costs of Act) of this Act;

and any remaining balance shall be applied by the trust for such ecclesiastical purposes within the parish as may be charitable and as the bishop may from time to time approve.

(4) On the specified date the new church shall become the parish church of the parish in place of the existing church.

(5) On completion of the new parsonage house referred to in paragraph (*c*) of subsection (3) of this section that house shall, for the purposes of the Parsonages Measures, 1938 and 1947, or any statutory modification or re-enactment thereof, become the house of residence for the incumbent.

Discharge of trusts and restrictions affecting scheduled land and saving for private rights.

6. As from the date upon which the bishop gives his certificate pursuant to paragraph (i) of the proviso to subsection (1) of section 4 (Demolition of existing church and parsonage house) of this Act (which date shall be recorded in the parish register), 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 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 such land 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.

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 and restrictions affecting scheduled land and saving for private rights) 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.

8. The provisions of the Town and Country Planning Acts, 1962 to 1966, and any restrictions or powers thereby conferred or imposed 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 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

Section 2.

DESCRIPTION OF THE SCHEDULED LAND.

All that piece of land in the London borough of Lambeth containing 30,750 square feet or thereabouts and now forming the sites of the existing church and parsonage house and land appurtenant thereto, comprising a corner site fronted on the north-east side by Wilkinson Street and on the north-west and west sides by St. Stephen's Terrace, and bounded by a line commencing on the Wilkinson Street side immediately adjoining No. 15 Wilkinson Street and extending in a north-westerly direction for a distance of 150 feet or thereabouts, then proceeding in a south-westerly and southerly direction for a total distance of 200 feet or thereabouts along St. Stephen's Terrace, and thence proceeding in a south-easterly direction for a distance of 125 feet or thereabouts, and thence proceeding in a northerly and north-easterly direction for a total of 65 feet or thereabouts, and thence proceeding in a north-westerly direction for a distance of 35 feet or thereabouts, and thence proceeding in a north-easterly direction for 100 feet or thereabouts to the point of commencement, together with the existing church and the existing parsonage house thereon or on some part thereof.

PRINTED BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR
SIR PERCY FAULKNER, K.B.E., C.B.
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament
LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE
Price 1*s.* 0*d.* net
PRINTED IN ENGLAND

Saint Stephen, South Lambeth Act 1967

CHAPTER xiv

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SCHEDULE.—Description of the scheduled land.