

2010 No.

TOWN AND COUNTRY PLANNING, ENGLAND

Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 2010

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Secretary of State makes the following Order in exercise of the powers conferred on him by sections 60(5) and (6), 75(7) and (8) and 93(6) and (7) of the Planning (Listed Buildings and Conservation Areas) Act 1990(a)

Citation, commencement, application and supplementary provision

1.—(1) This Order may be cited as the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 2010 and comes into force on [].

(2) This Order applies to buildings situated in England only.

(3) Nothing in this Order shall operate to require listed building consent or conservation area consent for works commenced or for works in respect of which a contract has been made, before this Order comes into force.

Revocation

2.—(1) The Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994(b) is revoked in respect of England only.

Interpretation

3.—(1) In this Order, unless the context otherwise requires—

“the Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990;

“building” means an ecclesiastical building which is for the time being used for ecclesiastical purposes;

“church building” means a building whose primary use is as a place of worship;

“ecclesiastical exemption” means the exemption of buildings from the provisions of sections 3, 4, 7 to 9, 47, 54, 59 and 74 of the Act by virtue of sections 60(1) and 75(1)(b) of the Act;

(a) 1990 c. 9. Functions of the Secretary of State under the 1990 Act (except the Treasury Functions under section s.83(8)) so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by virtue of article 2 of the Transfer of Functions Order 1999 (SI 1999/672).

(b) S.I. 1994/1771.

“the Measure” means the Care of Cathedrals Measure 1990(a);

“the Methodist Church” means the Methodist Church as defined in section 2(1) of the Methodist Church Act 1976(b);

“the red line” means the red line shown on the plan relating to that cathedral church entitled “Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994”, signed by an Assistant Secretary in the Department of National Heritage, dated 21st June 1994 and deposited with the local planning authority.

Exclusion or restriction of ecclesiastical exemption

4.—(1) Ecclesiastical exemption is excluded in respect of all buildings other than those falling within article 5 or 8.

(2) For buildings falling within article 5, ecclesiastical exemption is restricted to the extent set out in articles 6 and 7.

Buildings retaining ecclesiastical exemption

5. Subject to article 6 and 7, ecclesiastical exemption is retained for—

- (a) buildings within the faculty jurisdiction of the Church of England;
- (b) buildings subject to the Measure;
- (c) buildings held in trust—
 - (i) by the diocesan trustees of a diocese of the Roman Catholic Church; or
 - (ii) used for worship according to the rites, doctrinal standards, principles or usages of the Roman Catholic Church.
- (d) buildings owned by or held in trust for or for the purposes of the Methodist Church or any connexional or local organisation of the Methodist Church;
- (e) buildings held in trust for a church in membership with the Baptist Union of Great Britain or the Baptist Union of Wales (whether alone or jointly with another person) by a trust corporation referred to in Schedule 1;
- (f) buildings owned by or held in trust for the purposes of the United Reformed Church which are situated within one of the Provinces set out in Schedule 2 and held by the trusts set out in Part I of Schedule 2 to the United Reformed Church Act 1972c or Part I of Schedule 2 to the United Reformed Church Act 1981d;
- (g) buildings on any premises forming part of one of the educational institutions referred to in Schedule 3.

Extent of ecclesiastical exemption

6.—(1) Subject to paragraph (2) ecclesiastical exemption for buildings falling within article 5 is restricted, except in the case of buildings subject to the Measure, to church buildings.

(2) Exemption from the provisions of sections 7 to 9, 59 and 74 of the Act is restricted in respect of buildings falling within paragraphs (c) to (g) of article 5—

- (a) to works carried out by or on behalf of a church or body, or constituent part of a church or body referred to in those paragraphs; or

(a) 1990 No. 2.
(b) 1976 c. xxx.
c 1972 c.18
d 1981 c.14

- (b) where the building is on any premises forming part of a university, college, school, hospital or public or charitable institution, to works carried out on behalf of the governing body or the trustees of that institution.

7.—(1) In the case of buildings subject to the Measure, ecclesiastical exemption is restricted to—

- (a) any building within the precinct of a cathedral church for the purposes of the Measure and enclosed within the red line;
- (b) any church building within the precinct of a cathedral church for the purposes of the Measure and situated outside the red line.
- (c) any building—
 - (i) within the precinct of a cathedral church for the purposes of the Measure and situated outside the red line; and
 - (iv) situated in a churchyard, graveyard or other land which is or has been used for the purposes of burial.

Special cases

8.—(1) Ecclesiastical exemption is retained for buildings to which this article applies which do not fall within article 5.

(2) This article applies to—

- (a) buildings within the jurisdiction of the Fabric Advisory Committee of St George's Chapel, Windsor Castle;
- (b) buildings within the jurisdiction of the Fabric Commission of Westminster Abbey; and
- (c) buildings within the jurisdiction of the Fabric Advisory Committee of Christ Church Cathedral, Oxford; and
- (d) buildings used for worship according to the rites, doctrinal standards, principles or usages of the Church of Scotland.

Name
Parliamentary Under Secretary of State
Department of Culture, Media and Sport

SCHEDULE 1

Article 5(e)

TRUST CORPORATIONS

The Baptist Union Corporation Limited
The East Midland Baptist Trust Company Limited
The Heart of England Baptist Association
The London Baptist Property Board Limited
The North Western Baptist Association
The South West Baptist Trust Corporation
The West of England Baptist Trust Company (East) Limited
The West of England Baptist Trust Company (West) Limited

The Yorkshire Baptist Association (Incorporated)

SCHEDULE 2

Article 5(f)

PROVINCES OF THE UNITED REFORMED CHURCH

Northern

North Western

Mersey

Yorkshire

East Midlands

West Midlands

Eastern

South Western

Wessex

Thames North

Southern

Wales

SCHEDULE 3

Article 5(g)

EDUCATIONAL INSTITUTIONS (UNITED REFORMED CHURCH)

Eltham College, London, SE9 4QF

Mansfield College, Oxford, OX1 3TF

The Mill Hill School Foundation, Mill Hill, London

The Silcoates School Foundation, Wakefield, WF2 0PD

Westminster College, Cambridge, CB3 0AA