



CHAPTER 56.

An Act to authorise the Enfranchisement of the Sites of Places of Worship held under Lease. A.D. 1920.

[3rd December 1920.]

BE it enacted by the King'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 :

1.—(1) Where premises held under a lease to which this Act applies are held upon trust to be used for the purposes of a place of worship, whether in conjunction with other purposes or not, and the premises are being used in accordance with the terms of the trust, the trustees, notwithstanding any agreement to the contrary (not being an agreement against the enlargement of the leasehold interest into a freehold contained in a lease granted or made before the passing of this Act), shall have the right as incident to their leasehold interest to enlarge that interest into a fee simple, and for that purpose to acquire the freehold and all intermediate reversions :

Right of trustees holding leasehold interest in place of worship to acquire freehold.

Provided that—

- (a) if the premises exceed two acres in extent, the trustees shall not be entitled to exercise the right in respect of more than two acres thereof; and
- (b) this Act shall not apply where the premises are used or are proposed to be used for the purposes of a place of worship in contravention of any covenant contained in the lease under which the premises are held or in any lease superior thereto; and
- (c) this Act shall not apply where the premises form part of land which has been acquired by or is vested in any municipal, local or rating authority or in the owners thereof for the purposes of a railway, dock, canal or navigation under any Act of Parliament Provisional Order or Order having the force of an

[CH. 56.] *Places of Worship (Enfranchisement)* [10 & 11 GEO. 5.]
Act, 1920.

A.D. 1920.

Act of Parliament and the freehold reversion in the premises is held or retained by such owners for those purposes.

(2) The leases to which this Act applies are leases (including underleases and agreements for leases or underleases), whether granted or made before or after the passing of this Act, for lives or a life or for a term of years where the term as originally created was a term of not less than twenty-one years, whether determinable on a life or lives or not.

Procedure
for acquisition of re-
versionary
interests,
8 & 9 Vict.
c. 20.

2. For the purpose of acquiring such reversionary interests as aforesaid, the Lands Clauses Acts shall apply as if the trustees had been authorised to acquire the premises by a special Act incorporating the Lands Clauses Acts and sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, subject, however, to the modifications set out in the Schedule to this Act, and to the following modifications:—

- (a) All questions of disputed compensation shall be settled by a single arbitrator, who shall be appointed, and whose remuneration shall be fixed, in default of agreement, by the judge of the county court, and the arbitrator shall be deemed to be an arbitrator within the meaning of the Lands Clauses Acts, and the provisions of those Acts with respect to arbitration shall, subject to the provisions of this Act, apply accordingly:
- (b) The consideration payable in respect of any intermediate reversion may, at the option of the person entitled to that reversion, be an annual rentcharge for a term corresponding to the unexpired residue of the term of the reversion:
- (c) In determining the amount of any compensation the value of any buildings erected, or improvements made by the trustees, shall be excluded:
- (d) No allowance shall be made on account of the acquisition being compulsory:
- (e) In determining the amount of compensation in any case where the rent reserved under the lease is less than the full annual value of the land, the compensation, so far as it is payable in respect of the interest of the lessor expectant on the expiration of the term of the lease, shall not be ascertained on the basis of the rent so reserved, but, subject always to the foregoing provisions of this section, on the estimated full value of the land at the expiration of the term of the lease.

Effect of enfranchisement on covenants.

3. The estate in fee simple acquired by the trustees shall be held by them upon the same trusts as those upon which the leasehold interest would have been held by them if it had not been

enlarged into a fee simple, and shall be subject to all the same covenants and provisions relating to user and enjoyment and to all the same obligations of every kind other than the payment of rent as those to which the leasehold interest would have been subject if it had not been so enlarged, and all such covenants, provisions, and obligations shall be enforceable against the trustees and their successors in title by the persons who, but for the enlargement of the leasehold interest under this Act, would for the time being have been entitled to enforce such covenants, provisions, or obligations :

A.D. 1920.

Provided that any covenant to insure against fire, whether in any particular office or not, and to reinstate and apply the insurance money in reinstating the premises in case of damage by fire, and any other covenant to do any act which may or will be beneficial to the demised premises alone, shall continue in force only where the consideration is payable in the form of a rentcharge, and so long as that rentcharge is payable.

4. If the person who was entitled to the freehold reversion in the lands at the time when the interest of the trustees in the lands was enlarged into a fee simple, or the successor in title of that person, proves to the satisfaction of the Charity Commissioners that any premises the estate in fee simple in which has been acquired by the trustees under this Act, or any part thereof, are let or are habitually used for any purpose or purposes other than those specified in the trusts upon which the estate in fee simple is held the Commissioners shall, unless it appears to them that such use was due to inadvertence and will be discontinued, by order determine such letting or user, and for this purpose may declare void any contract for, and may prohibit by injunction the continuance of, any such letting or user, or may order that the premises or that part thereof shall be sold, and any order so made shall be enforceable by the same means and be subject to the same provisions as are applicable under the Charitable Trusts Acts, 1853 to 1894, to any orders made thereunder.

Power to require trustees to sell in certain cases.

5. In this Act, unless the context otherwise requires,—

Definitions.

The expression "place of worship" means any church, chapel, or other building used for public religious worship, and includes a burial ground, Sunday or Sabbath school, caretaker's house or minister's house attached to or used in connexion with and held upon the same trusts as a place of worship :

The expression "freehold reversion" means the estate of fee simple in the premises subject to the lease held by the trustees and any lease superior thereto; and, where the premises subject to the lease consist of land of copyhold or customary tenure, includes the interest of the tenant by copy of court roll or the customary

A.D. 1920,

tenant subject to the lease held by the trustees and to any lease superior thereto as well as the interest of the lord of the manor :

The expression "intermediate reversion" means any leasehold interest in the land (whether under a lease or underlease or under an agreement for a lease or underlease) superior to the lease held by the trustees :

The expression "the county court" means the county court for the district in which the place of worship is situate :

The expression "trustees" means the persons in whom the leasehold premises are for the time being vested for the purposes of a place of worship under any trust whether express or implied and includes their predecessors in title.

Short title
and extent.

6.—(1) This Act may be cited as the *Places of Worship (Enfranchisement) Act, 1920.*

(2) This Act shall not extend to Scotland or Ireland.

Section 2.

SCHEDULE.

MODIFICATIONS OF THE LANDS CLAUSES ACTS AND SECTIONS 77 TO 85 OF THE RAILWAYS CLAUSES CONSOLIDATION ACT, 1845.

(1) The use of the premises as a place of worship, whether in conjunction with other purposes or not, shall be deemed to be the undertaking or the railway and the trustees shall be deemed to be the promoters of the undertaking or the railway company.

8 & 9 Vict.
c. 18.

(2) Section one hundred and twenty-three of the *Lands Clauses Consolidation Act, 1845*, limiting the time for compulsory purchase, shall not apply.

(3) If the trustees propose to sell the premises or any part thereof, sections one hundred and twenty-eight to one hundred and thirty-two of the *Lands Clauses Consolidation Act, 1845*, shall apply as if the premises or part thereof were superfluous lands within the meaning of those sections, and as if section one hundred and twenty-eight of that Act read as follows :—

"Before the promoters of the undertaking dispose of any such superfluous lands they shall first offer to sell the same to the person who was entitled to the freehold reversion in the lands at the time when the interest of the trustees in the lands was enlarged into a fee simple or the successor in title (if any) of that person; and if that person or his successor in title, as the case may be, refuse to purchase the same, or cannot after diligent inquiry be found, then the like offer shall be made to the person or to the several persons whose lands shall immediately adjoin the lands so proposed to be sold, such persons being capable of entering into a contract for the purchase of such lands; and where

more than one such person shall be entitled to such right of pre-emption such offer shall be made to such persons in succession, one after another, in such order as the promoters of the undertaking shall think fit." A.D. 1920.

(4) The arbitrator shall, so far as practicable, in assessing compensation, act on his own knowledge and experience, but, subject as aforesaid, at any arbitration held under this Act the arbitrator shall hear, by themselves or their agents, the parties, and shall hear witnesses, but shall not, except in such cases as the arbitrator may otherwise direct, hear counsel or more than one expert witness on either side.

(5) The Lord Chancellor may make rules fixing a scale of costs to be applicable on an arbitration under this Act, and an arbitrator under this Act may, notwithstanding anything in the Lands Clauses Acts, determine the amount of costs, and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been caused or incurred unnecessarily, and, if he thinks the circumstances such as to justify him in so doing, to order that each of the parties shall bear their own costs.

(6) There may be contained in the award of the arbitrator a finding that the claimant, after having been requested in writing by the trustees so to do, has failed to deliver to the trustees a statement in writing of the amount claimed, giving sufficient particulars and in sufficient time to enable the trustees to make a proper offer, and, where such a finding is contained in the award, the provisions of the Lands Clauses Acts as to costs of arbitrations shall apply as if the trustees had offered the same sum or a greater sum than that found to be due by the award :

Provided that this provision shall not apply unless the written request for particulars contained a notice of the effect of this provision.

(7) Land includes easements in or relating to land.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

WILLIAM RICHARD CODLING, Esq., C.B.E., M.V.O., the King's Printer of
Acts of Parliament.