

Alverstoke Parish Centre – Ownership Statement

The land on which the Parish Centre stands

The land on which St Mary’s present Parish Centre has stood since 1967 and on which the proposed new building will stand was once a burial ground.

Saint Mary, Alverstoke, Burial Ground Act 1965 (“the Act”)

Because title to the land was vested in the Rector of St Mary, Alverstoke from time to time (i.e. in successive Rectors) and because the land had been used as a burial ground in the past, a Private Act of Parliament was passed in 1965, prior to the erection of the present building, with four particular purposes in mind:

- a) to transfer the title to the land to the Portsmouth Diocesan Board of Finance (“DBF”), with the result that the land would not thereafter pass from Rector to successive Rector;
- b) to allow the provision of “*buildings or accommodation suitable for use as a Parish Centre or for other ecclesiastical and charitable purposes*”, which the Parish then lacked;
- c) to place in the hands of the St Mary’s Alverstoke Parochial Church Council (“the PCC”) the power to “*manage and administer... and ... dispose of the [land and] ... from time to time ... lay out and develop [and] erect ... buildings or structures ... for such ecclesiastical or charitable purposes as they may think fit*”; and
- d) to make provision for the proper reinterment of such remains as the site might contain before it was cleared for building works.

The respective powers of the PCC and the DBF

For the purposes of the present application it is important to note both the extent of the powers vested in the PCC (which the Act calls the Managing Trustees) and the limitations of the powers which the Act confers on the DBF.

The PCC has the power to manage, develop and build on the land. It also has the power to dispose of the land, but must seek the permission of the DBF before doing so. Unless and until the PCC decides to dispose of the land, it is entitled to manage, develop, build on and occupy the land in perpetuity.

The DBF holds the title to the land in the manner of a custodian. It cannot dispose of the land, but it can withhold consent for the PCC to do so. If it were to agree to disposal at the PCC’s request, it must then apply the proceeds, which it would hold only as Custodian Trustee, to defray the expenses of the parish of Alverstoke in acquiring (other) lands or buildings for any ecclesiastical or charitable purpose its PCC may think fit; and the DBF must pay any income arising on the funds that it then holds to the PCC for use in any ecclesiastical or charitable purpose the PCC thinks fit.

In summary, the PCC has the right to occupy and build on the land in perpetuity; and the DBF holds the title to the land in the manner of a custodian only.