

Pastoral Measure 1968

The Reverend Dennis Thomas Crossley and
Finchampstead Parochial Church Council - - *Appellants*

v.

The Church Commissioners - - - - - *Respondents*

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF
THE PRIVY COUNCIL, DELIVERED THE 13TH OCTOBER 1980

Present at the Hearing:

LORD DIPLOCK
LORD KEITH OF KINKEL
LORD SCARMAN

[*Delivered by* LORD SCARMAN]

On 15th May 1979 the Church Commissioners, respondents to the appeal, made a scheme in pursuance of the Pastoral Measure 1968. Under the scheme a new benefice and parish were to be created in the diocese of Oxford. They were to be named respectively the benefice and parish of California. The name is taken from a cross-roads in the area of the new parish and from a caravan site known as "California in England". No link is claimed with the U.S.A. The scheme proposes that the new parish be created out of parts of the parishes of Barkham; Saint Paul, Wokingham; Saint Sebastian, Wokingham; and Finchampstead.

The Commissioners duly submitted the scheme for confirmation by Her Majesty in Council, whereupon the Reverend D. T. Crossley, Rector of Finchampstead, and the Finchampstead Parochial Church Council exercised their right of appeal. Fifty-three other persons also gave notice of appeal, but have elected not to prosecute separate appeals, being content for the case against the scheme to be presented by the Rector and the Council. Their Lordships were informed, and have no reason to doubt, that the scheme has encountered strong opposition in the parish of Finchampstead.

The four parishes affected by the scheme lie in and to the south of Wokingham in the county of Berkshire. The southernmost is Finchampstead. To its north-west lies Barkham: to the north is St. Paul's, which extends northwards into the centre of Wokingham: and to the north-east is St. Sebastian's. The boundaries of the four parishes meet in an area to the north of Nine Mile Ride in Finchampstead. This was well-wooded undeveloped country until after the 1914-1918 war, when soldiers returning from the war acquired plots of land and built homes there. From then onwards the area developed residentially. To-day a substantial residential development exists, straddling the

boundaries of the four parishes and extending as far south as Nine Mile Ride. A new community has evolved and now enjoys a vigorous life of its own.

The development presented a challenge in pastoral care. To their lasting credit, the parishioners of Finchampstead responded to the challenge. In 1937 their Parochial Church Council bought a plot of land near the California cross-roads and fronting Nine Mile Ride. A simple single storey building was erected in 1938. It was licensed for worship and after the 1939-45 war became known as the Mission Hall and Church of St. John the Evangelist. Services were conducted there, and the ministry of the Church was exercised in the area of California by a Church Army Captain; to whose stipend the Parochial Church Council contributed. In 1955 the Parochial Church Council bought a plot of land on the Nine Mile Ride, upon which a house was built as his residence.

By the mid-1960s St. John's was the only place of worship situate in the rapidly developing community in the California area. The appellant, Mr. Crossley, became Rector of Finchampstead in 1962. In 1968 the four parishes concerned with the Church's ministry in the area agreed that a conventional district should be set up to include the parts of the four parishes covered by the new residential development. The district was established in 1971. Mr. Crossley, however, agreed only with great reluctance. He did not think that the new area needed its own priest or should be encouraged to develop into a new parish. Since 1971 there has been a succession, with some gaps, of "Priest Missioners" serving the area, the latest of whom is the Reverend R. W. Pike who was appointed in 1976.

According to the evidence of the Church Commissioners, St. John's, California, under the leadership of its "Priest Missioners" has developed "a vigorous and enthusiastic and independent church life". By 1978 the population of the new community of California was approaching 5,000. St. John's is the only church in the area, and has its own Churchwardens, Church Council and Church electoral roll.

In July 1975 St. John's Church Council asked to be established as a parish with a priest of its own. In 1976 consultations were initiated by the diocesan authorities with the four parishes affected: and on 4th November of that year the Archdeacon of Berkshire met the Finchampstead Parochial Church Council to explain what was still an informal proposal to create a new parish of California. He failed to secure the Council's agreement, and by a letter of 11th January 1977 was informed that the Council had resolved that it

"does not wish to concur with the Archdeacon's suggestion that St. John's Conventional District should become a parish in its own right."

It was not, in fact, the Archdeacon's suggestion, but the wish of the St. John's Church Council which had led the diocesan authorities to consult with those affected. However, from then onwards the Rector and Parochial Church Council of Finchampstead strongly opposed first the suggestion, then the draft scheme, and now the scheme of a new parish. It is not disputed that the diocesan authorities undertook the consultations required of them by law, though it is alleged that they paid no, or no sufficient, attention to the case against the new parish. One feature is, however, very clear: written representations by the Rector and the Council, formidable in bulk, detailed in character and powerful

in expression, were submitted. If they were read, and their Lordships do not doubt that they were, the case against the creation of a new parish must have been known and understood by the Bishop and his advisers. Nor was opposition confined to Finchampstead. Their Lordships note and accept that many local people would prefer to see the spiritual needs of the new community met without disrupting or diminishing ancient and well-loved parishes. And it is clear that the impact of the scheme upon Finchampstead Parish is severe indeed.

The case in favour of the scheme is well summarised by the Bishop of Reading in his affidavit, where he says:—

“ The steady growth of church life, the steadily increasing maturity of the congregation and the willingness and the ability of lay leadership to accept responsibility, all demonstrated that a decision to inaugurate new work based on this area was right.”

The respondents' case is, in their Lordships' view, a very strong one. Indeed, had the diocesan authorities taken no action on St. John's request to become a parish, they might well have found themselves severely criticised for failing in their duty to make proper provision for the cure of souls in this part of the diocese.

The appellants, however, submit that the scheme is unsound and should be rejected. They fear for the future of their ancient parish. If the new parish comes into existence, it will take about 46% of the population of Finchampstead parish. Will not the next step, they ask, be the loss of their own parish priest? And may not the parish be so reduced that it loses its identity in some amalgamation? These fears are genuinely and sincerely felt. They have not been allayed by the forthright statements of the diocesan authorities that they are without foundation and that the creation of the new parish will not threaten the survival of the old.

In developing the appellants' case counsel made two general submissions. First, she submitted that the scheme was not justified, by which she meant that it was unnecessary for the cure of souls and unjust to the parish of Finchampstead. Her second general submission was that the scheme was “ premature ”.

Their Lordships reject both submissions. The scheme is said to be unnecessary because the heart of the new community is around Nine Mile Ride which is within half a mile, or so, of the parish church of Finchampstead. But it is not possible to review the pastoral needs of the new community in terms of the parish boundaries which it straddles. The best evidence of the need to treat the new area as a unity and not in fragments is the establishment of St. John's Conventional District, and its success.

The scheme is said to be unjust to Finchampstead in that it takes away nearly half of its population. To-day's estimate of the population of the proposed new parish is 6,000, some 2,000 of whom will be drawn from Finchampstead whose present population is of the order of 4,600. Thus Finchampstead will be reduced to a parish of about 2,500 souls. It will lose a vigorous urban community which is within half a mile of its church and become a small scattered parish. Its fate under the scheme is to be contrasted with the fortune of the other three parishes affected, none of whose losses is comparable with that of Finchampstead. And one parish, Barkham, is being offered a change of boundary which will bring

it an increase of population to compensate for what it loses to the new parish. The effect of the scheme is, in counsel's words, an "arbitrary seizure" of population from Finchampstead and a grave injustice.

There would be substance in this submission if the scheme was a threat to the viability of Finchampstead as a parish. But it is not. In the diocese of Oxford there are some 236 cures of not more than 2,500 souls, each of which is the charge of a single priest. A parish of 2,500 souls is, therefore, not unusual. The respondents see in the scheme no threat to the future of Finchampstead. But they cannot go further and assert that Finchampstead (or any other parish) is assured of a future: for the human kaleidoscope is ever on the move, and the diocesan authority has the continuing statutory responsibility to keep under review the provision for the cure of souls in its area. The fears of Finchampstead are understandable. But they are also exaggerated and afford no ground for refusing to confirm the scheme.

Counsel sought to support her attack upon the viability of the scheme by reference to the various changes of boundary which the diocesan authorities have accepted or proposed for the area over the years. Such changes are not surprising. The community of California has been developing. It is to be expected that during a period of development and in the search for compromise boundaries will be constantly under review. Upon the evidence submitted to their Lordships the boundaries of the new parish as defined in the scheme, which are more extensive than those of the conventional district which it replaces, are justified by the development of the area.

Counsel's second submission, that the scheme is premature, is based upon the contention that there is likely to be a change of planning policy in the Wokingham area of Berkshire, a change which would substantially increase the population. Even if it be assumed that such a change is coming, it is still a thing of the future. California presents a spiritual problem now. In their Lordships' opinion the diocesan authority would have been failing in its duty had it not tackled the problem now. If, and when, the change comes, then will be the time to see whether arrangements for the cure of souls need review.

The case for the scheme is a very strong one. The fears of the appellants constitute no sufficient reason for quashing it. Their specific arguments, though voluminously developed in their written representations and admirably presented by their counsel, are outweighed by the positive merits of the scheme. Their Lordships will humbly advise Her Majesty that the appeal be dismissed and the scheme confirmed. There will be no order as to costs.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities related to the business. It emphasizes the need for transparency and accountability, particularly in the context of tax reporting and financial audits.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. This includes the use of spreadsheets, databases, and specialized software applications designed for data management and analysis.

3. The third part of the document focuses on the interpretation of the collected data. It discusses how to identify trends, patterns, and anomalies that may be significant to the business's performance and financial health.

4. The fourth part of the document provides a detailed overview of the reporting requirements and standards that must be followed. This includes the preparation of financial statements, tax returns, and other regulatory filings.

5. The fifth part of the document discusses the importance of regular communication and reporting to stakeholders, including investors, creditors, and regulatory authorities. It emphasizes the need for timely and accurate information to support decision-making and maintain trust.

6. The sixth part of the document provides a summary of the key findings and conclusions drawn from the analysis. It highlights the strengths and weaknesses of the business's financial performance and offers recommendations for improvement.

7. The seventh part of the document discusses the ongoing nature of the data collection and analysis process. It emphasizes the need for continuous monitoring and reporting to ensure the business remains compliant and financially sound.

8. The eighth part of the document provides a final summary and conclusion, reiterating the importance of accurate record-keeping and transparent reporting in the context of business operations and financial management.

In the Privy Council

THE REVEREND
DENNIS THOMAS CROSSLEY and
FINCHAMPSTEAD PAROCHIAL
CHURCH COUNCIL

v.

THE CHURCH COMMISSIONERS

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LORD SCARMAN