

Margaret Grace Williams and Others

Appellants

v.

The Church Commissioners

Respondent

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ORAL JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE  
OF THE PRIVY COUNCIL, DELIVERED THE 20TH DAY OF JUNE 1984

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*Present at the Hearing:*

LORD ROSKILL

LORD BRIDGE OF HARWICH

LORD BRANDON OF OAKBROOK

*[Delivered by Lord Roskill]*

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Their Lordships have before them an appeal by Miss Margaret Williams, supported by three other parishioners of the parish of Holy Trinity and St. Paul in Greenwich, against a proposal to confirm a scheme put forward by the Church Commissioners in pursuance of the Pastoral Measure, 1968.

The draft scheme proposes that the Church of Holy Trinity and St. Paul, Greenwich, in the Diocese of Southwark, should be declared redundant. It further declares that the parish should be split between two other extant parishes, one the parish of St. Alfege with St. Peter, Greenwich, the other the parish of St. John, Deptford.

Their Lordships will briefly describe the geography, which is not without its importance; the parish of St. Alfege and St. Peter includes the Royal Naval College in Greenwich and adjoins the southern bank of the Thames; to the west of it is the parish with which their Lordships are concerned; and to the west again is the parish of St. John, Deptford. The parish of Holy Trinity and St. Paul is bisected, not quite in half, as there is rather more to the north than to the south, by the A.2 road, which forms a substantial geographical barrier between the two parts of the parish. In addition, their Lordships have been informed that there is not only that geographical barrier between the two parts, but also what might be described as a sociological barrier, the part to the north, where the parish

church now is, being terraced houses and substantially middle-class in population, whereas the part south of the A.2 is more working-class, if their Lordships may be permitted to use that phrase, in population, with a substantial immigrant element. That southern part also includes Bennett Grove Hall, about which their Lordships will have something to say in a moment.

Miss Williams has put forward her case with moderation and clarity. She, and those who feel as she does, object passionately to this Scheme: they say that the parish of Holy Trinity and St. Paul is capable of subsisting on its own without adequate pastoral supervision, as it has done in recent years since the last vicar retired. Since then there has been a priest-in-charge: it has been under the care of the vicar of St. Alfege and St. Peter in Greenwich, the Reverend Peter Malins, who has provided their Lordships with a very full and careful affidavit.

Their Lordships think it right, having given the most careful consideration to all that Miss Williams and her colleagues have said and, indeed, set out carefully in her petition, not to delay the matter further, but to state today the advice that they will humbly tender to Her Majesty, so that these parties should not be kept in suspense any longer. There has been controversy for a large number of years around the problems of this parish, which, in their Lordships' experience, are by no means peculiar to it; their Lordships have considered similar problems in relation to other churches which have come before this Board in recent years.

One has, on the one hand, a group of devoted people, passionately persuaded and anxious that there should be no change, but that that should be continued in future which hitherto has gone on in the past. On the other side, there are others, equally passionate in their approach, who see the problems on a very much wider scale; they see not the problems of a parish in isolation, but the problems of an arch-deaconery, of a borough deanery and, indeed, of a diocese as a whole. Their Lordships have had the advantage of an affidavit sworn only the other day by the present Bishop of Southwark as well as one by Canon Lacey, the Borough Dean of this Deanery.

No formal complaints are made; that is to say, complaints that the provisions of the Pastoral Measure themselves have not been complied with: it is plain that they have. But it is important to bear in mind what the provisions of section 2(2) of the Pastoral Measure 1968 are. That sub-section provides:-

"The Pastoral Committee shall at all times -

(a) have particular regard to the making of provision for the cure of souls in the diocese as a whole, including the provision of appropriate spheres of work and conditions of service for all persons engaged in the cure of souls and the provision of reasonable remuneration for such persons;

(b) have regard also to the traditions, needs and characteristics of individual parishes."

Those statutory requirements have been considered on a number of occasions by this Board, perhaps most recently in the opinion delivered by Lord Scarman in *Geoffrey Hargreaves and others v. The Church Commissioners* [1983] 2 A.C.457 on the 12th April of last year. In giving that opinion, Lord Scarman drew attention to repeated statements over the last ten years on the various occasions on which these problems have had to be considered. Their Lordships will not attempt to repeat what his Lordship there said beyond quoting one passage. His Lordship said at page 461:-

"The adjective 'cogent' has assuredly become part of the case law in this field; 'repeated to the point of tedium', according to Lord Lane in *Rogers v. The Church Commissioners* (11th February 1980). But important though the word is, it should not be allowed to mask the truth, namely, that appeal to the Judicial Committee is an appeal on the merits. And in some contexts it can be misleading."

No doubt their Lordships must always pay attention to the views of the Church Commissioners: they must ensure that all statutory requirements, as were mentioned a moment ago, have been complied with, and also that the views expressed in opposition have received full weight, as indeed their Lordships have given to Miss Williams' submissions.

There are, in their Lordships' view, a number of matters of paramount importance. Their Lordships do not state them in any particular order of importance. Their Lordships take first the question of pastoral care.

In their Lordships' view, there can be no doubt that this parish, through the fault of no one, has received inadequate pastoral care in recent years, and that, if the situation is allowed to continue, that inadequacy of pastoral care will of necessity continue. That inadequacy of pastoral care arises partly from the fact that Mr. Malins, who has served this parish with great dedication as an extra burden upon his own parochial work, has not been able to give it as much time as he or anybody would hope to be able to do and, also, because the congregation of

this church, some twenty members of the electoral roll and a congregation last Easter of only 14, has tended to be - their Lordships say this without intending any criticism - elderly and anxious to continue in their own ways: they are, in the phrase which has been used in one of the affidavits, "inward looking rather than outward looking".

The other difficulty regarding the inadequacy of pastoral care concerns the Bennett Grove Hall itself. At an earlier stage of the controversy there had been a proposal to put a resident deaconess there to look after the mission, which has a substantial congregation, very much larger than that of this church itself. That scheme fell through. Their Lordships have been told that a gentleman named Mr. Grubb, of whose dedication and faith there can be no doubt, is at present working there, though not under the direct control of the diocesan authorities. It does seem - and their Lordships again intend no criticism in saying this - that that is not right and this is a matter which is the direct concern of the diocesan authorities: as counsel for the Church Commissioners said a few minutes ago, he is not properly within the diocesan structure, as no doubt should be the case. If Bennett Grove Hall passes into the parish of St. John, as is proposed under the scheme, it being situated at the southern end of the present parish of Holy Trinity and St. Paul, it will then be possible to integrate the work of Bennett Grove Hall into the parish of St. John and everybody there seems willing to assume the burden. Whether a resident deaconess will thereafter be installed when more funds are available, or whether some other scheme will be evolved for the development of the all-important work at Bennett Grove Hall, is not a matter with which their Lordships are immediately concerned. That will be a matter for the diocesan authorities, in conjunction with the parish authorities, if and when the scheme is fully implemented.

So much for pastoral care. There really can be no doubt that the present pastoral care is inadequate, and that much more satisfactory pastoral care in both parts of the parish will be available if this scheme should go through.

Towards the end of her address Miss Williams in a casual observation revealed the difficulty in maintaining the parish as it is at present. She asked: Is the pastoral oversight of a group of mature adults essential? It is the fact that that question should even have been asked that has revealed to their Lordships the nature of much of the opposition to the implementation of the scheme. That is not the right question to ask. The right question is not the question of pastoral care only of mature adults: the right question is the pastoral care of all in both

parts of the parish. Their Lordships, as they have already indicated, are of the view that proper pastoral care can only be provided in the manner already indicated.

The second of the matters that their Lordships would mention is that there is no doubt that this parish is not financially self-supporting. It fell into arrears in 1981 in its contributions to the diocese, and it has only very recently, as their Lordships have heard, paid the contributions for 1982; their Lordships have been told that nothing has been paid for 1983. So that financially its future prospects are not good. Their Lordships have seen the accounts. No doubt generous contributions have been made by those interested in maintaining the church; but there is not the finance available to supply that pastoral care which is needed for the parish as a whole, including Bennett Grove Hall, and for the overall needs of the entire population; in their Lordships' view that can only be supplied in the manner which the scheme proposes.

Next, their Lordships have been impressed by the very high degree of support which they have been told exists for this scheme. First, there is the support of the Bishop of the Diocese, from whom their Lordships have had the benefit of an affidavit. Second, there is the support of the 32 members, 19 clerical and 13 laity, of the Diocesan Pastoral Committee, who were unanimous, as their Lordships have been told, that this scheme should go through as it stands. Third, there was the support of the Archdeacon and also that of the Borough Dean, Canon Lacey, from whom, as their Lordships have mentioned, there is an affidavit. Fourth - and their Lordships attach particular importance to this - there is the support of Mr. Malins, the vicar of the adjacent parish. Fifth, although their Lordships have no precise figure, a majority, although perhaps only a small majority, of the Parochial Church Council of the parish Church of Holy Trinity and St. Paul voted in favour of this scheme. Sixth, it is supported by St. John's, Deptford. Their Lordships have been told that that church is in good order, and the part of the parish that would be added by the incorporation of the parish of Holy Trinity and St. Paul is, to repeat an adjective that their Lordships have already used, sociologically of the same type as that of St. John's itself.

Last, but very far from least, the patrons of the present parish approved the scheme, and the scheme provides that future patronage would be exercised as therein stated.

Their Lordships have given long and anxious consideration to the objections; but those

objections, however sincerely felt, held and advanced cannot be allowed to outweigh the support which, in their Lordships' view, is overwhelming for this scheme; and in the end, their Lordships have no doubt that their proper decision is that they should humbly advise Her Majesty that this appeal should be dismissed, and that the scheme should be confirmed.



