

*Pastoral Measure 1968*

The Parochial Church Council of  
St. Andrew the Great, Cambridge

*Appellants*

v.

The Church Commissioners

*Respondents*

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JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE  
OF THE PRIVY COUNCIL, DELIVERED THE 19TH NOVEMBER 1984

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*Present at the Hearing:*

LORD BRIDGE OF HARWICH

LORD BRIGHTMAN

LORD TEMPLEMAN

*[Delivered by Lord Bridge of Harwich]*

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The centre of the City of Cambridge is rich in Anglican parish churches. Nine are to be found within an area of approximately one square mile. In today's conditions, when the Church of England's limited resources of clerical manpower must be best deployed to meet pastoral needs, such riches have become an embarrassment. Pursuant to section 7 of the Pastoral Measure 1968, the Church Commissioners have submitted for confirmation by Her Majesty in Council a draft scheme of which the essential features are the union of two of the nine parishes, Holy Trinity and St. Andrew the Great, and the reduction of the nine churches to eight by declaring the church of St. Andrew the Great redundant. The scheme provides for the church of Holy Trinity to be the parish church of the new united parish. The Parochial Church Council of the parish of St. Andrew the Great have exercised their right of appeal to Her Majesty in Council against the scheme pursuant to section 8(2) of the Measure.

Problems arising from the multiplicity of churches in central Cambridge have long been a cause of concern to the diocese of Ely. It would serve no good purpose in this judgment to examine in detail the relevant history, which goes back to the report of a committee appointed by the then Bishop of Ely in 1954 (the Garth Moore Report). Their Lordships have taken due note of the salient features of that history so far as it has affected the parish of St. Andrew the Great. It suffices for present purposes

to observe that the parish has had no incumbent since 1972 and that, for the past twelve years, the Christian life and witness of the parish have been largely sustained by a small and devoted band of the laity, with services in the parish church being conducted by clergy employed and paid on an *ad hoc* basis.

The geographical parish of St. Andrew the Great has a population of 536. There is no prospect of future development within the present parish boundaries adding significantly to this figure. The number presently on the electoral roll of the parish is 30 of whom only 3 or 4 reside in the parish. The average attendances at the two regular Sunday morning services of Holy Communion are 6 and 11 respectively. The annual income of the parish is shown in the accounts for 1983 as £2,643.68.

The contiguous parish of Holy Trinity is geographically smaller than St. Andrew the Great and no doubt has a smaller resident population. But it has 296 members on the electoral roll, most of whom must come from outside the parish. Average attendances at its Sunday services are 200-300 (Family Communion 10.30 a.m.) and 100-130 (Evensong 6.30 p.m.). The larger attendances are in University term time. The income of the parish in 1983 was £42,254. The incumbent of the benefice of Holy Trinity is assisted by a curate and a deaconess. There can be no doubt either of their capacity to cater for the pastoral needs of the existing parish of St. Andrew the Great or of the warm welcome they would extend to those members of the present congregation of St. Andrew the Great who, if the scheme were confirmed, were willing to transfer their allegiance to the new united parish. Finally, and perhaps most significantly, the two present parish churches are separated by a walking distance of little more than 100 yards.

There has been no suggestion that the statutory procedures leading to submission of the draft scheme for confirmation have not been duly complied with. But, beyond mere formal compliance, their Lordships are satisfied, and wish to express their appreciation of the fact, that the point of view of objectors to the scheme has been most carefully and sympathetically considered at every level by the ecclesiastical authorities concerned, who have been at pains to explain their own elaborately documented grounds for concluding that the factors in favour of the scheme must outweigh the objections. The great reluctance with which the loyal supporters of a particular parish church view the prospect of its demise is entirely understandable. Their Lordships have borne this fully in mind in considering the appeal and have given close and anxious consideration

to the arguments ably presented to them by counsel for the appellants.

Leaving aside considerations relating to the financial burden arising from the necessity to repair and maintain the church of St. Andrew the Great, which, as both sides accept, cannot be of decisive weight, three matters have emerged as of primary concern.

First, the church occupies a conspicuous position in a modern shopping centre and is of some architectural merit. It is a listed building under the Town and Country Planning Act in Grade B. It houses, amongst other significant memorials, a memorial to the explorer Captain Cook and some members of his family are buried there. Attempts over a number of years to find a suitable secular use for the building have so far been unsuccessful. All that said, counsel for the appellants rightly accepts that these considerations can only be of indirect relevance to the proposed union of the two parishes and indeed even to the proposed declaration of redundancy. Confirmation of the scheme would leave the future of the building to be determined by other procedures which might lead to a suitable alternative use being found for it, or failing that, if its historic or architectural interest warrant preservation, provision would be made for its care and maintenance by the Redundant Churches Fund. Only in default of these two possible outcomes would the building be demolished.

Secondly, the appellants emphasise the distinctive ministry of their church to the town of Cambridge and to those who resort to the town centre. The church of St. Andrew the Great has been treated on occasions as the "Town Church" when special services to mark national or civic events have been held. To quote from the appellants' petition:-

"A busy canteen is open to the public on Fridays and Saturdays through the day, and at other times on occasion. The Church doors are kept open for any to enter for rest and prayer; and many take advantage of this. The canteen is much more than the mere provision of refreshments for passers by. To a number of people it is an opportunity to come and discuss their problems, to obtain spiritual relief, or the beginning of contact with religion. Hardly a day passes without someone coming in who needs spiritual guidance or counselling in some form."

Their Lordships understand these activities to be conducted by the laity. This is in no way to disparage their value. On the contrary, such lay participation in the ministry of the church is wholly

praiseworthy. But it is difficult to suppose that St. Andrew the Great is the only church in the centre of Cambridge where such activities as the appellants describe can appropriately be carried on.

The third and, in their Lordships' judgment, crucial question is how, if the parish is to continue its independent existence, it is to be staffed. It is not disputed that the parochial organisation of the Church of England pre-supposes that every parish should be in the pastoral care of an ordained priest. The kind of arrangements which necessarily characterise every period of sequestration and which have so long obtained in the parish of St. Andrew the Great cannot continue indefinitely. The appellants accept further that present constraints on the deployment of stipendiary clergy in the Church of England generally, and in the diocese of Ely in particular, preclude the appointment of a stipendiary minister to the benefice. Their case in this respect rests wholly on the proposition that the parish can be saved by the appointment of a non-stipendiary minister, by which their Lordships understand is meant an ordained priest who, whether retired, engaged wholly or partly in some other occupation, or of independent means, is willing to undertake on a voluntary basis the full responsibilities of priest-in-charge of the parish. It is at this point, in their Lordships' judgment, that the appellants' case inevitably breaks down. It is not in doubt that in some rural situations non-stipendiary ministers have been appointed as priests-in-charge of parishes and perform an invaluable function. But that the appointment of a non-stipendiary minister should be urged as a device to preserve the independence of a city centre parish, which draws its small congregation mainly from beyond the parish boundaries, and which is situated in an area with an abundance of churches near at hand, is really to stand the church's policy for the deployment of the clergy on its head.

It is unnecessary for the purpose of deciding the present appeal to refer either to the provisions of the Measure which establish the criteria by which such schemes as the present are to be judged or to the many authorities, of which the latest is the decision of the Board in *Hargreaves v. Church Commissioners* [1983] 2 A.C. 457, which emphasise the weight to be accorded to the considered opinion of the ecclesiastical authorities to whom the Measure assigns the primary responsibility in relation to pastoral schemes. Even if the onus lay wholly upon the respondents to make good their case in support of a scheme for the union of the parishes of Holy Trinity and St. Andrew the Great and that Holy Trinity should be the parish church of the united parish, their Lordships would be driven to the

conclusion that an overwhelming case for the scheme had been established.

Once a decision in favour of the union of the parishes, with Holy Trinity as the parish church, has been reached, the redundancy of St. Andrew the Great is inevitable. The proximity of the two churches to each other makes it quite unarguable that the church of St. Andrew the Great is any longer required as a place of worship.

Accordingly their Lordships will humbly advise Her Majesty that the appeal should be dismissed and the scheme confirmed. The Church Commissioners have very properly not sought any order for costs.