

Re Brighton, Preston, The Good Shepherd

Judgment

1. I have before me a petition for the disposal of a sixteenth century chest. The petition is unopposed. The matter was referred to the Council for the Care of Churches which has made certain observations. Both the parish and the CCC are agreeable to me determining this matter on written representations. In addition to the contents of the petition and accompanying documentation, I have considered a letter dated 17 May 2001 from the Mr Jonathan Goodchild of the CCC, together with additional correspondence from the parish. By a certificate dated 22 January 2001, the DAC recommended the proposal and, in addition, that there be consultation with the CCC which has now taken place.
2. How the chest came to be placed in the church (listed grade II) is less than clear. It is certainly not an original feature as the church only dates from 1922. It does not appear to have been bequeathed by Mrs Alice Moore who had endowed the building. It is thought that it may have been introduced by the Reverend William Allen who was the first vicar of the parish. I am told that the Allen family has renounced any claim to it. The parish regards the chest as being in a poor condition, whereas the CCC considers it reasonable. The parish regards the cost of repair as disproportionate to the value of the chest, although the CCC has indicated that a grant would be available to cover the works. The value of the chest, for auction purposes, has been placed at £2,000 to £3,000. See the letter from Graves Son & Pilcher dated 4 October 1999.
3. The CCC draw to my attention guidelines of the Court of Arches regarding the disposal of church treasures. I take this to be a reference to *Re St Gregory's, Tredington* [1972] Fam 236. It has been suggested by certain commentators that a financial emergency must be shown before the sale or other disposal of a church treasure will be permitted. This is based on a misreading of *Tredington*. See Hill, *Ecclesiastical Law* (second edition, 2001) at paragraph 7.98. A special reason is required which is both good and sufficient.
4. In this instance I am satisfied that such a special reason exists. I have particular regard to the following:
 - i. that the chest is not used by the parish and, probably, may never have been so used. It is genuinely redundant;
 - ii. that there is no realistic location at which it may sensibly be accommodated. The place suggested by the CCC, namely beneath a

- portrait of Mrs Moore, would compromise the parish in informing the congregation of its mission, prayer life, stewardship and outreach, items of specific relevance under section 1 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991;
- iii. it is an antiquarian object entirely out of keeping with the twentieth century church in which it has been placed. It adds nothing to its surroundings;
 - iv. there seems to be no nexus, personal or otherwise, between the church and the chest;
 - v. although the chest is of undoubted historic value and interest, this factor alone ought not to be determinative;
 - vi. the chest has never been hallowed for a sacred purpose nor used liturgically;
 - vii. the continuing presence of the chest would not assist the parish in seeking to comply with its legal duties under the Disability Discrimination Act, which will shortly come into effect;
 - viii. bona fide attempts to place the chest in a local museum have proved fruitless;
 - ix. the PCC is unanimous in its wish, the petition is unopposed, and the DAC recommends it.

5. I therefore order that a faculty may pass the seal. It will be conditional on the sale taking place at auction with a reserve of £2,000 (or by private treaty in excess of this sum) and that the proceeds (less the costs of sale and of this petition) be placed in the PCC's fabric fund.

The Worshipful Mark Hill
Chancellor

6 November 2001