

**In the Matter of a Scheme for effecting the Union of the
Benefices of St. George and St. Barnabas, Manchester,
both situate in the Diocese of Manchester.**

**Thomas Gleaves (in person) on behalf of The Parochial Church
Council of St. Barnabas Church, Manchester - - - Appellants**

v.

The Church Commissioners - - - Respondents

**JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE
OF THE PRIVY COUNCIL, DELIVERED THE 20TH OCTOBER, 1958**

Present at the Hearing:

VISCOUNT SIMONDS

LORD TUCKER

LORD DENNING

[*Delivered by* VISCOUNT SIMONDS]

On the 16th May, 1957, the Church Commissioners, acting in pursuance of the Pastoral Reorganisation Measure, 1949, and the Union of Benefices Measures, 1923 to 1952, laid before Her Majesty in Council a scheme which they had prepared with the consent of the Bishop of Manchester for the union of the benefices of St. George, Manchester, and St. Barnabas, Manchester, both situate in the diocese of Manchester.

The scheme, which had been prepared in pursuance of a recommendation made by the Pastoral Committee of the Diocese under the said Measure of 1949, provided for the permanent union of the two benefices under the style of "the United Benefice of St. George with St. Barnabas, Manchester", and for the union of the parishes of the two benefices into one parish for ecclesiastical purposes. It provided also that the parish Church of the parish of St. George, Manchester, should be the parish Church of the United Parish and that upon the union taking effect the parsonage house at present belonging to the benefice of St. George, Manchester, should be the house of residence of the incumbent of the united benefice and that as soon as conveniently might be after the union had taken effect the Church of St. Barnabas, Manchester, should be taken down and the materials and site thereof sold by the Church Commissioners and the net proceeds as therein mentioned should be applied by them towards the cost of the provision of a church, which should be dedicated to St. Barnabas, or a parsonage house for a district to be selected by the Bishop of Manchester and that any balance of the fund not required for such purpose should be placed to the credit of the expenses fund of the diocese established pursuant to the 32nd section of the Union of Benefices Measure, 1923. The scheme made other provision which need not be mentioned.

Against this scheme an appeal has been presented by the Parochial Church Council of St. Barnabas. The appellants had previously objected to the scheme to the Church Commissioners who after due consideration disallowed their objections.

It is proper to recall that under the said Measure it is the duty of the Pastoral Committee (upon whose recommendation the scheme is prepared) from time to time as may be directed by the Bishop to make a general survey of the diocese either as a whole or in sections and after consultations as therein provided make recommendations for the better provision for the

cure of souls within the diocese or any part thereof and that in particular the Committee in recommending the exercise of any powers contained in the Union of Benefices Measures to unite two or more benefices shall take into account (a) the making of the best possible provision for the ministry of the Word and Sacraments 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 and (b) respect for the traditions, needs and characteristics of individual parishes.

The parishes of St. Barnabas and St. George adjoin each other. The population of the former parish, which has an area of 55 acres, was, according to the census of 1951, 2,271. Many of the dwellinghouses in the parish have since been demolished and plans have been made for the residential development of part of the area. It should not be assumed that, if and when the whole area has been developed, the population of the parish will be substantially, if at all, larger than in 1951. There is no parsonage house in the parish. The last rector died in 1953 and there has been no resident minister since that date. The service of the Church has been provided by the Rector of St. George's. The parish of St. George has an area of about 90 acres, much of it occupied by railway lines and industrial buildings; its population in 1951 was 4,297. It is separated from the parish of St. Barnabas by the main Manchester to Oldham road. The parish Church fronts upon this road and is nearer to a large part of the population of the parish of St. Barnabas than is their own parish Church. But in fact there is only about a quarter of a mile between the two Churches.

The first objection stated in the petition (which is supported by 210 signatories who are said either to worship at St. Barnabas Church or to be a member of or resident within the said parish) is that "certain traces of High Church practices are apparent in the services held at St. George's" which are alleged to be against the wishes and ideals of the great majority of the members of the congregation living in the parish of St. Barnabas as well as of the appellants. This is a matter to which due weight must be given, but their Lordships cannot ignore the answer made by the respondents, which appears to them to be well founded that, though the services held in the two Churches in the past have not been identical, they do not indicate such a difference of churchmanship or tradition between the two churches as might lead to any disharmony, nor can they ignore the fact that the congregation at Morning Prayer at St. Barnabas has averaged about 12, of whom 5 or 6 have been children, while the number of communicants at normal Communion Services has been about 15. It is not to be assumed that the spiritual needs of any new population after development has taken place will not be amply served by St. George's.

Another objection taken by the appellants is that the inhabitants of St. Barnabas must cross the main Manchester to Oldham road to get to St. George's Church. Admittedly this road is a busy thoroughfare, though less so on a Sunday than on weekdays. But it appears that there is an island refuge immediately opposite the church. Their Lordships cannot regard this as a serious objection.

The appellants also relied on the fact that St. Barnabas has a flourishing Sunday School attended by about 70 children. But there is no reason why this should not be maintained as well after as before the union of the parishes. In regard to this the Rector of St. George's, who has been acting also as Curate-in-Charge of St. Barnabas says that at the school there are at present six teachers, but that it is not easy to maintain the staff and adds that, provided teachers could be found and arrangements for use of the building in which the school is held could be continued, the school could be maintained after the union of the parishes.

Against these objections there must be weighed what appear to their Lordships, as they no doubt appeared to the Pastoral Committee and to the respondents and to the Bishop, to be the great advantages of the scheme. It is not necessary to go into its financial results in detail, but

it is obvious that the provision which it will enable the Diocesan Authorities to make for the cure of souls within the Diocese of Manchester as a whole will be substantial. These are set out in the respondents' answer to the petition and the affidavit of the Secretary to the Pastoral Committee, and they leave no doubt in the minds of their Lordships that the scheme is one that in all respects fulfils the purposes of the relevant Measure. They will therefore humbly advise Her Majesty that this appeal should be dismissed.

In the Privy Council

THOMAS GLEAVES (IN PERSON)
ON BEHALF OF THE PAROCHIAL CHURCH
COUNCIL OF ST. BARNABAS CHURCH,
MANCHESTER

v.

THE CHURCH COMMISSIONERS

DELIVERED BY VISCOUNT SIMONDS