

**W. J. Gant**        -   -   -   -   -   -   -   -        *Appellant*

v.

**The Church Commissioners**    -   -   -   -   -        *Respondents*

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ORAL JUDGMENT OF THE LORDS OF THE JUDICIAL  
COMMITTEE OF THE PRIVY COUNCIL, DELIVERED THE  
20TH MAY 1976

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*Present at the Hearing :*

LORD WILBERFORCE

LORD KILBRANDON

LORD FRASER OF TULLYBELTON

[*Delivered by* LORD WILBERFORCE]

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Their Lordships have before them a Scheme made by the Church Commissioners under the Pastoral Measure 1968 relating to a church in East Anglia in what is now the parish of Akenham. What is proposed by the Scheme is that the parish of Whitton and Thurleston, which is adjacent to the parish of Akenham, should be united with it to create a new parish to be named "The Parish of Whitton and Thurleston with Akenham." The Scheme also proposes that the parish church of the new parish should be that of the existing parish of Whitton and Thurleston. It further proposes that the parish church of Akenham should be declared redundant by this Scheme.

An appeal has been brought against the Scheme by Mr. W. J. Gant, who lives in Ipswich and who is not himself a parishioner of this church. There is no objection to the Scheme other than that of Mr. Gant. Mr. Gant's concern is really as to the future of this church at Akenham if it is declared redundant. He is concerned with what has happened to other churches in similar situations. He has explained that he has strong personal connection with the church, where his ancestors have been buried. He has also taken an interest in certain services which have been conducted in or outside the church at different periods of the year.

Their Lordships are of opinion that there is no ground on which they can admit the appeal against the Scheme; the Scheme must undoubtedly be approved and the appeal must fail. Nevertheless their Lordships would like to say that they have listened with sympathy to Mr. Gant's representations concerning the future of this church. They have heard an assurance given by Counsel on behalf of the Church Commissioners that serious and sincere consideration will be given to Mr. Gant's representations. There are in fact in the Pastoral Measure 1968 a number of provisions from section 49 onwards dealing with what happens to churches declared redundant by Schemes. Their Lordships need not go through

them. They make it clear that there are various courses which can be taken in relation to churches of this kind and that there is ample room within these provisions for a disposition to be made with regard to this church which will meet Mr. Gant's wishes or the substance of them. But their Lordships do not think that it is possible for any further assurance to be given or sought at this stage. However, they would like Mr. Gant to be persuaded that those concerned with the future of this church will give sincere consideration to the points which he has put forward.

Having said that, their Lordships will humbly advise Her Majesty that the appeal against the Scheme be dismissed and that the Scheme itself be confirmed.



**In the Privy Council**

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DELIVERED BY  
**LORD WILBERFORCE**