

*Pastoral Measure 1968*

**Miss S. C. Jackson and another** - - - - - *Appellants*

v.

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

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JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF  
THE PRIVY COUNCIL, DELIVERED THE 28TH JANUARY 1981

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*Present at the Hearing:*

LORD FRASER OF TULLYBELTON

LORD RUSSELL OF KILLOWEN

LORD SCARMAN

[*Delivered by* LORD FRASER OF TULLYBELTON]

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These are appeals against a Pastoral Scheme made by the Church Commissioners on 15th March 1979 relating to the city centre of Southampton, in pursuance of the Pastoral Measure 1968. There were originally five appellants but three of them withdrew. The petitions of appeal of the remaining two, at the instance of Miss S. C. Jackson and the Rev. E. M. M. Davies, have been the subject of an oral hearing before their Lordships. The appeals are directed against that part of the Scheme which provides for St. Luke's Parish Church to be declared redundant.

In order to understand the position it is necessary to have regard to the recent history of the Church of England in Southampton. The city centre of Southampton, like the centres of many other cities in this country, has been greatly affected by changes in social conditions since the war of 1939-45. The population of the area covered by the Scheme has fallen from over 60,000 before 1939 to about 15,000, and a large part of the population now consists of immigrants, many of whom are not even nominally Christians. Some reorganisation of the Church of England's deployment in the area, and some reduction in the number of church buildings therefore became necessary. A major reorganisation was effected by a Scheme made by the respondents in 1973, whereby six existing parishes were united to form a new parish called the Parish of Southampton (City Centre), and a team ministry with a team rector and six other ministers, called team vicars, was set up. Five churches were constituted as Parish Churches within the parish. They had formerly been separate parishes on the traditional pattern, and it is not perhaps surprising that, in the case of St. Luke's at least, the Parochial Church Council was reluctant to be included in the team ministry. Nevertheless the 1973 Scheme was eventually accepted by the Parochial Church Council of St. Luke's without dissent. Their Lordships recognise that the introduction of the team ministry with its new missionary method of exercising pastoral care, and the changes in the services at St. Luke's which followed, have caused distress to some members of

the congregation including the first petitioner. They consider that much of her opposition, now being directed against the present Scheme, really arises from the 1973 Scheme. It is, of course, regrettable that distress should have been caused to loyal church members, but what has been done cannot now be undone, and in any event their Lordships are not concerned with the 1973 Scheme but with the question of whether cogent reasons have been put forward for disapproving of the Scheme now under consideration or for altering it.

Under this Scheme it is proposed that two of the five Parish Churches constituted by the 1973 Scheme should be retained as such. These are St. Michael's and St. Mary's. The other three churches, St. Augustine's, St. Peter's and St. Luke's, would be declared redundant. The reasons for reducing the number of churches in the area are compelling and counsel for the first petitioner did not contend to the contrary. In addition to the population changes already mentioned, the experience of the team ministry has been that the mission of the church in the area can be more effectively carried out by contacts with local residents in small centres than in large church buildings. The maintenance of so many churches is not only financially burdensome but it diverts the energies of the team from other and more effective work.

The first petitioner accepts the need for some churches in the area to be made redundant, but she contends that St. Luke's should not be one of them. In her petition, her main argument appeared to be that St. Luke's should be retained *in addition to* St. Michael's and St. Mary's, and that is the argument to which the respondents (quite reasonably, in the opinion of their Lordships) directed their answer. But at the oral hearing, counsel for the first petitioner placed much emphasis on an alternative argument to the effect that St. Luke's ought to be retained *instead of* St. Mary's. He submitted a persuasive argument that the respondent's answer to the petition of his client did not disclose adequate reasons for preferring St. Mary's to St. Luke's. (St. Michael's is the only remaining mediaeval church in Southampton and the petitioner accepts that it should be one of those to be retained.) It is true that the respondents' reasons for choosing St. Mary's are not so fully explained as they might have been if the alternative argument for the first petitioner had been more clearly stated in her petition, but it is clear to their Lordships that the respondents have not made their choice without careful consideration and good reasons.

Much reliance was placed by counsel for the first petitioner on a Report on Sites and Buildings dated September 1975, by a Parish Working Party, in which the opinion was expressed that, if two churches were to be retained, they should be St. Michael's and St. Luke's. But that report was discussed at the Annual Parish Conference in 1975, and at several smaller congregational meetings, and late in 1975 the Parochial Church Council of the City Centre Parish voted by 25 votes to 2, with 2 abstentions, in favour of retaining St. Mary's as the one Parish Church. The Diocesan Pastoral Committee advised that St. Michael's should also be retained as a second Parish Church, and the Bishop has expressed himself as being fully in accord with these views. After the Scheme had been prepared it was published in draft by the respondents on 31st May 1978. Representations against it were received from various persons and the respondents then obtained a report from their own Pastoral Committee, after a sub-committee had visited Southampton and discussed the matter there. Among the reasons that have led to St. Mary's being preferred to St. Luke's are firstly that St. Mary's is the mother church of Southampton and is the fifth church on the site since the 12th century. Secondly it is the church favoured by the Town Council for civic services. Thirdly its fabric is in good order, having

been largely rebuilt after the war, and is in better condition than that of St. Luke's. Fourthly St. Luke's is much too large for any foreseeable regular congregation and the cost of converting it to make it suitable for use in other ways would be considerable. The intention is to secure a house within the St. Luke's area for use as a local centre of the kind that has been found useful for missionary work in other parts of the city.

The second petitioner appeared in person and addressed the Board. Their Lordships recognise the sincerity of his conviction that the work of the church ought not to be curtailed in any way, but they are of opinion that, for practical reasons, his desire that all five churches be retained in use is not acceptable, and they do not consider that his view can prevail against that of the Bishop, the Parochial Church Council and the Diocesan Pastoral Committee.

Their Lordships are satisfied that the Scheme has the approval of the Bishop and of the various committees already mentioned and that local opinion has been fully consulted. Their Lordships have been particularly impressed by the great care which has evidently been taken to secure that the Scheme is appropriate to the needs of the city centre in present conditions. No sufficient reasons have been advanced for thinking that the Scheme is misconceived or that the respondents have made any error in the procedure.

Their Lordships will humbly advise Her Majesty that the appeals should be dismissed and the Scheme confirmed.

**In the Privy Council**

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MISS S. C. JACKSON AND  
ANOTHER

v.

THE CHURCH COMMISSIONERS

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DELIVERED BY  
LORD FRASER OF TULLYBELTON