

gave G three months' paid notice and advised him to take paid leave of absence during the period of notice. Permission had been granted to G to seek a judicial review of the revocation on the ground that the bishop had acted wholly unreasonably and unfairly in revoking his licence on notice, thereby depriving him of the right of appeal to the archbishop, such appeal lying only in the event of a summary revocation for cause under Canon E 8(5). However, the judge held that the bishop, having made no findings of fact adverse to G, was entitled to revoke the licence on reasonable notice rather than summarily for cause and expressly rejected G's submission that the bishop could only revoke a licence on notice where 'no blame or blemish' attaches to the licensee from the revocation. [RA]

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Re Candover Valley; Re Wield

Church Commissioners, April 2007

Pastoral Measure 1983 – proposed pastoral scheme – procedural irregularity

The Church Commissioners decided, on the ground of procedural irregularity, that a pastoral scheme for the union of two benefices proposed under the Pastoral Measure 1983 should not be made. In particular, the commissioners noted that unqualified assurances of a freehold had been made to K, the present incumbent of both existing benefices, at the time of his appointment as priest-in-charge. Such assurances had given rise to legitimate expectations that he would be named in the draft Pastoral Scheme as first incumbent and that the fact of the assurances would be made known to all involved in the decision-making process. Those expectations had not been satisfied, in that the proposals submitted to the commissioners did not name him as first incumbent. Further, the recommendation of the Diocesan Pastoral Committee not to include K as designated first incumbent was flawed in that the DPC had mistakenly been informed that K had not received the above assurances. That constituted a procedural flaw of such seriousness that the proposed Scheme could not go ahead, regardless of its merits. The commissioners expressed regret that the said unqualified assurances had been given. [RA]

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