

Re St Michael Within the Walls, Bath

Bath and Wells Consistory Court: Briden Ch, October 2010

Private place of worship – historic chapel – ‘interested person’

The chancellor granted a faculty for the removal of pews from an historic chapel which was, in law, a private place of worship but which was open to the public for services. The 18th century chapel formed part of a medieval hospital in Bath which continued to provide sheltered accommodation. In reaching his decision the chancellor took full account of the written views of various members of the public, all of whom lived within Bath and had either worshipped in the chapel or become familiar with it as a place of historic importance. He referred to the dictum of Phillips Ch in *Re St Thomas, Lymington*⁵ stating that ‘all parishioners, regardless of whether or not they claim or manifest any allegiance to the Church, are entitled to be heard as persons having an interest’. He held that such dictum applied with equal force to an historic chapel outside the parochial system, but visited by members of the public, as it did to a parish church. [RA]

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Re Church of the Community of the Resurrection, Mirfield

Wakefield Consistory Court: Downes Ch, November 2010

Reordering – monastic church – Bishopsgate questions

Representatives of the monastic community petitioned for a re-ordering of their church to include the change of certain furniture, the levelling of the floor and the installation of new heating, lighting and sound systems. There had been a number of accidents and disabled brethren were currently unable to join in with the sacramental life of the community. The church had been almost completely abandoned as a monastic centre for worship. The petitioners submitted that the proposals were necessary in order to avoid future accidents and to ensure full access to the church for brethren, pilgrims and visitors. An objector argued that the proposed works should not go ahead, inter alia, because their purpose was to improve the comfort of the brethren and such considerations were improper for monastic brothers. The chancellor applied the *Bishopsgate* questions and then posed a fourth relevant question applicable to the case of a monastic (as opposed to a parish) church: ‘whose need is to be considered?’ The chancellor observed that disability discrimination legislation required the needs of both the brethren and the public to be considered. Noting that the pastoral reasons for the proposed changes were overwhelming, the chancellor

5 [1980] Fam 89 at 93H.