

of Appeal confirmed – that the Institute was *not* vicariously liable for any abuse. The Middlesbrough Defendants appealed, arguing that the Institute should share vicarious liability.

The Supreme Court allowed the appeal. Delivering the judgment of the Court, Lord Phillips concluded that the necessary relationship between the brothers and the Institute and the close connection between that relationship and the abuse committed at the school had been made out; that the business and mission of the Institute to give a Christian education to boys was the common business and mission of every brother who was a member of it; and that there was a very close connection between the relationship of the brothers with the Institute and the employment of the brothers as teachers in the school. In short, the brother-teachers' employment at the school was sufficiently closely connected with the sexual abuse that they must be assumed to have committed and it was therefore fair, just and reasonable, by reason of the satisfaction of the relevant criteria, that the Institute should share vicarious liability with the Middlesbrough Defendants. [Frank Cranmer]

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Re St Cyriac, Lacock

Bristol Consistory Court: Gau Ch, 4 December 2012

Plate – sale – redundancy

The petitioners sought a faculty for the sale of the fifteenth-century Lacock Cup, which had been given to the church in the seventeenth century for use as a chalice. From 1962 it was loaned to the British Museum. Until 1981 the cup had occasionally been returned to the church for liturgical use. In 2006 it was realised that there was no faculty for the loan. A confirmatory faculty was granted for ten years on condition that the cup be insured for at least £1.8 million. The current petition arose from the British Museum's offer to buy the cup for £1.3 million. The parochial church council (PCC) submitted that the insurance and security required to allow safe return of the cup to Lacock, even temporarily, was unaffordable, rendering the cup redundant. Additionally, they argued that substantial sums were needed to repair the church and that insuring a valuable asset with no practical use was not consistent with the PCC's duties. The petition was opposed by a parishioner, claiming the support of signatories to a pro forma petition. He argued that the cup should be returned to Lacock for local display, challenging evidence that insurance and security were prohibitive. The chancellor refused to admit in evidence the pro forma petitions and leaflets submitted by the party opponent as they contained

vague and inaccurate information and it was impossible to assess whether they accurately represented the views of the signatories.

The chancellor held that there was no financial emergency within the parish that necessitated the sale of the cup. Nevertheless, insurance and security costs were such that the cup could not be returned, rendering the cup redundant liturgically speaking and this amounted to a special reason for disposal of the cup. The connection between Lacock and the cup had been unknown to most of the village until the petition but would be maintained through records kept at the church and by the museum. The faculty was granted on condition that the sale was to the British Museum, that a replica chalice be made and kept in the parish and that the proceeds of sale be held in a charitable trust for repair and maintenance of the church. [Catherine Shelley]

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Holy Trinity, Sutton Coldfield

Birmingham Consistory Court: Powell Ch, 11 December 2012

Re-ordering

The petition concerned the major re-ordering of a thirteenth-century Grade I listed church with a significant civic role. The proposed works were intended to improve disabled access, the visibility and audibility of liturgy, seating, toilets and meeting space for community use, Sunday school and quiet prayer. The Diocesan Advisory Committee, the amenity societies and English Heritage had all opposed the original petition. However, negotiation over two years and two amended petitions reduced the disagreements. Changes included re-siting the pulpit steps rather than removing the pulpit and removing one rather than three galleries. Disputes remained over removing the west end porch and re-ordering the chancel and choir vestry.

The chancellor held that the petitioners' openness to negotiation added weight to their views. He applied the guidance given by the Court of Arches in *Re St Alkmund, Duffield* (noted above). The chancellor stated that the significance of the building when assessing harm was found to lie in its overall continuum of architectural styles and history, following *Re St John the Evangelist, Blackheath* (reported at (1998) 5 Ecc LJ 217) that churches should keep meritorious additions rather than seeking architectural purity of particular periods. A faculty was granted as the consequential improvements created public benefits that outweighed and justified any harm that might ensue from the re-ordering. However, the application for the creation of a glass-structured inner lobby was refused in order to