Neutral Citation Number [2019] EACC 2

IN THE ARCHES COURT OF CANTERBURY

Spitalfields Open Space Limited and others v The Governing Body of Christ Church Primary School and others (No 2) (Order and Costs)

Between:

(1) Spitalfields Open Space
(2) Christine Whaite
Applicants for a Restoration Order & Respondents to the Application for a Confirmatory Faculty
(3) Professor Kerry Downes
(4) Martin Lane
(5) Alan Williams
(6) Jessie Sloan
Parties opponent to the Application for a Confirmatory Faculty

Appellants

- and –

(1) The Governing Body of Christ Church Primary School
(2) The Reverend Andrew Rider, Kim Gooding, William Spiring and Richard Wasserfall
(Rector, Church Wardens and former Church Warden)
(3) The London Diocesan Board for Schools
(4) London Borough of Tower Hamlets
Applicants for a Confirmatory Faculty & Respondents to an Application for a Restoration Order

Respondents to the appeal

-and

Jonathan Garnault Ouvry

Intervener

DECISION ON ORDER INCLUDING COSTS

1. At the conclusion of our judgment ("the principal judgment") we said:

"Disposal

140. For the reasons set out above, the Order made by the deputy will be set aside, and the Appellants (including SOS whom we have held to have a sufficient interest both to oppose the confirmatory faculty and to apply for a restoration order) are entitled to a restoration order, which will not take effect until 1 February 2029, unless the present use ceases before then.

141. We invite the parties to submit, within 28 days of handing down of this judgment, a draft (preferably agreed) order of the court allowing the appeal; and incorporating the restoration order, based on Form 18 in Schedule 3 to the FJR 2015, making reference in the preamble to the restoration order to the fact that both the Governing Body, the Rector and Church Wardens, and also Tower Hamlets, have entered into undertakings, the terms of which shall be annexed to the restoration order. There will be liberty to apply.

Costs

142. The deputy ordered that there should be no order of costs inter partes, but that the court costs should be borne by the Respondents divided in a particular way [866]. In granting permission to appeal, the Dean ordered that no one should seek on appeal to vary that order.

143. So far as the costs of the appeal relating to the confirmatory faculty and the restoration order, the parties have agreed to be responsible for their own costs. This then leaves to be decided:

(1) The court costs relating to the confirmatory faculty and the restoration order, which prima facie fall to be paid by the Respondents since they have lost on both issues.
(2) The parties' costs of the standing issue, and the associated court costs, which were left for determination in the light of this court's judgment. *Prima facie* these both also fall to be paid by the Respondents since, whilst remaining neutral on the issue, they did not consent to judgment thereon, and since it was they who raised the standing issue at the outset of this litigation.
(3) The parties' costs of the Ouvry intervention and the associated court costs, which have not been the subject of any previous court order (save as to the costs of the making of the application). This was a dispute between the intervener and the Respondents only, and *prima facie* both the Respondents and the court's costs fall to be paid by the intervener since his intervention failed.

144. The parties within 14 days of the handing down of this judgment shall submit a draft (preferably agreed) costs order, taking into account, but not being bound by, the observations in the previous paragraph and dividing responsibility for any costs where appropriate".

2. It was probably unrealistic on our part to have hoped that we would be presented with draft orders in an agreed form, and the situation has been exacerbated by the decision of the successful Appellants to dispense with the services of their solicitor and counsel in an understandable attempt to reduce their costs, the total of which (including costs at first instance) is apparently over £0.7m (a figure which causes us both distress and astonishment).

3. In the result, after extensions of time, we initially received:

a) from the solicitors to the first three Respondents a draft Restoration Order, with Schedule of proposed costs, together with an explanatory letter of 27 February 2019 and confirmatory letter from the solicitor to the Fourth Respondent of 28 February;

b) from the Appellants (or rather, strictly, from SOS) two letters of 17 February and 27 February 2019. The latter refers to further "detailed submissions", but not to be put forward until the Restoration Order has been entered into.

c) detailed submissions on costs dated 8 February settled by the Appellants' former junior counsel, together with a draft costs order, and a letter from the Appellants' former solicitor of 15 February 2019, enclosing some pages from the original trial bundle, but which were not in the appeal bundle nor referred to during the appeal hearing. In SOS's letter of 17 February, it is said that:

> "we did not enter into an agreement with Mr. Buxton about these actions, but we adopt the terms of those submissions. However they are incomplete in significant respects and they should, please, only be completed and then considered by the Court once the Restoration Order has been finalised".

4. An attempt to obtain clarification as to the Appellants' final position was made by letter from the Provincial Registrar of 4 March 2019. We have now also received three further letters from SOS:

(1) 4 March 2019, with draft costs order and Restoration Order, and a further 21-page "Further Submission after Judgment". This letter was sent by SOS prior to receipt of the Provincial Registrar's letter;

(2) a letter of 8 March 2019 ("the first 8 March letter"), with draft Restoration Order and draft Costs Order, responding to the Provincial Registrar's letter;

(3) a further letter of 8 March 2019 letter ("the second 8 March letter"), with an 8-page Schedule, entitled "Winckworth Sherwood – Conflicts of Interest".

We have also received a letter of 12 March 2019 from the solicitor to the first three Respondents in response, with an amended draft Restoration Order; and a letter of the same date from the solicitor to the Fourth Respondent, expressing agreement. The Respondents' solicitors' letters make no mention of the second letter of 8 March, although it was copied to them. In response to these letters, we have also received a further letter from SOS of 14 March 2019.

Preliminary issue: Alleged conflict of interest

5. In the second 8 March letter, SOS state that they "wish to pursue wasted costs applications against both Mr Carew-Jones of Winckworth Sherwood and against LBTH's solicitors who acted for LBTH in the litigation". Complaint is made against Mr Carew-Jones in respect of two alleged conflicts of interest. First, that he "has acted throughout on behalf of all the BPs, bar Tower Hamlets, and that this "has involved a significant conflict of interest, as each BP has a different interest in the result of the matter". If there was any such conflict of interest (which we doubt), that is a matter between Mr Carew-Jones and his various clients, and not a matter for concern from SOS, nor can it possibly have added to any costs incurred by the Open Space Parties; rather the contrary, since joint representation of the first three Respondents must have led to an overall saving of time and costs.

6. Second, SOS complain that Mr Carew-Jones has acted in this litigation "even though one of his partners was the Registrar of the London Consistory Court and his senior partner is the Registrar of the Court of Arches". Without having heard full argument on the matter, we do not go so far as to find that there is an inevitable conflict of interest where a partner of a diocesan registrar is instructed to act for a party to faculty litigation within the same diocese, notwithstanding the strongly expressed view of the deputy that this "simply cannot be right" [624]. However, we accept that there could be an undesirable perception of bias in such circumstances, and we can readily understand why the deputy decided that, for the purposes of the consistory court hearing, her own registrar from Gloucester diocese should act as registrar of the court, rather than the registrar of the London diocese [627]. Because of the deputy's action, no complaint can properly be made about any conflict of interest in the proceedings below.

7. So far as concerns the separate allegation that Mr Carew-Jones should not have acted in the appeal because his senior partner is the relevant Provincial Registrar, we consider this misconceived, and not merely because it is made at the conclusion, rather than at the outset, of the appeal. Were the appeal to have come from the diocese in which the Provincial Registrar is himself the diocesan registrar, it may have been appropriate for the Provincial Registrar to make arrangements (perhaps with the Provincial Registrar for the Northern Province) to preclude any apparent conflict of interest if criticism were to be directed to the conduct of the diocesan registry in question. We do not, however, consider that the Provincial Registrar was in any way "conflicted" by the fact that his partner, Mr Carew-Jones, was acting for the first three Respondents; nor, more importantly – since this is the nub of SOS's complaint - that, by reason of the making and grant of permission to appeal and the involvement of his senior partner therein as Provincial Registrar, Mr Carew-Jones became himself "conflicted" and should no longer have acted for his clients. In any event, we do not see that any such conflict of interest (even if it did, contrary to our view, exist) has in any way increased the Appellants' costs. Accordingly we are satisfied that SOS has failed to show that the alleged conflict of interest of Mr Carew-Jones could possibly ground a wasted costs application against him.

The three remaining issues

8. Three matters arise: the terms of the costs order; the terms of the Restoration Order; and any other terms of the final order. We deal with these matters in that order.

(i) *The terms of the costs order*

9. Despite determined attempts on various grounds by the Appellants to re-open the question of the *inter partes* order made by the deputy (that each party should bear its own costs) [856], we decline to do so. As explained in para 142 of the principal judgment, that would be contrary to the condition imposed when the Dean granted permission to appeal. It would also be unfair to the Respondents, since the appeal proceeded on that basis. The condition imposed on the grant of permission to appeal contained a reservation in the event of unreasonableness by either party in their participation in the appeal. The only alleged unreasonableness by the Respondents (aside from the allegation of conflict of interest, which we have addressed above) is summarised in SOS's second letter of 8 March:

> "the [Respondents'] failure to attempt at any stage to discuss or negotiate a settlement or to promote discussions between the parties",

coupled with:

> "their refusal of the many initiatives from the OSPs to talk and/or meet and in asserting that areas D and E [referred to in the undertakings] are already annexed from the public open space by the church for the purposes of their undertakings".

To this, the Respondents' solicitors respond that:

> "It is not standard practice …to meet to agree the terms of any draft Order which a Court requests should be submitted for approval, this normally being a simple process of translating the terms of the Judgment into a formal Order."

Whilst we had hoped that there would be fuller without prejudice discussion between the parties on various matters, it was, in our view, entirely a matter for the Respondents whether to meet the Appellants to discuss the contents of the Respondents' undertakings, or the terms of the costs order and Restoration Order. In any event, this court has ensured that the Appellants have had an adequate opportunity to comment upon these. We do not consider that, in respect of the conduct of the appeal, there has been unreasonableness such as to make it proper for us to re-open the question of the order for costs below.

10. So far as the court costs in the Court of Arches (other than those already paid by the Appellants), the Respondents have accepted that they should be paid by the Respondents (including those of the standing issue and the Ouvry intervention); and this accords with the proposals of SOS on behalf of the Appellants. We so order. All parties agree that these costs should be payable in equal shares as to (1) one third, by the Rector and Church Wardens and the Governing Body of the School; (2) one third, by the London Diocesan Board for Schools; and (3) one third, by the London Borough of Hamlets. This reflects the division ordered by the consistory court [856], and we so order. The Provincial

Registrar shall notify the Respondents of the outstanding court costs, and they shall be paid within 56 days thereafter.

11. So far as the *inter partes* costs in the Court of Arches, the starting point is the order of 11 July 2018 that each of the parties bear its own costs on the appeal, save as respects the standing issue (which order followed an agreed proposal from the parties). The Respondents now propose that the *inter partes* costs of the standing issue (on which they lost) and the Ouvry intervention (on which they won) be similarly borne by the parties themselves. This accords with the draft costs order settled by the Appellants' former junior counsel, who justified this as having:

> "the merit of avoiding the need for time-consuming and complex costs assessments of the Standing Issue and Ouvry intervention which would involve teasing out respective time taken from overall work done on this case".

In the first letter of 8 March, SOS seek to resile from this position, arguing that the respondents should:

> "pay the costs of the Appellants of and incidental to the proceedings in the Court of Arches, save for the costs of the standing issue and the Ouvry intervention, such costs, if not agreed, to be the subject of detailed assessment on the indemnity basis".

In the Respondents' view it is unconscionable for SOS now to seek to overturn the previously agreed position.

12. We can see no reason to depart from what was agreed at the outset of this appeal in respect of each party bearing its own costs, and we consider that, for the reasons set out by the Appellant's former junior counsel, it is inappropriate to deal with the *inter partes* costs of the Standing Issue and the Ouvry intervention in any different way. Accordingly, we so order. Therefore we do not need to address SOS's (in our view misconceived) reference to an indemnity costs basis.

13. In the second 8 March letter, SOS state their "understanding that the BPs' costs have been at least part funded by the Diocese of London" and that, since "the Church has lost, this gives rise to a possible non-party costs order against the Diocese of London". No such application has been made, and thus we need say nothing more about this.

(ii) the terms of the Restoration Order

14. As stated above the court has received draft Restoration Orders from both the Respondents' solicitors and from SOS.

15. SOS, in its letter of 4 March 2019, states that:

> "because of the tangle of practical and legal issues that are still to be resolved for lawful implementation of the RO….., the parties would achieve an earlier and clearer conclusion to the dispute by addressing those issues now in without prejudice settlement talks, before the Court makes its final Order(s)".

This contention was expanded in the "Further Submission" attached to that letter, which criticised (amongst other matters) the contents, and providers, of the two

undertakings, and argued the undertakings needed to be re-drafted in various ways, and that the letters accompanying the undertakings needed to be "merged into two stand-alone undertakings". Reference is made (for the first time, so far as this Court is aware) to the alleged significance of a Licence and Management Agreement of 4 September 2014 ("the 2014 LMA"), to various provisions under the Education Acts, and to the use of section 106 money. An entirely new argument (quite contrary to what the Appellants' Leading Counsel suggested at the appeal hearing) is now advanced to suggest that there was no power, under what is now section 72(2) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 to defer the time for compliance with a Restoration Order "beyond the time reasonably necessary for restoration to take place". Some of these contentions were repeated in SOS's letter of 14 March 2019, which also asserted that the Restoration Order must provide that money misappropriated from the School Foundation Trust and spent on the building owned by the Church be returned into the School Foundation Trust for use by the school on its own capital projects.

16. In its second letter of 8 March, SOS summarises its position:
"The mismatch between the assumed facts on which the BPs base their proposed RO and the true facts that the OSPs believe need to be addressed is so great that a RO based on the BPs' proposals raises the unwelcome inevitability of further legal proceedings. This can only be avoided by requiring the BPs to respond to the OSPs' submissions and for the parties then to meet to attempt to narrow differences and, if complete agreement is not reached, for the Court, or the Consistory Court, to determine the terms of the RO based on the facts as determined at an oral hearing."

17. The Respondents' solicitors' view is that:
"There are currently no matters which require to be referred to the consistory court but petitions for faculty to authorise the laying out of the churchyard and the entering into of any management agreement with the local authority will be pursued in the normal way, when appropriate."

18. We do not share the view now expressed by SOS in relation to the interpretation of section 72(2); and its argument appears to contradict the wording of that sub-section, as well as unduly to restrict the scope of rule 16.9(1) of the Faculty Jurisdiction Rules 2015 ("the FJR 2015") in relation to undertakings in proceedings for a Restoration Order (which rule applies on appeal, by virtue of rule 27.8(1)). But in any event the Appellants were afforded an opportunity well before the handing down of the principal judgment to comment upon the proposed undertakings, at a time when they well knew that the whole purpose of the undertakings was to achieve a delay in the date set for implementation of the Restoration Order. We regard it as an abuse of process to seek to raise these issues at the present late stage, including matters relating to the 2014 LMA (see, by way of analogy, although the circumstances were not identical, the observations of Lord Hoffmann in *Edwards v Environment Agency* [2008] UKHL 22; [2008] 1 WLR 1587 para 66). So far as concerns the £2m misappropriated education grants this was not a matter raised in the Appellants' skeleton arguments nor argued at the hearing, and if there has been any such

misappropriation (on which we make no finding) it would be *ultra vires* for the Restoration Order to include provisions compelling its return, as sought by SOS.

19. Moreover, many of the points raised now by SOS appear to be based on the assumption that the various Respondents will be unable to co-operate amongst themselves to ensure that at the appropriate time the Restoration Order is complied with. We express the hope that, after the searing experience of this litigation, that will not be the case. We have, at all times, to bear in mind the "overriding objective" of the FJR 2015, set out in rule 1.2, of "saving expense" and "dealing with the case in ways that are proportionate to the importance of the case and the complexity of the issues", which SOS sometimes appears to ignore. Finally, we remind all parties of the provision in rule 16.8 that:

> "Any injunction or restoration order may be varied, extended or discharged by the court as it thinks fit",

so that there will be a later opportunity to deal at an appropriate time and in an appropriate way with any problems that do arise.

20. The Restoration Order we have made envisages personal service on each of the seven individual Respondents, unlike the drafts of the Respondents, but as proposed by SOS. We have not provided for service on solicitors, because for such service to be effective, the Applicants would need evidence that the solicitors in question had express authority from each client to accept undertakings on its behalf. The Restoration Order must be signed and dated by the Provincial Registrar, as required by Form 18. A copy of the Restoration Order is attached as Annex 2. Taking account of a point raised by SOS, we have included provision in the main Order with respect to continuing liability of any subsequent Rector and/or Church Wardens to comply with the Restoration Order at the appropriate time.

(iii) Other aspects of the Order

21. So far as the remaining parts of the order (apart from the Restoration Order itself), this needs to provide for:

(1) the quashing of paras 1, 2 and 4 (but not paras 3, 5 and 6) of the Order made by the deputy on 17 December 2017 and contained in [856] of her judgment. We have included a supplementary provision relating to time for payment of the court costs below, on the assumption that these have not yet been paid.
(2) for the grant of permission to Mr Ouvry to intervene, but dismissal of his application; for refusal of the petition for a confirmatory faculty of 19 October 2015; and
(3) for the making of a Restoration Order against the Respondents, and setting time for its service on the Respondents, and filing of the completed Certificate of Service with the Provincial Registry (consistent with rule 16.5(6) of the FJR 2015).

There then need to be incorporated the terms of the above costs order, and provision for any further applications, save as to costs, pursuant to the order (including the Restoration Order) to be made to the consistory court of the diocese of London. If any such application is made, it will be open to any of the parties to request that it be handled in a particular way (for example by a deputy), if (but only if) that course is considered essential. A copy of the Order is attached

to this decision as Annex 1, and as its recital states, the two undertakings should be attached to it when the Provincial Registrar issues the perfected order to the parties.

22. Finally we welcome the statement in Tower Hamlets solicitor's letter of 28 February 2019 that:

> "LBTH are also prepared to meet with representatives of the SOS to discuss the implementation of the restoration order once the final court order has been made."

This goes slightly beyond the more tentative statement in the letter from the other Respondents' solicitors of 27 February:

> "….my clients may be prepared to meet with representatives of SOS to discuss those parts of [SOS's letter of 17 February 2019] which relate to the future of the churchyard but will only consider doing so once the final Order of the Court has been made."

We encourage the holding of such a meeting within the next three months, so as to avoid, or at least minimise, misunderstandings hereafter, but we cannot compel it; and we are aware of the very strong feelings which the Appellants still hold about the subject matter, and conduct, of this litigation.

25 March 2019

CHARLES GEORGE QC
Dean of the Arches

GEOFFREY TATTERSALL QC
Chancellor

DAVID PITTAWAY QC
Chancellor

ANNEX 1

IN THE ARCHES COURT OF CANTERBURY

Spitalfields Open Space Limited and others v The Governing Body of Christ Church Primary School and others (No 2)

Between:

(1) Spitalfields Open Space
(2) Christine Whaite
Applicants for a Restoration Order & Respondents to the Application for a Confirmatory Faculty
(3) Professor Kerry Downes
(4) Martin Lane
(5) Alan Williams
(6) Jessie Sloan
Parties opponent to the Application for a Confirmatory Faculty

Appellants

- and –

(1) The Governing Body of Christ Church Primary School
(2) The Reverend Andrew Rider, Kim Gooding, William Spiring and Richard Wasserfall
(Rector, Church Wardens and former Church Warden)
(3) The London Diocesan Board for Schools
(4) London Borough of Tower Hamlets
Applicants for a Confirmatory Faculty & Respondents to an Application for a Restoration Order

Respondents to the appeal

-and

Jonathan Garnault Ouvry

Intervener

BEFORE: CHARLES GEORGE, Dean of the Arches; GEOFFREY TATTERSALL and DAVID PITTAWAY, Chancellors

Having heard submissions from Counsel for the Applicants and the Respondents, and received post-hearing written representations from both parties, and having received and accepted undertakings from the First and Second Respondents, dated 20 January 2019, and from the Fourth Respondent, dated 15 January 2019, (copies of which undertakings, and of the coloured plan referred to therein dated 18 December 2018, are annexed to this Order)

ORDER

1. Paragraphs 1, 2 and 4 (but not 3, 5 and 6) of the Order made on 17 December 2017 in the consistory court of the diocese of London by Chancellor June Rodgers, sitting as deputy chancellor of the diocese of London, be quashed. The costs of the hearing in the consistory court, referred to in para 5 of that Order, shall be paid by the relevant persons within 56 days of receipt of notice from the diocesan registrar (acting in liaison with the registrar of the diocese of Gloucester) of the amounts payable.

2. Permission be granted for Jonathan Garnault Ouvry to intervene in the appeal, but his application be refused.

3. The petition for a confirmatory faculty to the consistory court of the diocese of London of the Reverend Andrew Rider, Dr William Spiring and Mr Kim Gooding of 19 October 2015 be refused.

4. The application to the consistory court of the diocese of London of Spitalfields Open Space and others of 21 August 2014 for a Restoration Order be allowed, and a Restoration Order be made in the form annexed hereto and signed by the Provincial Registrar. In that the Restoration Order is made against the Second Respondents in respect of unlawful acts taken in their capacity as Rector or Church Wardens, the Restoration Order shall be binding also on their successors in those capacities.

5. The Appellants shall ensure that a copy of the Restoration Order is served personally by one of their number on each of the Respondents within 21 days of this Order, and that within 7 days thereafter a copy of the Restoration Order, with the Certificate of Service completed, is filed at the Provincial Registry.

6. The parties shall meet their own *inter partes* costs of the appeal (including costs of the standing issue and the Ouvry intervention).

7. The Respondents shall pay the court costs of the appeal (other than those already paid by the appellants, and including the costs of the standing issue and the Ouvry intervention). Such court costs shall be payable by the Respondents in equal shares as to (1) one third, by the Rector and Church wardens and the Governing Body of the School; (2) one third, by the London Diocesan Board for Schools; and (3) one third, by the London Borough of Tower Hamlets. Such costs shall be payable in each case within 56 days of

receipt of notice of the total amount of relevant court costs of the appeal from the Provincial Registrar.

8. Save in respect of paragraphs 1, 6 and 7 of this Order, all further applications in respect to any of the matters the subject of this Order (including any matters arising in relation to the terms of the two aforesaid undertakings) shall be made to the consistory court of the diocese of London.

Dated:

Signed:

Provincial Registrar

ANNEX 2

IN THE ARCHES COURT OF CANTERBURY

Spitalfields Open Space Limited and others v The Governing Body of Christ Church Primary School and others (No 2)

Between:

(1) Spitalfields Open Space
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Applicants for a Restoration Order & Respondents to the Application for a Confirmatory Faculty
(3) Professor Kerry Downes
(4) Martin Lane
(5) Alan Williams
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Parties opponent to the Application for a Confirmatory Faculty

Appellants

- and –

(1) The Governing Body of Christ Church Primary School
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(Rector, Church Wardens and former Church Warden)
(3) The London Diocesan Board for Schools
(4) London Borough of Tower Hamlets
Applicants for a Confirmatory Faculty & Respondents to an Application for a Restoration Order

Respondents to the appeal

-and

Jonathan Garnault Ouvry

Intervener

BEFORE: CHARLES GEORGE, Dean of the Arches; GEOFFREY TATTERSALL and DAVID PITTAWAY, Chancellors

RESTORATION ORDER

(section 72(3) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018)

In the Arches Court of Canterbury

In the matter of Christ Church, Spitalfields

Applicants:

(1) Spitalfields Open Space (2) Christine Whaite (3) Professor Kerry Downes (4) Martin Lane (5) Alan Williams (6) Jessie Sloan

Respondents:

(1) The Governing Body of Christ Church Primary School (2) The Reverend Andrew Rider, Kim Gooding, William Spiring and William Wasserfall (Rector, Church Wardens and former Church Warden) (3) The London Diocesan Board for Schools (4) The London Borough of Tower Hamlets

If you the within named Respondents do not comply with this order you may be held to be in contempt of Court and imprisoned or fined, or your assets may be seized

On 24 and 25 October 2018 the Court considered an application for a restoration order

The Court ordered that the Respondents, namely (1) The Governing Body of Christ Church Primary School (2) The Reverend Andrew Rider, Kim Gooding, William Spiring and Richard Wasserfall (Rector, Church Wardens and former Church Warden) (3) The London Diocesan Board for Schools (4) London Borough of Tower Hamlets **must take the following steps:**

Demolition of the building, currently used for nursery and community purposes, within the disused churchyard of Christ Church, Spitalfields

on or before 1 February 2029 (unless use as a nursery by The Governing Body of Christ Church Primary School as a Foundation Stage building or for any other school purpose ceases before that date, in which case demolition of the building must be carried out forthwith)

If you do not understand anything in this order you should consult a solicitor

Record of hearing

On 24 and 25 October 2018, before the Court of Arches, sitting at St Mary-le-Bow, Cheapside, London EC2V 6AU

The Applicants were represented by counsel, Robert McCracken QC and Thomas Seymour

The Respondents were represented by counsel, Morag Ellis QC and Caroline Daly

The Court handed down judgment on 28 January 2019

Signed: Date:
(Provincial Registrar)

The Provincial Registry at 16 Beaumont Street, Oxford OX1 2LZ
is open between 9am and 5pm Monday to Friday (telephone 01865 297200)

Certificate of Service

In the matter of Christ Church, Spitalfields

I certify that this order was served on the following persons at the addresses, by the method and on the dates given below.

Name	Address	Method	Date Served
The Governing Body of Christ Church Primary School			
The Reverend Andrew Rider			
Kim Gooding			
William Spiring			
Richard Wasserfall			
The London Diocesan Board for Schools			
London Borough of Tower Hamlets			

I believe that the facts stated in this certificate are true.

Signed: Date:
[One of the Appellants/Appellants' solicitor]