

## **In the Consistory Court of the Diocese of Worcester**

**Archdeaconry of Worcester: Parish of Pershore: Abbey Church of the Holy Cross**

**Faculty petition 12-04 relating to the disposal of the organ**

## **Judgment**

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### *Introduction*

1. This is a petition relating to the organ that used to be in Pershore Abbey, and which was removed in the late 1990s to the neighbouring St Andrew's Community Centre (formerly St Andrew's Church).
2. The organ in question was built in around 1872 by Nicholson & Sons, and rebuilt in 1940 and again in 1971 by Walker & Sons. More detail is provided on the National Pipe Organ Register, maintained by the British Institute of Organ Studies: one entry (N03721) relates to the original Nicholson organ;<sup>1</sup> one (N12480) relates to the Walker rebuild.<sup>2</sup> The latter records:

2002 - organ in storage during restoration of building; electronic in use;

2009 (Jan) - Pipes, some timber and Direct Electric chests removed to the premises of Jonathan Lane & Associates. Much material was scrapped because it was no longer worth storing after 13 years;

JLa reports: Electro-pneumatic action since the Walker work in 1940, but some of this had been converted to direct electric action, probably in 1971;

For simplicity, I refer to it below simply as "the Nicholson/Walker Organ". Further information is provided on the web-site of Jonathan Lane & Associates ("JLA"), an

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<sup>1</sup> ([http://www.npor.org.uk/cgi-bin/Rsearch.cgi?Fn=Rsearch&rec\\_index=N03721](http://www.npor.org.uk/cgi-bin/Rsearch.cgi?Fn=Rsearch&rec_index=N03721))

<sup>2</sup> [http://www.npor.org.uk/cgi-bin/Rsearch.cgi?Fn=Rsearch&rec\\_index=N12480](http://www.npor.org.uk/cgi-bin/Rsearch.cgi?Fn=Rsearch&rec_index=N12480)

organ builder and dealer in Poole, where the remaining material from the Nicholson/Walker Organ is now being stored, awaiting sale.<sup>3</sup>

3. The Nicholson/Walker Organ was thus disposed of unlawfully to JLA early in 2009; and the present petition seeks a confirmatory faculty to authorise that disposal. The petitioners are the Revd Kenneth Crawford, the incumbent, who has been in post since 2003, and the present churchwardens Mr Robin Hancox and Mr David Long, both of whom took up office as such more recently (the latter in 2011), and who are both relatively recent residents in the parish.
  
4. The petition has been advertised in the normal way, as required by the Rules, but no objections or other representations were received in response, in spite of the somewhat tortuous history of the matter. The Diocesan Advisory Committee has raised no objection, and has made no further comment. I am aware that the Archdeacon has been in discussions with the Parish; but he has made no formal response to the petition. However, in spite of that apparent lack of controversy, the background to this petition is somewhat complex, and it may be helpful if I set it out reasonably fully. In doing so, I incorporate some of what I set out in a letter to the registry, copied to the parish, in February 2011; and I rely on the response to that letter from the two churchwardens (dated September 2011 but only seen by me and by the Registrar in January 2012).

#### *The 1996 faculty*

5. Boydell Ch granted a faculty (dated 21 May 1996), “the 1996 Faculty”, for the following works and purposes:
  - “1. Removal of the existing pipe organ and storage thereof in St Andrew’s Community Centre.
  2. Purchase and installation of a Bradford Computing Organ in accordance with [the relevant detailed specifications].”

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<sup>3</sup> <http://www.jla-organbuilder.co.uk/page16.html>

6. That Faculty was subject to a number of conditions, as follows:

- “1. That the existing Pipe Organ shall be stored in St Andrew’s Community Centre, Pershore, in accordance with the recommendations of the Diocesan Advisory Committee.
2. [a] That
  - [i] the existing Pipe Organ shall be reinstalled in Pershore Abbey or
  - [ii] a substitute Pipe Organ installed in its place,in either case in accordance with a further Faculty, within ten years from the date hereof, and
  - [b] that the ultimate disposal of the Pipe Organ in the absence of its re-installation in the Abbey shall be the subject of a further Faculty petition.
3. That on
  - (a) the expiry of ten years from the date hereof or
  - (b) installation of a new Pipe Organ or re-installation of existing Pipe Organ, as the case may be (whichever be the earlier)an assessment shall be made as to whether the Bradford Computing Organ shall remain in the Abbey.
4. The costs of removal of the Pipe Organ to St Andrew’s Community Centre shall be charged to the Pershore Abbey Organ Fund.
5. The said Fund shall be charged annually with the payment to the Parochial Church Council of a sum of £200 plus VAT at the current rate, index-linked.
6. That subject to the terms hereof, i.e. the payments under clauses 4 and 5, the Petitioners shall not have recourse to the monies received from donations and fundraising for the benefit of the Organ Fund to pay for the works hereby authorised.”

*[lettering in square brackets added for clarity.]*

7. The authorisation granted for the removal of the Walker Organ from the Abbey was thus conditional on a pipe organ – either that one or a suitable substitute for it – being installed in the Abbey within ten years (that is, by May 2006) (see condition 2[a]). It must be questionable whether such a condition was ever enforceable, reasonable, or even lawful. However, be that as it may, that was why the 1996 Faculty required the Walker Organ to be stored in St Andrew’s, and its ultimate disposal to be the subject of a further faculty (conditions 1, 2[b]); and that was why a Bradford organ was permitted

to be installed only on a temporary basis, and subject to a condition that its suitability be reconsidered once the new pipe organ was in place.

8. As to the Organ Fund, referred to in conditions 4 to 6 of the 1996 Faculty, the relevant records have been helpfully examined by the present Churchwardens in the course of presenting the present faculty. It appears that by 1996 the Fund contained some £48,029 – made up of £25,500 from various transfers from the PCC General Account, and £10,168 from fundraising and donations, with the balance (£12,306) coming from accumulated interest.
9. The Walker Organ was duly recorded, dismantled, and removed to St Andrew's Community Centre, at a cost of £9,583, paid for from donations and fundraising, in accordance with condition 4.
10. The rental for the storage of the Walker Organ, due to the PCC at £200 per annum (index linked) under condition 5, was apparently never actually demanded or paid – which by implication amounts to a donation of £200 per annum from the PCC to the Organ Fund, by now totalling more than £4,000 (after taking account of index-linking and interest) over the fifteen years since 1996.
11. And the Bradford organ was duly introduced, at a cost of £29,600 – coming from the amount transferred from the PCC general fund and the interest on it, without recourse to the receipts from donations and fundraising, in accordance with condition 6.
12. As for the balance of the Organ Fund, after payment of all associated costs, it was subsequently used to establish three separate accounts – the Organ Replacement Fund (£448), the Organ Maintenance Fund (£513) and the Organ Reserve Fund (£5,145). The latter was to provide for the design, drawings, specification and associated costs for a new organ. And indeed, over the following years, much thought and effort was

devoted to finding a satisfactory long-term arrangement for instrumental accompaniment to worship in the Abbey. This included, in particular, exploring the possibility of a hybrid digital-pipe organ, championed by the (then) new incumbent Mr Crawford, who has considerable musical knowledge and expertise. The funding of all this research was from the Organ Reserve Fund, which was exhausted by 2003/4, and the account closed.

13. For completeness, I should perhaps record that there is currently £1,259 in the Organ Replacement Fund, and £3,186 in the Organ Maintenance Fund.

#### *The disposal of the Nicholson / Walker organ*

14. By around 2005, it had become apparent to all involved that, whatever the ultimate long-term solution, it would never include the re-installation of the Walker Organ in the Abbey. And the continuing use of St Andrew's for the storage of the Organ was a waste of space, as well as causing various practical problems. A faculty was therefore sought to authorise its removal from its location in St Andrew's Church, and its shipment to Cornwall, to be installed in the church of St Stephen-by-Saltash.
15. In response to that petition, various comments were made as to the continuing provision of music in the Abbey, but no objections were raised to the proposed removal in itself. By a judgment dated 13 May 2006, I accordingly authorised its disposal to the church in Saltash, which was apparently prepared to pay £5,000 for it. A faculty duly issued, dated 16 May 2006.
16. Unfortunately the sale to the parish in Saltash did not take place, as they decided on an alternative solution to their musical needs; and a second proposed sale, to a church in Bridgnorth, also fell through. But it was still considered necessary to remove the organ from St Andrew's, to facilitate an urgently needed structural survey of the building and to allow access to the main electrical junction box.

17. It took until 2009 to find a purchaser who was prepared both to acquire the organ and to pay for its removal. In January of that year, the Walker Organ was sold on eBay for £100 to JLA – the proceeds of the sale being placed in the Organ Fund, and all removal expenses being paid for by JLA. The present wardens explain that they believe that the PCC at the time acted in accordance with the terms of the Schedule to the 2006 faculty, which provided no restrictions regarding the buyer. And for that reason there appears to be no formal minuted decision of the PCC authorising the sale.
18. As already noted, the National Pipe Organ Register records that “pipes, some timber and direct electric chests” were removed to the premises of JLA, but that “much material was scrapped because it was no longer worth storing after 13 years”. And the JLA web-site records that
- “this organ was removed from the church some 13 years ago, and has been in storage since, only the pipework and parts of the console (keyboards, stop jambs, pedalboard) are available. All other parts would be required new”.
19. However, the wardens now recognise that the 2006 faculty incorporated by reference the Schedule to the petition, which in turn referred to the disposal to Saltash. The PCC accordingly resolved – unanimously – on 11 October 2011 that this present petition be submitted, for a confirmatory faculty “to authenticate the sale of the Walker / Nicholson Organ to Jonathan Lane Associates for the sum of £100 in January 2009”.

*The disposal of furnishings and chattels*

20. It seems to me that in relation to any petition seeking a faculty for the disposal of furnishings and chattels belonging to a church, there are a number of issues to be considered, including:
- (a) whether the function performed by the item in question is still relevant;

- (b) whether the item in question is capable of performing that function, and appropriate for that purpose, or whether there is a better way of that function being performed;
- (c) whether the church will be harmed aesthetically or in some other way by the loss of the item;
- (d) whether the proposed destination for the item is appropriate;
- (e) whether the proposed terms of the disposal (including but not limited to payment) are appropriate.

Some of these matters were considered by the recent judgment of this court in *Re Welland, St James* [2011] 14 Ecc LJ 144.

- 21. As to the first three of the issues noted above, these were considered in relation to the proposed disposal to Saltash, and there is no need to revisit them now.
  
- 22. As to the fourth issue, it would obviously have been desirable for the Nicholson / Walker Organ to be maintained in a condition such that it could have been used without further ado by another church. However, given that by 2009 it was not in such a condition, it is not entirely surprising that at least two churches have declined to take it; and it is good that JLA has acquired the remaining parts. The Organ is thus still advertised on the JLA web-site as being available for onward sale; considered purely from the point of view of the well-being of the Organ, therefore, its present location – whilst not ideal – is considerably better than in a room at St Andrew’s. And at least St Andrew’s has its room back. It is therefore difficult to argue against its removal into the care of an enthusiast who will have as much incentive as the Vicar of Pershore, and rather more opportunity, to sell it to a suitable end user.
  
- 23. As for the fifth issue, the amount apparently promised for the organ by the church in Saltash, £5,000 would clearly have been more desirable than £100. However, given

the condition of the organ by 2009, it might seem that the Petitioners were fortunate to locate any purchaser, at any price.

24. I therefore see no reason in principle why a confirmatory faculty should not now be granted, to authorise the disposal of the Nicholson / Walker Organ to JLA. This is necessary, not least, to ensure that title to the organ, or what remains of it, passes to JLA, so that they can in turn pass title to someone else (see *Re St Mary, Barton-upon-Humber* [1987] Fam 41).
25. However, in view of the factual position, the specification of the works and purposes authorised should be amended to read:

“a confirmatory faculty to authorise:

- (a) the sale of parts of the Walker / Nicholson organ to Jonathan Lane & Associates Ltd, and their transfer at no cost to the church; and
- (b) the disposal of the remainder.”

### *The nature of a confirmatory faculty*

26. The duty to comply with the faculty jurisdiction is laid upon the incumbent and the churchwardens. Thus, Canon F13, para 3 provides that:

“it shall be the duty of the minister and churchwardens, if any alterations, additions, removals, or repairs are proposed to be made in the fabric, ornaments, or furniture of the church, to obtain the faculty or licence of the Ordinary before proceeding to execute the same.”

This Canon does not explicitly refer to conditions attached to faculties; but it seems to me that, in principle, non-compliance with any conditions that may be attached to a faculty is as serious a breach as proceeding without obtaining a faculty at all.

27. As to the duty of the incumbent, Canon C1, para 3 provides as follows:



“... the priests and deacons who have received authority to minister in any diocese owe canonical obedience in all things lawful and honest to the bishop of the same ...”

This duty is to be enforced principally by the archdeacon; see Canon C22, para 4:

“Every archdeacon shall within his archdeaconry carry out his duties under the bishop and shall assist the bishop in his pastoral care and office, and particularly he shall see that all such as hold any ecclesiastical office within the same perform their duties with diligence, and shall bring to the bishop’s attention what calls for correction or merits praise.”

As to the duty of the churchwardens, Canon E1, para 4 provides as follows:

“The churchwardens when admitted are officers of the bishop. They shall discharge such duties as are by law and custom assigned to them”

28. It is against that background that I emphasise that the grant of a confirmatory faculty does not alter the lawfulness or otherwise of the deed in question at the time it was done. The public notice of the present petition is therefore inaccurate in referring to “application ... for *retrospective* permission” (emphasis added). Thus in *St Mary, Balham* [1978] 1 All ER 993 – one of the earliest decisions relating to a confirmatory faculty, which, by chance, involved unauthorised works that had been carried out to an organ without the grant of a faculty – Garth Moore Ch held as follows:

“There is no such thing as a retrospective faculty. Work done without a faculty is illegal, and remains illegal for all time. If, however, a confirmatory faculty is granted, it means that from that point in time onwards the situation is legalised; but it does not retrospectively legalise what has already been done, and the perpetrators of the illegalities remain personally liable for any wrong they have committed, though for the future the confirmatory faculty brings them within the four walls of the law.”

29. Thus, in the present case, it was – to put it no higher – very unfortunate that neither formal PCC approval nor a faculty was sought to authorise the disposal to JLA, rather than to Saltash, particularly in the light of the controversy that had surrounded this matter in the past. At the very least the Archdeacon should have been notified. And I find it surprising that those in authority within the parish at the time (who do not include all of the present petitioners) seem to have thought that a faculty authorising the disposal of the organ to a church in Cornwall also authorised its disposal some three years later, for merely a token payment, to a dealer.

30. It was also unfortunate that the Organ was stored in St Andrew's in such a way that, according to the National Pipe Organ Register, by 2009 "much material was scrapped because it was no longer worth storing after 13 years" – although the responsibility for that cannot be laid at the door of any of the present petitioners.

31. Further, as Pershore Abbey is one of the more prominent churches in the Diocese, those responsible for its affairs have a particular duty to set a good example. Thus in *Balham Garth Moore Ch* held:

"I am concerned to uphold the law, and I am concerned to see that justice is done to everybody. I must remind the petitioners that they are the temporary custodians of the property which comes into their hands and are in the nature of trustees for both the past, for the present and for the future. What I am concerned with mostly now is the present and the future."

That passage was cited with approval by the Court of Arches in *Re Welford Road Cemetery, Leicester* [2007] Fam 15, which went on to observe:

"The word 'mostly' is significant in this passage because Garth Moore Ch rightly went on to consider past facts in mitigation of the unlawful work carried out by the petitioners before deciding against granting a confirmatory faculty. ...

A confirmatory faculty is always a matter of discretion because it is an indulgence when there has been a failure to observe the requirement to obtain a faculty before undertaking work. However, where there has been genuine ignorance on the part of the petitioner about the need to obtain a faculty, as in this case, and the action for which a confirmatory faculty is sought was done in good faith (as Behrens Ch found), then it is necessary to proceed to the next stage of identifying appropriate conditions to be attached to the faculty which are fair and just in all the circumstances."

32. In the present case, I am not convinced that the various omissions by the incumbent and churchwardens at the relevant dates were altogether the result of genuine ignorance or "in good faith". However, I am prepared to assume that they were at worst merely the result of high-handedness or incompetence, and not designed deliberately to bring the faculty system into disrepute. But I do emphasise that that system is not just a tiresome bureaucratic layer of control designed to stifle the freedom of parishes, although sadly it may well appear to be that at times. It is,

rather, one means of ensuring that the life of each parish is conducted in an orderly way that does not bring disrepute upon the church, and that the resources of each parish – in particular, its buildings and their contents – are used to maximum effect to promote their role in worship and mission.

33. It should also be borne in mind that one of the functions of the PCC is to ensure that all necessary consents are obtained for works carried out in the churches and churchyards for which they are responsible.

#### *The future provision of organ music in the Abbey*

34. There remains, still, the wider question of the restoration of a pipe organ in the Abbey. And, as in the *Ballham* and *Leicester* cases, cited above, it is necessary to consider what are the appropriate conditions to be imposed, to secure the position in the future.
35. It will be recalled that Condition 3 on the 1996 faculty, as originally issued, stated that – either in May 2006 or, if sooner, on the installation of a new (or renewed) pipe organ – an assessment was to be made as to whether the Bradford Computing Organ should remain in the Abbey. That suggests that the expectation was, even then, that the Bradford organ might prove to be a more long-term feature of the Abbey, even if not permanent. And it was apparently not envisaged in 1996 that a further faculty would be required for the retention of the Bradford organ beyond 2006.
36. In the 2006 judgment authorising the disposal of the Nicholson / Walker Organ to Cornwall, I substituted for conditions 2 and 3 attached to the 1996 faculty three new conditions that may be summarised as follows:

“2. That as soon as may be after 21 May 2006 an assessment of the musical needs of Pershore Abbey be carried out [...]

- 2A. That not later than 21 May 2007 the results of that assessment be made available in writing:
  - (a) to the public, ... ; and
  - (b) to [interested bodies].
3. That in the light of that assessment, and any comments made in response to it, a firm proposal as to the way forward, ... be the subject of a faculty petition to be submitted no later than 21 May 2008."

37. In fulfilment of substituted condition 2, a report was produced by the Parish dated May 2007, entitled *A Report on the Abbey Organ Project*. A copy of that Report was sent directly to me. But it is not entirely clear how widely that report was otherwise made available, as required by condition 2A; although the present petitioners state that it was made generally available to the public and copies were made available for inspection, and that a personal copy was apparently given to Mr Mickle, an interested member of the congregation – even if apparently not to the other interested parties (nor to the Registry).

38. In a letter of 22 July 2009, I invited the Registrar to obtain:

- “(a) the view from the Parish as to its current position [as at July 2009], possibly by way of an update on the 2007 Report,
- (b) the responses of all concerned to that Report (together with any such update), insofar as they have not already been obtained, and
- (c) in the light of those responses, an indication by the Parish as to what it wishes to do now, in the light of its current priorities.”

39. The incumbent responded by an email (not to the Registrar, but to the Secretary of the DAC) dated 24 November 2009, in which he said:

“There’s no updated report from the parish. We submitted the Chancellor’s statement of purpose document in May 2007 and only heard any response from Rob Alexander [the Deputy Registrar] while I was on holiday in August [2009].

There’s absolutely no money to allocate to an organ project for the foreseeable future, nor is the possibility of an appeal feasible. The Abbey is undergoing a sea change in its life at the present time, and until it resurfaces and is able to pay its way fully, nothing can happen with the organ project.

I'm sorry to have to report it this way, but we have to move according to the way we can, and the organ isn't part of that movement at the moment."

40. In the light of that response, there seemed little to be gained by insisting on the Parish obtaining a new pipe organ, as had been clearly envisaged by the Court back in 1996, as that would cost in the region of £600,000 (at 2007 prices); even a hybrid digital / pipe organ, which at one stage had seemed to be the parish's preferred option, would have cost £350,000. And there did not seem to be any particular point in requiring an update to the 2007 report on future possibilities, since the incumbent was clearly not interested in any option but maintaining the *status quo* for as long as possible. I also considered that it might be worth waiting to see what would be the outcome of the "sea change" that was said to be taking place in the life of the Abbey.
41. What has now occurred is that the Old Organ has been unlawfully disposed of; no new organ has been installed; and the Bradford organ seems likely to remain for the foreseeable future. All of those matters are at variance with what was clearly the intention of the court in its decision in 1996. They thus represent a significant breach of the faculty system; further, as noted by the archdeacon, the church (in its widest sense) has suffered reputational damage.
42. However, given that, in the period of almost five years since the 2007 Report, there has been no indication from the parish of any further proposals, and no further news of the "sea change" referred to by the Incumbent in November 2009, it is necessary to resolve this matter. Life has to go on.
43. By condition 3 of the 1996 faculty, as substituted in 2006, I required that:

"... a firm proposal as to the way forward, to include one or more of the options in condition 2(b), be the subject of a faculty petition to be submitted no later than 21 May 2008."

I deduce from the response of the Incumbent in November 2009, and from the most recent letter from the churchwardens, that the only firm proposal as to the way forward was and is simply to retain the Bradford organ for as long as possible, and not to install any new organ (whether pipe, digital or hybrid). That of course does not in itself require a faculty.

44. I remain concerned that the position as to the proper provision of music in the Abbey should not simply be forgotten. But I do not want that to distract the incumbent and the PCC from their primary task of ministering to the spiritual needs of their parish. And I am conscious that it will not be easy to find a long-term solution that will satisfy everyone and be affordable. The Churchwardens in their most recent letter thus state as follows:

“People’s perceptions of the musical needs of the Abbey vary, depending upon their individual musical backgrounds, tastes and opinions.

To many, the Bradford organ is a perfectly satisfactory instrument. To others, it is inadequate, with serious design defects and omissions, and will fail in service, sooner rather than later. It has performed quite satisfactorily and to our knowledge failed only twice – a damaged electrical cable and a component failure in one of the amplifiers. Replacing the instrument would not prevent such failures. The instrument requires little in the way of maintenance; arrangements are being made this summer for the rectification of some minor defects.

The business case for replacing the Bradford with a digital / pipe instrument has yet to be made. We do, of course, recognise the possibility of accommodating an organ from elsewhere.”

That seems to be a fair assessment of the position.

45. In my 2006 judgment, in order to ensure that the intention behind the 1996 faculty be put into effect, I ordered that it be further amended by the insertion of three conditions that may be summarised as follows:

“3A. That as soon as may be after 21 May 2016 a further assessment of the musical needs of Pershore Abbey be carried out, ... , and that the results of that further assessment be made available in writing to those mentioned in condition 2A.

3B. That in the light of that further assessment, and any comments made in response to it, a firm proposal as to the way forward, ... , be the subject of a faculty petition to be submitted no later than 21 May 2017.

- 3C. That the Bradford Computing Organ only be retained in the Abbey after 21 May 2021 if authorised by the grant of a further faculty in that regard, whether in fulfilment of condition 3B or otherwise.”

These in effect require the matter to be kept under review, with the expectation that over the next five years a solution is arrived at, which can be approved by 2017, and implemented shortly thereafter. But the long-stop is that the Bradford organ may not lawfully remain after 2021 without a further faculty.

46. In relation to those conditions, the churchwardens have now commented as follows:

“We will revisit the 2007 report after 21 May 2016. In the meantime, we will have further discussions with all the interested parties. Unless there is a fundamental change, we are doubtful of a change in outcome. We believe that, although a faculty petition can be submitted by 21 May 2017, the proposed solution, in our experience, is unlikely to receive the unanimous support of all interested parties or to be backed by secured funding. The only realistic solution that we can anticipate at this stage is for a solely digital organ – the location of organ pipes seems to be the greatest challenge.

The only firm proposals we have at this time is the Peter Collins scheme for a pipe / digital organ at a cost of circa £350,000.

We note the requirement to obtain a faculty by 2021 to retain the Bradford in the Abbey after that date, whether as the main or secondary instrument.”

That too seems a perfectly reasonable response in all the circumstances.

47. I therefore propose to grant the confirmatory faculty presently sought subject to conditions that in effect replicate those conditions from the 1996 Faculty (as twice amended) that are still of relevance. In that way, the present faculty will form the basis to guide future discussions, without the need to refer to any earlier documentation.

### *Conclusion*

48. A confirmatory faculty should issue for the works and purposes described in paragraph 25 above, subject to the following conditions:

- “1. That as soon as may be after 21 May 2016 a further assessment of the musical needs of Pershore Abbey be carried out, having regard to all relevant material considerations but in particular to the following matters:
  - (a) the future needs and opportunities for worship and mission in Pershore so far as can be reasonably anticipated;
  - (b) the contribution towards those needs and opportunities that can be made by any of the following options:
    - (i) the retention of the existing Bradford Computing Organ;
    - (ii) the installation of a new pipe organ;
    - (iii) the installation of a new digital organ; or
    - (iv) the installation of a new hybrid pipe / digital organlocated, in each case, at any possible position in the Abbey;
  - (c) the resolution of any practical problems that may arise due to the retention or installation of an instrument or instruments at each possible location, including but not limited to those arising in connection with the continuing conservation and enjoyment of the Victorian wall paintings on the west wall; and
  - (d) the availability of financial and other resources to enable any of the options to be implemented and any such consequential problems to be resolved, with reference in particular to any likely competing claims upon those resources.
2. That the results of that further assessment be made available in writing:
  - (a) to the Diocesan Registrar;
  - (b) to the public, with copies available on request to any interested person; and
  - (c) to the Diocesan Advisory Committee, the Church Buildings Council, English Heritage, the Society for the Protection of Ancient Buildings, and the Victorian Society.



3. That in the light of that further assessment, and any comments made in response to it, a firm proposal as to the way forward, to include one or more of the options in condition 1(b), be the subject of a faculty petition to be submitted no later than 21 May 2017.
  
4. That the Bradford Computing Organ only be retained in the Abbey after 21 May 2021 if authorised by the grant of a further faculty in that regard, whether in fulfilment of condition 3 or otherwise.”

**DR CHARLES MYNORS**  
Chancellor

26 January 2012