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Canon John Rees
Provincial Registrar
Province of Canterbury
16 Beaumont Street
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Date: 31 May 2006
Your ref: VJHR/lth/05.5553/19093/13

Dear Canon Rees

THE REVEREND RICHARD COEKIN v THE LORD BISHOP OF SOUTHWARK

Thank you for your letter dated 18 May 2006 and for a copy of the draft Report of the Right Reverend the Lord Bishop of Winchester, both of which I received by email on 19 May 2006.

You have specifically not invited observations on the text of the draft Report, and I will refrain from doing so. In contrast, you have kindly invited me to address specific points to the Bishop of Winchester before he submits his Report to the Most Reverend the Lord Archbishop of Canterbury. The purpose of this letter is respectfully to make certain specific observations, on behalf of Mr Coekin.

Before doing so may I thank the Bishop of Winchester, the Vicar-General and yourself for the manner in which the hearing of the appeal was conducted and for the speed at which the Report has been prepared. May I also confirm that copies of the draft Report have been made available to Mr Coekin and his legal advisers and to no-one else.

The issues dealt with at paragraphs 24 – 29 (“Issues of Procedural Fairness”) and 30 – 37 (“The Merits of the Appeal”) of the draft Report are matters which Mr Coekin (through his legal advisors) was generally afforded an opportunity to address at the hearing on 2 and 3 May 2005¹. It is therefore gratifying to read

¹ I have used the word “generally” advisedly because, for example, the issues surrounding Canon B43, addressed at paragraphs 33 and 34 of the draft Report, were only coherently developed for the first time at the hearing by the Vicar-General. They had not been

that the Bishop of Winchester has found in Mr Coekin's favour on these issues, to the effect that (1) that the procedure leading up to the Bishop of Southwark's decision to revoke Mr Coekin's licence was seriously flawed and (2) that summary revocation of Mr Coekin's licence was inappropriate.²

Unfortunately, the same is not true of the additional matters dealt with at paragraphs 39 and 40 of the draft Report. These are matters which Mr Coekin has never been invited to address, either in his correspondence with the Bishop of Southwark, or in the pleadings, or at the hearing. Given the history of this matter, this is regrettable. The specific points this letter addresses arise out of these entirely new matters.

Five specific points are made. They are made on the assumption that the Archbishop will accept the advice of the Bishop of Winchester contained in the draft Report. Each should of itself lead to the decision of the Archbishop being reviewed by the High Court³, and the requirement of undertakings being set aside.

First, neither party has ever sought to suggest that it would or might be appropriate relief for the Archbishop to order that the revocation of Mr Coekin's licence be cancelled on condition that he gives written undertakings as to his future conduct. This course was not suggested by either party, either in the pleadings or at the hearing. As a consequence, a number of issues raised by the suggestion were not explored or tested in the pleadings or at the hearing. The issues which were not explored or tested include the Archbishop's jurisdiction under Canon C12(5), the question whether the relief would be legally appropriate in the circumstances of this case and the question whether the relief would be factually appropriate in the circumstances of this case. An additional consequence of the fact that the relief was not canvassed in the pleadings or at the hearing is that the width of the proposed conditions was not subjected to careful, or any, analysis and testing. Each of these failures of itself amounts to

addressed or even foreshadowed in the correspondence between the Bishop of Southwark and Mr Coekin and, as a consequence, like church planting were entirely irrelevant to the appeal. They had also not been addressed in the appeal pleadings. The "Response of the Respondent" did allege that "*if the ordination was not and did not purport to be a Church of England ordination then it was in breach of Canon 43.*" However, this was an allegation concerning the legality of the ordination, to which Canon B43 is irrelevant. Consequently, the point being made by reference to Canon 43 was not understood. Further, Canon B43 was not even referred to in the Skeleton Argument served on behalf of the Bishop of Southwark and the issue received only the most tangential of references. It is fair to say that the issue only gained any prominence during closing submissions at the appeal hearing in response to questions raised by the Vicar-General.

² In the light of these findings, Mr Coekin asks for an order that the Respondent pay the costs incurred by him personally (i.e. £3,000) in bringing this appeal.

³ This assumes, of course, that the decision of the Archbishop will be taken on review by Mr Coekin.

