

CONFRATERNITY OF THE BLESSED SACRAMENT

Statement by the Superior-General, Fr Christopher Pearson,
at Council-General meeting, 28 June 2012

When we met this time last year, there was much heated debate about the grant that had been paid to the Ordinariate in May. Today's meeting happens to fall in the week when the Charity Commission concluded its investigations into that grant, and a week after the grant was repaid to the Confraternity.

I would like to take this opportunity to put on the record a statement of the Trustees' rationale for making the grant and for standing by their initial view that it was the right thing for the Confraternity to do. Even if you remain unconvinced about the grant, I trust that this statement will reassure you of the care and integrity with which the Trustees approached this matter. The Commission's brief summary of the case, fails to take into account the full process of events, or the diligence with which the Trustees considered this grant application. . But I am proud to have worked alongside such excellent and conscientious fellow Trustees. The last twelve months, faced with criticism and not a little unpleasantness from many quarters and the uncertainty of dealing with the Charity Commission, have not been particularly pleasant but the experience has assured me of the commitment and integrity of the group of Trustees who made the unanimous decision to make the grant back in February last year

When the Trustees saw the publication of *Anglicanorum Coetibus*, which was to pave the way for the creation a few months later of the Personal Ordinariate of Our Lady of Walsingham, the Trustees saw an historic opportunity for the Confraternity, which has substantial accumulated reserves, to make a significant contribution towards the achievement of its central charitable purpose - the advancement of the catholic faith in the Anglican Tradition – by being ready to provide financial support to the Ordinariate if, in due course, such support was requested.

At the time it seemed like a bold move. In the years since its formation, the history of the Confraternity has been closely interwoven with the history of the Anglican Communion and we knew that there would be some who would query whether it was right to provide support to a part of the Roman Catholic Church, even though this very Council-General had voted overwhelmingly in favour of admitting members of the Ordinariate as Priests-Associate of the Confraternity.

We therefore sought advice from a leading charity law practice and the initial advice we received in December 2010 confirmed that the Trustees had a power to make such a grant and that the objects of the Confraternity were likely to encompass the purposes for which the Ordinariate was to be established.

In February last year, the Trustees received and considered an application from the Ordinariate for funding to provide for theological teaching, learning and development and for the support of priests in the Ordinariate. A decision in principle was taken to provide support but, in view of the possibility of such a grant being challenged, sought additional legal advice from leading counsel. That advice confirmed the propriety, under charity law, of the proposed grant to the registered charity that had been established as the civil law emanation of the Ordinariate.

Armed with that advice, the Trustees confirmed their decision to make a grant of £1,000,000 to the Ordinariate charity, on terms to be agreed between the two charities. The grant was paid in May last year. We were not altogether surprised that, when the payment of the grant came into the public domain, there was adverse comment and a number of complaints to the Charity Commission about what we had done.

What we had not been expecting, however, was that the Charity Commission would, in January this year, report back to us that they had reached conclusions that were so diametrically opposed to our own thinking and to the legal advice we had received.

In summary, the Commission took the view that the grant should not have been made because:

- (a) the objects of the Ordinariate were not compatible with those of the Confraternity; and
- (b) the Trustees who made the decision had a “personal interest” which made them ineligible to vote at a meeting to approve the grant.

Our legal advisers are of the view that the Commission misrepresented the charitable purpose of the Ordinariate charity as if it had no connection with the canon law context, namely the Personal Ordinariate of Our Lady of Walsingham and the Apostolic Constitution. They appeared to overlook the fact that it was specifically created as a means of enabling former Anglicans to enter into communion with the Holy See while continuing to preserve and share their rich Anglican traditions.

Our advisers were also critical of the Commission’s interpretation of the term “personal interest” in the Confraternity’s Constitution. The Commission wanted it to include loyalties to or sympathies with the aims of other organisations, and not just the financial or material interests that the law recognises as problematic. As some of the Trustees already intended to apply to join the Ordinariate, or were thinking of doing so, they sought and obtained an unequivocal undertaking from the Ordinariate that no part of the grant would be used in a way that conferred a benefit on any of the Trustees. The Commission seems not to consider this to be relevant to their deliberations.

The Trustees have co-operated fully with the Charity Commission and have sought to clarify their rationale for making the grant to the Ordinariate. In the middle of May the Commission confirmed its views on the grant and advised that it should be returned to the Confraternity.

We remain firmly of the view that the grant to the Ordinariate was consistent with the founding spirit of the Confraternity and with charity law. Our legal advisers have continued to stand by their advice to this effect and our stance has also been endorsed by eminent canon lawyers.

The Trustees recognise that the process of challenging a decision of the Commission would involve substantial further expenditure and that, notwithstanding the advice they have received to the effect that there are good grounds for such a challenge, they are also mindful of the exhortation in Matthew 5:25 not to resort to the courts to resolve differences of opinion. They therefore decided at their last meeting not to pursue any appeal or other legal proceedings about the grant, nor oppose the return of the grant if, as turned out to be the case, the Ordinariate should decide to return it, which it did last week.