The Registrar General refused to register the building under the Act. The chaplain and the Church of Scientology of California applied to the High Court for an order of mandamus directed to the Registrar General to register the building certified to him under the Act of 1855; and an affidavit sworn by the chaplain set out the facts as to the form of regular Sunday service, referred to the creeds as prayers, stated the nature of the sermons delivered, and deposed that the purpose of the services and ceremonies and the existence of the chapel was to the best of his understanding and belief religious worship in every sense of the word. The court refused the order of mandamus.

On appeal by the applicants:—

Held, dismissing the appeal, (1) that unless a place certified to the Registrar General under the Act of 1855 was in truth a place of meeting for religious worship he had no jurisdiction to register it and accordingly was entitled to make such inquiries as he thought fit to satisfy himself that it was at the relevant time such a place; a fortiori where his refusal to register a particular place could be challenged in the High Court on an application for an order of mandamus and the court could itself decide on the evidence whether or not the place was one for meeting for religious worship.

Dicta in *Reg.* v. *Income Tax Special Purposes Commissioners* (1888) 21 Q.B.D. 313, 319, C.A. applied.

Rex v. *Derbyshire Justices* (1766) 1 Black.W. 605 distinguished.

(2) That a place of meeting for religious worship connoted a place where people came together to do reverence with prayer, humility and thanksgiving to a Supreme Being; and as on the evidence the services and ceremonies carried on in the building contained none of those elements but consisted in instruction in the tenets of a philosophy concerned with man and not with worship of a deity the building did not qualify for registration under the Act of 1855.

Decision of Queen's Bench Divisional Court [1970] 1 Q.B. 430; [1970] 2 W.L.R. 140; [1970] 1 All E.R. 1, D.C. affirmed.

The following cases are referred to in the judgments:

Reg. v. *Income Tax Special Purposes Commissioners* (1888) 21 Q.B.D. 313, C.A.

Rex v. *Derbyshire Justices* (1766) 1 Black.W. 605.

The following additional cases were cited in argument:

Adelaide Company of Jehovah's Witnesses Inc. v. *The Commonwealth* (1943) 67 C.L.R. 116.

Bond v. *Bond* [1967] P. 39; [1965] 2 W.L.R. 1008; [1964] 3 All E.R. 346, D.C.

Brace (D. B.), In re, Ex parte The Debtor v. *H. Gabriel* [1966] 1 W.L.R. 595; [1966] 2 All E.R. 38, C.A.

British Advent Missions v. *Cane and Westminster Corporation* (1954) 48 R. & I.T. 60.

Founding Church of Scientology of Washington, D.C. v. *U.S.A.* (unreported), February 5, 1969, U.S.C.A. (Columbia).

Franklin v. *Minister of Town and Country Planning* [1948] A.C. 87; [1947] 2 All E.R. 289, H.L.(E.).

Grady, In re (1964) 39 Cal.Rptr. 912.

Green v. *Pope* (1696) 1 Ld.Raym. 125.

Henning v. *Church of Jesus Christ of Latter Day Saints* [1964] A.C. 420; [1963] 3 W.L.R. 88; [1963] 2 All E.R. 733, H.L.(E.).

Ladd v. *Marshall* [1954] 1 W.L.R. 1489; [1954] 3 All E.R. 745, C.A.

Martin v. *The State*, 65 Tennessee Rep. 235.

People, ex rel., et al. v. *Board of Education of District 24* (1910) 92 N.E.Reporter 251 (Illinois Supreme Court).

People v. *Woody* (1964) 40 Cal.Rptr. 69.

Reg. v. *Stokesley, Yorkshire, Justices, Ex parte Bartram* [1956] 1 W.L.R. 254; [1956] 1 All E.R. 563, D.C.

Skrzypkowski v. *Silvan Investments* [1963] 1 W.L.R. 525; [1963] 1 All E.R. 886, C.A.

Smith and Fawcett Ltd., In re [1942] Ch. 304; [1942] 1 All E.R. 542, C.A.

Tarnpolsk, decd., In re [1958] 1 W.L.R. 1157; [1958] 3 All E.R. 479.

APPEAL from Queen's Bench Divisional Court.

A statement filed pursuant to R.S.C., Ord. 53, r. 1 (2), was in the following terms.

The first applicant, Michael Segerdal, was a minister of the Church of Scientology and the acting chaplain of the chapel at Saint Hill Manor, East Grinstead, Sussex. The second applicant was the Church of Scientology of California, which was a corporation incorporated under the law of the State of California and its registered office was situated at 37, Fitzroy Street, London, W.1. It carried on the activity or work of promoting the practice and teaching of the religion of Scientology and was the owner of Saint Hill Manor, East Grinstead, Sussex, including the chapel there. The relief sought was an order of mandamus directed to the Registrar General, General Register Office, Somerset House, London, W.C.2, requiring him to record or cause to be recorded the chapel at Saint Hill Manor, East Grinstead, Sussex, as a place of meeting for religious worship certified to him under the Places of Worship Registration Act, 1855, in the book kept by him for that purpose pursuant to the Act of 1855.

The grounds on which the relief was sought were that the chapel was a place of meeting for religious worship not before registered under the Places of Worship Registration Act, 1855, and was certified in writing by a certificate in that behalf duly transmitted to the superintendent registrar of the place in which the chapel was situated and was transmitted by him to the Registrar General; and that notwithstanding the certificate, the Registrar General had wrongfully failed and refused to cause the chapel to be recorded in the book kept by him for that purpose at the General Register Office as a place of meeting for religious worship certified to him.

The Queen's Bench Divisional Court (Lord Parker C.J., Ashworth and Cantley JJ.) on November 14, 1969, [1970] 1 Q.B. 430, refused the order of mandamus on the grounds (1) that when the Registrar General received a certificate under section 2 of the Act of 1855 he was bound before recording the place as a place of meeting for religious worship to consider for himself whether the place was used or intended to be used as such; (2) that if he decided that it was not such a place and refused to register it, his decision was open to review by the court which would then decide the matter for itself, the burden of proof being on the applicants; and (3) that for worship to take place there had to be both a worshipper and an object of his worship and on the evidence before the court the Scientologist

chapel was not a place for meeting for religious worship and that the Registrar General was accordingly justified in refusing to register it.

The applicants appealed, with leave of the Divisional Court, and also applied for leave to adduce further evidence on the submission that when the judgments were delivered they had been taken by surprise by indications in the judgment of Ashworth J. that he did not accept the unchallenged evidence on affidavit sworn by the first applicant as to the facts deposed to in the affidavit. The court looked at the proposed further evidence de bene esse and evidence in reply on behalf of the Registrar General but declined to admit it.

Peter Pain Q.C. and *Gavin Lightman* for the applicants. The first question is whether the Registrar General's duty under the Act of 1855 is purely ministerial such that on receipt of a bona fide certificate that a place is one of meeting for religious worship he is bound to register it, or quasi-judicial so that he is bound to inquire before he puts it on the register. On its face the Act lays a mandatory duty on the registrar: see section 3 that the certificate "*shall* . . . be recorded." [Counsel traced the history of registration from the Toleration Act, 1688, to the Act of 1855.]

On this issue, first, there is nothing in the Act to support the view of the Divisional Court that the Act of 1855 introduced a change of the policy under the earlier Acts by placing on the registrar the duty to satisfy himself about the nature of the place, as a precondition to registration; and *Rex* v. *Derbyshire Justices* (1766) 1 Black.W. 605 is direct authority to the contrary, as a decision that the justices' duty under the earlier Act was purely ministerial. [Reference was made to *Green* v. *Pope* (1696) 1 Ld. Raym. 125.] The 5th and 6th editions of *Cripps on Law Relating to Church and the Clergy* (1869 and 1886), both appearing after the Act of 1855, treat the matter as ministerial. There has been no decision on the present issue since 1766, though an observation obiter by Lord Pearce in *Henning* v. *Church of Jesus Christ of Latter Day Saints* [1964] A.C. 420, 438 follows the line of reasoning in the *Derbyshire Justices* case. The purpose of the Act of 1855 was simply to centralise the procedure of registration. The duty of deciding the nature of the place is laid on the persons who certify and not on the registrar.

[Winn L.J. The result of that would be that the privilege of unchallenged certifying may enure to a mere "attendant": see the Schedule to the Act stating who may certify.]

Although the Schedule allows a wide variety of persons to certify, the registration can be challenged when it is sought to exercise the privileges attaching to it.

Secondly, the Divisional Court attached importance to the fact that section 8 of the Act of 1855 for the first time gave a general power to strike off the register premises which had ceased to be used for religious worship; but that section does not give the registrar any right to inquire whether what was taking place previously on the premises was religious worship. The words "to the satisfaction of" merely require him to be satisfied that the previous user for the certified purposes has ceased. The intention of the legislature from the beginning was to leave the question whether a place was one for meeting for religious worship to the worshippers who are best

qualified to decide it. Reliance in this connection is placed on (i) the absence of any direction to the registrar on how he has to decide the question; (ii) the absence of any adjudicating machinery in relation to the initial registration; and (iii) the absence of any provision for appeal.

Thirdly, the fact that certain privileges attach to premises after registration, namely, exemption from rating, certain benefits arise under the Marriage Acts, and there is exemption from certain requirements under the Charities Act, 1960, does not affect the purely ministerial nature of the duty, for registration of a chapel is not by itself sufficient to secure those privileges. Under the Poor Rate Exemption Act, 1833, and its modern equivalent in the General Rate Act, 1967, s. 39, the Marriage Act, 1949, ss. 36 and 41, and the Charities Act, 1960, s. 9, it was and is necessary to satisfy the relevant authorities that the place is one of meeting for religious worship.

If the first submission is wrong and the Registrar General has a duty to make up his mind, the second issue is whether he made it up correctly in the present case in refusing to register this chapel. On that issue (1) the Divisional Court was wrong to reject part of the affidavit of the applicant Segerdal, having regard to the fact that there was no challenge to his factual account of what took place at the regular services, either on affidavit or by cross-examination. The rule of practice is that affidavit evidence is accepted unless challenged. [Reference was made to *In re Smith and Fawcett Ltd.* [1942] Ch. 304; *Franklin* v. *Minister of Town and Country Planning* [1948] A.C. 87; and *Halsbury's Laws of England*, 3rd ed., Vol. 16 (1956), p. 44.] Only in exceptional cases is unchallenged affidavit evidence on oath not accepted by the court; and cross-examination could have been ordered under R.S.C., Ord. 38, r. 2 (3). [Reference was made to *Reg.* v. *Stokesley, Yorkshire, Justices, Ex parte Bartram* [1956] 1 W.L.R. 254.] The nature of the services was evidence of primary facts; and unless this court accepts the affidavit as a whole leave is sought to put in further affidavit evidence. Though the applicants may be in some difficulty on the rules about fresh evidence they rely on the fact that the criticism in the judgment took them by surprise. [Reference was made to *Ladd* v. *Marshall* [1954] 1 W.L.R. 1489 and *Skrzypkowski* v. *Silvan Investments* [1963] 1 W.L.R. 525.]

Roger Parker Q.C. intervening. The application should be rejected (a) because the applicants knew well what was to be argued and could not have been taken by surprise; and (b) the application does not satisfy the rules for the admission of fresh evidence. The affidavit of Segerdal is not proof that the chapel is a place of religious worship; that is a matter for the court to decide. But even the statement of the primary facts is open to question in that it is inconsistent with the evidence provided during the long correspondence preceding the application for mandamus, for instance, in relation to the use of the creeds. The burden of proving the nature of the chapel was on the applicants. It was not discharged, and the Divisional Court so decided largely on the inferences it drew from the statement of the primary facts. Leave to cross-examine is rarely given in the Divisional Court, even when it is faced with conflicting affidavits: see *In re Brace* (*D. B.*), *Ex parte The Debtor* v. *H. Gabriel* [1966] 1 W.L.R. 595. If the practice were altered it would cause great inconvenience.

[Buckley L.J. I cannot conceive any case in the Chancery Division where affidavits are common procedure, in which the veracity of a witness

could be challenged without giving notice to cross-examine or put in further evidence in reply. If you are going to say that a witness is not telling the truth you must say so and not rely on admissions.]

[The court, having looked at the proposed further evidence de bene esse, reserved its ruling on whether to admit it, and in the end did not admit it.]

Peter Pain Q.C. continuing. The applicants claim first that Scientology is truly a religion similar to Buddhism, being based on belief in the existence of a God outside man himself, healing by prayer, and the spirituality of man. Though the court has ultimately to decide what is religious worship, the first matter to decide is whether Scientology is a religion, for religion usually involves worship. [Reference was made to *Founding Church of Scientology of Washington, D.C.* v. *U.S.A.*, February 5, 1969, U.S.C.A. (Columbia), unreported and *Adelaide Company of Jehovah's Witnesses Inc.* v. *The Commonwealth* (1943) 67 C.L.R. 116.] In *Buddhism* by Christmas Humphreys (Penguin Special) at p. 74 the author, one of Her Majesty's judges, sets out the 12 principles of Buddhism and states that the Buddhist can believe in God or not as he likes; yet Buddhism is accepted as one of the great religions of the world and any definition which excluded it would be untenable. Moreover Buddhist places of worship are registered in this country. The essential element of religion is that man should believe in something beyond himself; and on that test and the evidence Scientology is a religion. [Reference was also made to *In re Tarnpolsk, decd., Barclays Bank* v. *Hyer* [1958] 1 W.L.R. 39 and the definitions of "religion" in the *Shorter Oxford English Dictionary*, *Chambers*, *Concise Dictionary* and *Webster's Dictionary*.] As to worship, in *Henning* v. *Church of Jesus Christ of Latter Day Saints* [1964] A.C. 420, where the question was whether certain ceremonies were "public" worship, Lord Evershed, accepting the *Shorter Oxford English Dictionary* definition, accepted by implication at p. 431 that for worship there must be both worshipper and an object of his worship. That is satisfied in the present case. In *British Advent Missions* v. *Cane and Westminster Corporation* (1954) 48 R. & I.T. 60, the Lands Tribunal, considering in a rating case whether a ceremony with a film was religious worship, said that weight should be given to the evidence of those participating, though it might not be conclusive. The Divisional Court distinction between a service of worship and a service of instruction is basically unsound, for there is much instruction in many forms of accepted religious worship. On the basis of the authorities, particularly those in the United States where, because of the constitutional guarantee of freedom of religion, the courts do not inquire into the truth or falsity of a belief, a very wide approach should be made to "religious worship." Worship may be of man's soul or his soul in relation to ultimate reality, as in Buddhism. There should be veneration; there need not be adoration; nor need there be an overt display of worship: compare a Quaker meeting. The book of ceremonies should not be looked at in isolation but in relation to the circumstances and the state of mind of those engaged in the ceremonies; and when they are added together the conclusion is that what takes place on Sundays at this chapel is a meeting for religious worship. There is no laying down of a ritual for a ceremony, but instruction is given in general terms, leaving a wide discretion on how the service is to be carried out. What the court

is concerned with is how it is carried out in this chapel, as deposed to by the applicant Segerdal; and that shows the approach of man freeing himself and his immortal soul from the evils of previous existences. To the Scientologist the service is worshipful, the ceremonies engaged in are his religion, and he cannot understand the Registrar General's refusal to register the chapel.

Roger Parker Q.C. and *Gordon Slynn* for the Registrar General. [The court stated that they were satisfied that the duty under the Act of 1855 was not merely ministerial and that the registrar had to satisfy himself before registration that there was a place used for meeting for religious worship.]

The Divisional Court did not pronounce on whether Scientology was a religion, though they doubted whether it was, and on the published literature it is not possible to accept that it is a religion. But the real question is whether the chapel is used for religious worship meetings. On the evidence none of the ceremonies in the book contains any element of acknowledgment of or reverence for any supreme or superhuman being. Even in the funeral service the valediction is to man. Though it is said that the book is only a guide, it contains the statement that prayers are not used. The only mandatory matters in the service said to be for the worship of a Supreme Being are the greeting; a sermon on some facet of Scientology; and thanks for attending. There is nothing in that which indicates worship. The creed, if it is read, is no more than an affirmation of certain beliefs similar to those found in the Atlantic Charter. There is nothing remotely resembling prayer or worship but merely a statement of certain desirable things, coupled with an indication that there is a Supreme Being. The tenets of Scientology are rather similar to the philosophy of the end justifying the means: see the glossary at the end of the book of ceremonies. The evidence contradicts any acceptance of Scientology as a religion.

On whether the chapel is a place of meeting for religious worship a meeting may have worshipful acts as part of it but yet not be a place of such a nature: dinner plus grace does not make a dinner a meeting for religious worship. On the other hand, if the purpose is religious worship the fact that during the meeting there are acts which are not of themselves worshipful does not prevent that place coming within the Act. But if the main purpose of the meeting is instruction, the fact that at some stage there is an act which might qualify as religious worship will not change it into a meeting for religious worship. For that it is necessary that there shall be some element of prayer, piety, reverence and acknowledgment of obedience.

The Divisional Court's decision that there can be an application for mandamus against the registrar's decision is not now contested, for it is conceded, on the test laid down by Lord Esher M.R. in *Reg.* v. *Income Tax Special Purposes Commissioners* (1888) 21 Q.B.D. 313, 319–320, that the court should be the final arbiter. But the burden of proof lies on the applicants, and on a chronological analysis of the evidence they have not discharged that burden. Where there is an issue about the purpose for which a place is used there are two reliable guides: (i) what the people who attend the meetings are told is going to take place; and (ii) statements by responsible persons on behalf of the church about what does happen. Both are to be found in the evidence here, and on the correspondence, the exhibits,

and a detailed analysis of the affidavit of the applicant Segerdal, there is nothing which supports the claim that this chapel is a place of meeting for religious worship.

Pain Q.C. replied.

LORD DENNING M.R. We are here concerned with an estate at Saint Hill Manor, East Grinstead, in Sussex. It is occupied by a group of persons who call themselves the Church of Scientology. There is a building in the grounds which they describe as a chapel. It is separate from the other buildings. It is used for ceremonies which they have set out in a booklet entitled *Ceremonies of the Founding Church of Scientology*. The booklet describes the church service, the marriage service, the christening and funeral services. It also sets out the creed of the Church of Scientology.

This group of persons desire to register this building, which they describe as a chapel, as a "place of meeting for religious worship." If it is so registered, they will obtain considerable privileges. They will have taken one step towards getting a licence to celebrate marriages there; they will be outside the jurisdiction of the Charity Commissioners; and the building itself may become exempt from paying rates. All of this depends on whether it is properly a "place of meeting for religious worship."

The legislation on this subject goes back to 1688. The Church of England was then the established church of the land. All other denominations were proscribed. But in 1688 a measure of tolerance was extended to Protestants who dissented from the established church. The Toleration Act, 1688, made it lawful for Protestant dissenters to meet together as a congregation or assembly for religious worship, provided always that their place of meeting was certified to the bishop or to quarter sessions and registered; and provided, also, that the place was not locked, barred or bolted but was kept open. The same measure of toleration was afterwards extended to the Roman Catholics by statutes of 1791 and 1812, and to the Jews in 1846. Finally, in the year 1855 it was extended to all denominations. It was done by the statute now before us, the Places of Religious Worship Registration Act, 1855. By that Act all denominations were made free. The Act of 1855 applies to "every place of meeting for religious worship of any other body or denomination of persons. . . ." By sections 2, 3 and 4 of that statute of 1855 such a place may be certified to the Registrar General; and on receipt of the certificate, he has to record it as a place of religious worship.

The Act does not say who are the persons who can give the certificate. But there is a form of certificate given in the Schedule to the Act from which it appears that a "minister" can certify, that an "occupier," or even an "attendant" can certify: or indeed anyone who can show a connection subsisting between him and the place of meeting. If any such person certifies that it is a place of meeting for religious worship, then the Registrar General is to record it.

This brings me to the very first point in the case. Mr. Pain submits that, once a place is certified to the registrar as a place of meeting for religious worship, the registrar is *bound* to accept the certificate and to record the place. In this very case a Mr. Segerdal certified that the

chapel of Saint Hill Manor was a place of religious worship, and asked the registrar to register it. Mr. Pain said that thereupon the registrar had no option but to record it. He said the duty of the registrar was ministerial only, and he relied for this purpose on a case in William Blackstone's Reports of 1766, *Rex* v. *Derbyshire Justices* (1766) 1 Black.W. 605. In that case, under the Toleration Act, 1688, a group of Methodists gave a certificate that their place of meeting was for religious worship and asked for it to be recorded. But the justices had refused to record it. The reason for their refusal was apparently because they thought the certificate ought to set out the particular denomination, namely, that they were Methodists. The certifiers applied for a mandamus to command the justices to record it. The court issued the mandamus and said, at p. 606:

> ". . . that in registering and recording the certificate, the justices were merely ministerial; and that after a meeting-house has been duly registered, still, if the persons resorting to it do not bring themselves within the Act of Toleration, such registering will not protect them from the penalties of the law."

I entirely agree with that case because it is plain that the place of meeting there was truly a place of meeting for religious worship. It was for Methodists. Once it is truly such a place, it is entitled to be recorded and registered. The duty is then only ministerial. But if the place is *not* truly such a place, then it is not entitled to be registered: and registration can, and should, be refused. I take this view because of the extreme latitude given to the certifier. I cannot believe that a mere "attendant" or "occupier" can certify a place, when he may have little or no ground for his certification, and yet call upon the registrar to record it straightaway without inquiry. That would lead to many abuses. No, that cannot be. I think that the registrar has only jurisdiction to register a place so long as it is truly a place of meeting for religious worship.

The case comes, in my opinion, within the first class mentioned by Lord Esher M.R. in *Reg.* v. *Income Tax Special Purposes Commissioners* (1888) 21 Q.B.D. 313, 319. He points out that Parliament

> "may in effect say that, if a certain state of facts exists and is shewn to such tribunal or body before it proceeds to do certain things, it shall have jurisdiction to do such things, but not otherwise. There it is not for them conclusively to decide whether that state of facts exists, and, if they exercise the jurisdiction without its existence, what they do may be questioned, and it will be held that they have acted without jurisdiction."

So here, if the registrar should record a place which is not truly a place of meeting for religious worship, he would be acting without jurisdiction. The prerequisite to his jurisdiction is that it should be truly such a place. If it truly is such a place, and certified as such, then, and then only, does the duty of the registrar become ministerial.

This view is supported by section 8 of the statute of 1855. It says that if it appears "to the satisfaction of" the registrar that a place of meeting "has wholly ceased" to be used as a place of meeting for

religious worship, then he is to take it off the record. He has to be satisfied that it had "ceased" to be used. It follows that on the initial registration he ought likewise to be satisfied. In order to be satisfied, he is entitled to make such inquiries as he thinks fit. It would, I think, be quite wrong that the registrar should be compelled to act on the mere ipse dixit of a certifier, especially as the certifier may be a lowly or ignorant person, who is not capable of knowing what is a place of meeting for religious worship.

If the registrar does refuse, the remedy is at hand. The applicants can apply to the court for a mandamus, requiring the registrar to register the place. If they show that it is a place of meeting for religious worship, then the court will order the registrar to register it. They must adduce evidence before the court; and the court then itself will decide the matter. So also, if the registrar should record a place mistakenly, then no doubt his decision, as was said in the case in 1766 [*Rex* v. *Derbyshire Justices*, 1 Black.W. 605] can be challenged. It could be challenged by the rating authority on a claim for exemption from rates. It could be challenged in any legal proceedings by any person who had an interest in the matter. That gives the Act a sensible and reasonable interpretation. It is for the court eventually to decide whether it is a place of meeting for religious worship.

That brings me to the next question: Is this building, described as a chapel, such a place? The registrar made inquiries. His assistant asked the applicant for information of the beliefs of the Scientologists, the forms of their service, and so forth. On February 22, 1967, their legal secretary wrote, sending the book entitled *Ceremonies of the Founding Church of Scientology*, adding: "I am sure you will find the answers to the questions you posed in the various ceremonies, and particularly in the creed."

The registrar, having considered the matter and made all the inquiries he thought necessary, refused to record this place as a place of meeting for religious worship. Thereupon application was made for a mandamus. It was supported by an affidavit by Mr. Segerdal. He describes himself as a minister of the Church of Scientology. He exhibits the creeds. He gives a description of what takes place at this building. On Sunday afternoons they have a service at 3 o'clock, which is attended by a congregation of 150 to 200 persons. There is a welcoming address from the chaplain. He then reads one or other of the creeds. He delivers a sermon, covering some aspect of Scientology. After the sermon there is a moment's silence for contemplation or prayer. He gives out notices of what is to take place during the week. In addition to the Sunday afternoon service, Mr. Segerdal says there are other religious ceremonies at the chapel, such as christenings, funeral services and wedding ceremonies. He says the chapel is also open at other times for private prayer and meditation.

On that affidavit, Mr. Segerdal and the church asked the Divisional Court to command the registrar to register this place. The Divisional Court declined. Ashworth J., delivering the judgment of the court, considered the evidence before them. He discounted, and I think rightly, two sentences at the end of paragraph 7 in Mr. Segerdal's affidavit, because those were inferences on the very matter which the court had to decide. He did not reject any of the statements of fact which Mr. Segerdal had made. That was quite right, because there was no application to cross-examine him. In the absence of cross-examination or any real grounds for disbelieving the affidavit, I do not think the court should do so. The question is whether on the evidence this building can truly be said to be a place of religious worship.

We have had much discussion on the meaning of the word "religion" and of the word "worship," taken separately, but I think we should take the combined phrase, "place of meeting for religious worship" as used in the statute of 1855. It connotes to my mind a place of which the principal use is as a place where people come together as a congregation or assembly to do reverence to God. It need not be the God which the Christians worship. It may be another God, or an unknown God, but it must be reverence to a deity. There may be exceptions. For instance, Buddhist temples are properly described as places of meeting for religious worship. But, apart from exceptional cases of that kind, it seems to me the governing idea behind the words "place of meeting for religious worship" is that it should be a place for the worship of God. I am sure that would be the meaning attached by those who framed this legislation of 1855.

Turning to the creed of the Church of Scientology, I must say that it seems to me to be more a *philosophy* of the existence of man or of life, rather than a *religion*. Religious worship means reverence or veneration of God or of a Supreme Being. I do not find any such reverence or veneration in the creed of this church, or, indeed, in the affidavit of Mr. Segerdal. There is considerable stress on the spirit of man. The adherents of this philosophy believe that man's spirit is everlasting and moves from one human frame to another; but still, so far as I can see, it is the spirit of man and not of God. When I look through the ceremonies and the affidavits, I am left with the feeling that there is nothing in it of reverence for God or a deity, but simply instruction in a philosophy. There may be belief in a spirit of man, but there is no belief in a spirit of God.

This is borne out by the opening words of the book of ceremonies: It says, at p. 7:

> "In a Scientology Church Service we do not use prayers, attitudes of piety, or threats of damnation. We use the facts, the truths, the understandings that have been discovered in the science of Scientology."

That seems to me to express the real attitude of this group. When Mr. Segerdal in his affidavit uses the word "prayer" he does not use it in its proper sense, that is, intercession to God. When the creed uses the word "God" (as it does in two places) it does not use it in any religious sense. There is nothing which carries with it any idea of reverence or veneration of God. The "sample sermon" has no word of God in it at all. It says that man has a body, mind and spirit. It emphasises man and not God. It seems to me that God does not come into their scheme of things at all.

I do not think this evidence is sufficient to bear out the contention that this is a place of meeting for religious worship. I find myself in agreement with the judgment of the Divisional Court, and I would dismiss the appeal.

WINN L.J. I entirely agree, and for myself I have really very little to add. The essential and determinative issue in this appeal is that with

which Lord Denning M.R. first dealt, and dealt with in a manner with which I respectfully express my full agreement; that is to say, if I may be permitted to paraphrase his ruling, that there is an underlying condition precedent to the effective invocation of the then ministerial function of the Registrar General to register that the building in relation to which his registrar function is invoked shall be at the time a place of meeting for religious worship: this is its qualification for registration. It would be tedious to refer to the whole of the preamble to the Act of 1855, but reference to it would show clearly that it was passed in order to bring together into one statute numerous similar provisions which had been previously passed relating to the position of various congregations with regard to or in respect of their congregational observances, rituals and worship. The whole topic is religious worship.

I am not concerned to dwell upon the question which necessarily was discussed in the course of this appeal, whether Scientology is or is not a religion. The answer to that specific question must depend so directly upon the meaning that one gives, for the particular purpose and in the particular context, to the chameleon word "religion" or "religious." I do not feel well qualified to discuss religion or religious topics. I think there are two ways in which one may be somewhat disqualified for discussion of such topics. The one is if one is particularly religious in the sense of being particularly observant of the processes and rituals of a particular current religion. The other is if one is pre-conditioned by a certain amount of study of pre-Christian religions or religious superstitions towards thinking of religion in a very general and wide sense; indeed, in the sense in which the Greeks of classical times used the word, one of superstition, fear, panic about the unknown, horror of what lay after death, and so on and so forth. With a mind so pre-conditioned, I feel that one does tend to think, when referred to the philosophy of this particular body, that their Thetans, which seem to be the most important creatures or beings in their world—their ideological world—are really very much the same as the daemons of the Greeks, who came into the body at birth or on some other occasion when the owner of the body was a little careless to protect himself from their invasion, and thereafter lived in the body for many years but could only be exorcised by processes similar to those which are recommended here under the name of "auditing": although auditing, I gather, is rather for the cure and instruction of the spoilt Thetan in order to remove the Engrams. But just as the Egyptians and the Buddhists think all the time of the transmigrating souls, so it seems to me, just superficially examining the doctrines of this particular body, that they are concerned far more with the transmigration and education and development of Thetans than they are with God, in any shape or form, or any concept of a divine, superhuman, all-powerful and controlling entity.

It seems to me, therefore, that while it may be right—or it may not be right—to call this philosophy (because that is what it is) a religion, when adherents to it come together in any building or other place for communing one with the other—since there is no suggestion that they commune with deity—and discussion and instruction by sermon and otherwise, they do not, so far as the evidence reveals to my own mind, observe any form whatsoever of worship: by no "worship," if I am bound to define my

terms, I mean to indicate that they do not humble themselves in reverence and recognition of the dominant power and control of any entity or being outside their own body and life.

For myself, therefore, without feeling that I am really able to understand the subject-matter of this appeal, I have formed, for what it may be worth, a possibly irrational, possibly ill-founded, but very definite opinion that here the applicants have failed to show that the Divisional Court were in any sense wrong in declining to recognise that their building is a place of meeting to which persons come together as a congregation for the purpose of religious worship. I therefore would dismiss this appeal.

BUCKLEY L.J. I agree. On the point of construction of the statute and the reliance that was placed on *Rex* v. *Derbyshire Justices* (1766) 1 Black.W. 605, to which Lord Denning M.R. has referred, I would only draw attention to the fact that section 2 of the Act of 1855, with which we are principally concerned, does not provide that every place that shall be certified as being a place of meeting for religious worship shall be registered; it provides that every place of meeting for religious worship which is certified shall be registered; and the section, in my judgment, on its true interpretation, postulates that the subject-matter of any registration must be something which properly answers to the description of a place of meeting for religious worship, whether of Protestant dissenters or of Roman Catholics or of Jews or of any other body or denomination of persons. If that is right, it inevitably follows that the registrar, if he considers that a certificate which is submitted to him relates to some place which does not properly answer to that description, ought to reject the application, as the registrar did in the present case.

On the other aspect of the matter—that is, the question whether on the evidence the chapel at Saint Hill Manor is in truth a place of meeting for religious worship—I would only add this: the book of ceremonies, to which reference has been made, does not contain any form of service to be conducted at the Sunday meetings, although it contains a statement of the lines which such a service should follow, but it does contain forms of service which are considered appropriate to a wedding, a naming ceremony and a funeral, and if one looks at those forms of service, it is, in my judgment, manifest that they contain no element of worship at all.

Worship I take to be something which must have some at least of the following characteristics: submission to the object worshipped, veneration of that object, praise, thanksgiving, prayer or intercession. Looking at the wedding ceremony, for instance, I can find nothing in the form of ceremony set out which would not be appropriate to a purely civil and non-religious ceremony such as is conducted in a register office. It contains, I think, none of the elements which I have suggested are necessary elements of worship. I do not say that you would need to find every element in every act which could properly be described as worship, but when you find an act which contains none of those elements it cannot, in my judgment, answer to the description of an act of worship.

If one turns from those ceremonies to the outline of the church service which would take place on other occasions, it seems to me that what is there indicated is that it is a ceremony of instruction and discussion. It is