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Citygate  
95 Southampton Street  
Reading, RG1 2QU

National Assembly for Wales  
Crown Building  
Cathays Park  
CARDIFF  
CF10 3NQ

My Ref: MP:MP4017

Date: 29 October 2020

Dear Sirs

**Our clients: Rev Berthiaume et al**

We are grateful for your prompt pre-action response dated 26 October 2020. We do not propose to litigate this case in correspondence by answering each and every point in your letter of response. However, to avoid any misunderstanding of our clients' position, and to explore all avenues for an amicable resolution of this dispute, we make the following points by way of clarification:

Firstly, each of our clients is a Christian pastor or in an oversight position within their church closely involved and responsible for their congregations and outreach within their local communities. Many of the proposed Claimants are leaders within churches in Wales, some serving the most deprived communities in their midst. Their churches play a significant role within their communities. Some of the proposed claimants are church leaders from other parts of the United Kingdom, genuinely concerned about the important constitutional issues raised by this claim. We do not accept that there is any arguable issue over *locus standi*.

We attach to this letter some brief resumes of the leaders and churches in order to assist you in understanding the breadth and necessity of their work in their communities. We would be happy to provide more information about individual claimants and/or their churches, but at present, we are not clear what sort of information may assist your clients and/or help to resolve this dispute.



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Secondly, we acknowledge that the Regulations in their present form will expire after 16 days. However, the Ministers have made it clear that the 'firebreak lockdown' may be extended beyond that period, and/or re-introduced at a later stage, if the Ministers deem that necessary. In the light of those intentions, compatibility of the Regulations with the principle of church independence is by no means an academic issue but a constitutional one. Our clients' concerns would be significantly alleviated by a reassurance from the Ministers that any future legislation would respect the principle of church independence, and in particular, would not impose a legally binding ban on church services. If there is a prohibition on our clients' freedom to worship following the expiration of the index regulations, our clients reserve their position concerning future judicial review proceedings.

Thirdly, far from declaring any "intention to file a claim for judicial review immediately, regardless of the contents of any response", our pre-action letter made it clear that our clients "are open to dialogue with your clients about the issues raised in this pre-action letter in whatever form your clients consider appropriate". This remains the position. Our clients fully appreciate that the Regulations were introduced as a matter of urgency in response to a public health crisis, and any breach of the principle of church independence may have been unintentional. In those circumstances, it is not unrealistic to hope that the issues may be resolved in a constructive dialogue and without litigation. To achieve that, we respectfully invite the First Minister to meet our clients via an online conference call within the next 7 days, to ensure that the concerns of churches are taken into account in the Welsh Ministers' Covid-19 policy, and the ancient constitutional liberties of the church are properly safeguarded and respected.

We look forward to hearing from you.

Yours faithfully



**Andrew Storch solicitors**



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Appendix 1 – List of signatories

Appendix 2 – Letter from Peter Naylor

Appendix 3 – letter from Oliver Allmand-Smith

Appendix 4 – letter from Iestyn ap Hywel - Minister of the Presbytery, Montgomeryshire Presbytery

Appendix 5 – letter from Heath van Staden

Appendix 6 – letter from Joel Morris

Appendix 7 – letter from Clyde Thomas

Appendix 8 – letter from Chris Owen

Criminal  
Defence Service



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Community  
Legal Service



## **Appendix 1**

### **Signatories to the pre action letter re potential judicial review of church closure in Wales:**

#### **Welsh Ministers**

- |                            |  |
|----------------------------|--|
| 1. Pastor Kevin Berthiaume | Calvary Chapel, Cardiff [Lead claimant]                        |
| 2. Terry Bees              | Immanuel Presbyterian Church – Cardiff                         |
| 3. Pastor Andrew Cleverly  | Bethel Community Church, Newport                               |
| 4. Dr Paul Corney          | Immanuel Presbyterian Church, Cardiff                          |
| 5. Peter Davies            | Treboeth Gospel Hall, Swansea                                  |
| 6. Rev'd Edward Evans      | Westgate Evangelical Chapel, Pembroke                          |
| 7. Darrin Gilchrist        | Itinerant Minister, St Mellon's, Cardiff                       |
| 8. Philip Haines           | Minister, Ely Presbyterian Church, Cardiff                     |
| 9. Rev'd Timothy Hodgins   | Sandfields Presbyterian Church, Swansea                        |
| 10. Minister Richard Holst | Christ Church Evangelical Presbyterian Church, Barry           |
| 11. Pastor Math Hopkins    | Thornhill Church, Cardiff                                      |
| 12. Rev'd Iestyn ap Hywel  | Montgomeryshire Presbytery, Presbyterian Church of Wales       |
| 13. Pastor Ewan Jones      | Bethel Baptist Church, Bedwas                                  |
| 14. Dr Joel Morris         | ED of Union in Bridgend and Trustee of Grace Church, Porthcawl |
| 15. Rev'd Dr Peter Naylor  | Immanuel Presbyterian Church, Cardiff                          |
| 16. Chris Owen             | Baptist Minister - Sandfields Presbyterian Church, Port Talbot |
| 17. Rev'd Clyde Thomas     | Victory Church, Cwmbran  |

18.Chris Rees  
19.Heath Van Staden

Bethesda Chapel Narbeth  
Liberty Church Newport

### English ministers

20.Dr Ayo & Pastor Moni Akinsanya  
21.Pastor Oliver Allmand-Smith  
22.Rev'd Dr Gavin Ashenden  
23.Paul Brown  
24.Pastor Ian Christensen  
25.Rev'd George Curry  
26.Pastor Christos Demetrio  
27.Pastor Dennis Greenidge  
28.Rev'd Dr David Hathaway  
29.Rev'd Nathan Hilton  
30.Rev'd Matthew Jolley  
31.Pastor Thabo Marais  
32.Rev'd Douglas McCallum  
33.Dr Brad Norman  
34.Pastor Ade Omooba MBE  
35.Pastors John & Sally Quintanilla  
36.Rev'd Dr Matthew PW Roberts  
37.Rev'd Dr Bill Schweitzer  
38.Rev'd Aled Seago  
39.Rev'd Melvin Tinker  
40.Rev'd Benjamin Wontrop

Deeper Christian Life Ministry  
Trinity Grace Church, Manchester  
Former Chaplain to Her Majesty the Queen  
Sheffield Evangelical Presbyterian Church  
New Life Christian Centre Int, Wembley  
Elswick Parish, St Stephen and St Paul  
Cornerstone the Church, Surrey  
Worldwide Mission Fellowship, London  
President, Eurovision Mission to Europe  
Sunderland Evangelical Presbyterian Church  
Bury St Edmunds Presbyterian Church  
CRC London, UK & Europe  
Cambridge Presbyterian Church  
Salvation for the Nations International  
New Life Assembly, London  
Hebron Christian Faith Church, Coventry  
Trinity Church, York  
All Saints Presbyterian Church, Newcastle  
Poynton Parish, Stockport  
Director of Theology, The Christ Church Network, Hull  
All Saints Presbyterian Church, Newcastle

Immanuel Presbyterian Church  
Heol Trelai, Caerau, Cardiff CF5 5LJ  
Telephone 029 2040 5750  
Website: [www.immanuel.org.uk](http://www.immanuel.org.uk)

Andrea Minichiello Willians  
Chief Executive  
Christian Concern, Christian Legal Centre  
70 Wimpole Street  
London W1G 8AX

28 October 2020

Dear Andrea

**R (Berthiaume *et. al.*) v Welsh Ministers**

My name is Rev. Dr Peter J. Naylor. I am a Minister of Immanuel Presbyterian Church. (I also hold the position of Adjunct Professor of Biblical Studies, Westminster Presbyterian Theological Seminary, Newcastle upon Tyne.)

Immanuel Presbyterian Church is a congregation of the Evangelical Presbyterian Church in England and Wales. This church is constituted upon the Westminster Subordinate Standards of 1648.

My congregation is situated in Caerau, a council estate in Cardiff that would generally be recognized as 'deprived' with many social problems – family breakdown, depression, suicides, drug abuse, antisocial behaviour. We serve the community first and foremost as a place of Christian worship, but also in many other direct ways, for example, by the provision of youth groups, a 'mums and tots' group, by food bank collections. We offer pastoral care to vulnerable individuals and needy families in the community. We have cared for those suffering with mental illness, and those who are bereaved and grieving the loss of loved ones. We have also had a mutually supportive relationship with the local police.

In joining in this matter, I am acting officially on behalf of the church.

Yours sincerely



**Peter J. Naylor** B.A. (Hons), D. Phil. (Oxon)

October 28<sup>th</sup> 2020

To whom it may concern.

We have been asked to confirm that we are a worshipping community of God's people based in the Bury area in the northern part of Greater Manchester.

We have been serving to our community for over 65 years and our highest priority has always been to maintain the worship of God and minister the word of God faithfully here. We also believe that meeting to pray for our community, nation and world are critical for the blessing of God upon us all.

Out of this worship, ministry and prayer come a wide range of other services that we have provided over the years, including:

- ✕ Children's clubs and youth meetings catering for 5 to 18 years and serving the local area including the nearby council estate.
- ✕ Coffee mornings, largely providing a context for the elderly to connect with one another in a church context.
- ✕ Marriage and relationship counselling.
- ✕ Family conflict resolution.
- ✕ Meals for the elderly.
- ✕ Support for the bereaved and those suffering with long-term illness.
- ✕ Visitation of the elderly, the lonely, those with mental health difficulties, those suffering from alcohol and substance abuse and many other difficulties.
- ✕ Mentoring, training and support for children and young families.
- ✕ Community outreach events such as Easter Celebrations, Family Fun Day, Bonfire Night and Christmas Carol Services.

During lockdown it has been extremely difficult to maintain these services to our community, and we believe that those who have suffered most are the elderly and the vulnerable – the very people that lockdown is intended to help.

If we are placed again in a position where our churches are unable to meet for worship, the ministry and God's word and prayer, we will find ourselves unable to fulfil our wider service of the community.

For this reason, we support the action being taken to call the Welsh Assembly to reconsider its closure of churches in Wales.

Oliver Allmand-Smith MA(Cantab), Pastor.

Rev. Iestyn ap Hywel  
Machynlleth  
Montgomeryshire  
Powys  
[Iestyn.aphywel@gmail.com](mailto:Iestyn.aphywel@gmail.com)  
28<sup>th</sup> of October 2020

To whom it may concern,

My role within the Presbyterian Church of Wales is as an ordained Minister of the Presbytery, Montgomeryshire Presbytery. This means that, as recognised by ecclesiastical authority and legal convention, I am called by God to this work and am to serve his church in this capacity.

My work includes ministering amongst three church centres in Machynlleth, Newtown and Llanidloes. I provide leadership and guidance to the elders and members of these and certain other congregations in the surrounding areas. I preach, minister the sacraments, provide pastoral care, and am responsible for coordinating and leading Welsh language ministry across the Presbyterian Churches of Montgomeryshire.

With an aim to further the Christian wellbeing and joy of every believer, equipping them for ministry and every good work in their local communities, I affirm that the weekly Sunday services are absolutely indispensable. Many of my congregants are acutely feeling the need for the restoration of the means of grace but are now also faced with the anxiety of legal restrictions upon the practice of their faith. The means of grace are integral to their happiness and health and I have witnessed a deterioration in both as a result of lockdown.

I hope this information is helpful to you.

Kind regards,

Iestyn ap Hywel

Heath van Staden  
Liberty Church,  
42 Bryngwyn Road,  
Newport, NP20 4JT

29 October 2020

Dear Sirs

I write this letter in support of our letter before action. I can confirm that as a church the main effect of the pandemic we are seeing, is on families that are struggling with the church not opening, due to the lack of consistent input into whole family. As a church we are looking after 200 + families weekly. Sadly we are seeing marriage break ups, parenting issues, loneliness and suicides of fathers. Worship & gathering together is their lifeline.

Yours sincerely

Heath van Staden

**Union**  
Union Campus,  
Bridgend,  
CF31 4DX, UK

29 October 2020

Dear Sirs

This letter is support of a pre action letter prepared on my behalf.

I would be honoured to be included in the cause.

I and the Executive Director of Union in Bridgend and also a Trustee of Grace Church,  
Porthcawl

May the Lord bless your endeavours!

Yours sincerely

Dr. Joel Morris  
*Executive Director*

Clyde Thomas - Lead Pastor  
Victory Church  
42 Bryngwyn Road  
Newport  
NP20 4JT

29 October 2020

Dear Sirs

This letter is in support of the pre action letter prepared on my behalf.

Victory Church is a local church with several sites serving some of the most deprived areas of Wales. Our worship services include people from all walks of life, and many lives are inspired and changed during these moments. Everything we do is an outworking of the message of Jesus, that includes drug and alcohol rehabilitation homes, Supported Housing for the homeless, day-to-day outreach and emergency support, a vast array of life-skills and practical courses. We are a community of believers, impacting the nation of Wales and beyond.

Yours sincerely

Clyde Thomas

*Showing  
People Christ!*

A PLACE OF REFUGE,  
PEACE AND  
CHRISTIAN LOVE.



*For families and  
singles; for all.*

**ON THE ESTATE,  
FOR THE ESTATE.**

**Western Avenue SA12 7LS** 

I am a retired Baptist minister, who has served two churches in Wales, one in Splott Cardiff and another in Chepstow. I currently assist at Sandfields Presbyterian Church in Port Talbot. Half our congregation, many of these are the most vulnerable, cannot join in with any online service, so the lockdown has hit them severely.

My wife is a trained counsellor, and we need to meet in person in order to meet the spiritual and pastoral needs of people. Mental health is suffering during the lockdown and causing major concerns.

Chris and Heather Owen.