

Threat to church phone masts 'that relay porn'

By Jonathan Petre, Religion Correspondent

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The Church of England is facing an embarrassing test case over whether mobile phone masts on steeples are illegal because they can relay pornography.

The church's highest court is to hear an appeal after a diocesan judge ruled that churches were "wrong in law" to "facilitate the transmission of pornography, even in a slight or modest way".

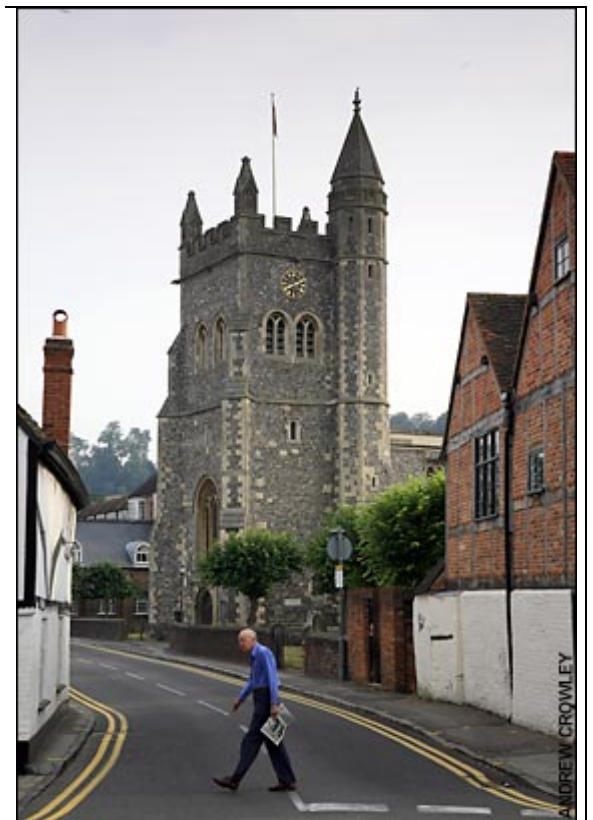
Many parishes have cashed in on the mobile phone boom by charging telecom companies thousands of pounds a year to put antennae on their towers or steeples. Even Guildford cathedral has a mast under its golden angel weather vane.

They were encouraged by official Church guidance, which acknowledged that immoral material can be transmitted by the new technology but argued that any "ill" was outweighed by the benefits.

However, critics said mobile phones can now transmit dangerously obscene internet images and the church should dissociate itself from such technology, especially after the General Synod condemned media exploitation last month.

The contentious issue has now reached the Archbishop of Canterbury's 800-year-old Court of Arches, which is due to hear an appeal against the ruling by the diocese of Chelmsford's consistory court within weeks.

The row began in October when Chancellor George Pulman, Chelmsford's ecclesiastical judge, rejected an application from St Peter and St Paul church in Chingford, north east London, to erect a T-mobile base station in its spire.



Many parishes have allowed telecom companies to put antennae in their towers and steeples

In his judgment, Mr Pulman, a QC who also sits as a deputy High Court judge in the Family Division, became the first Chancellor to refuse a faculty on the grounds that "revolting and damaging" pornography could be transmitted by the network. He said that it was "no part of the work or the mission of the Church" to facilitate or gain financial advantage from the transmission of pornography.

He said: "No Church bookstall would consider it appropriate to offer for sale 'top shelf' magazines with their images of sexual titillation or impropriety."

Mr Pulman also attacked local authorities for granting planning permission for such antennae, saying that their social services department were well aware of the dangers to children.

The Rev Chris Newlands, the chaplain to the Bishop of Chelmsford, the Rt Rev John Gladwin, said at the time that this was a landmark ruling.

The MP for Chingford, the former Tory leader Iain Duncan Smith, said he welcomed the ruling which was a "victory for common sense".

But the judge's words flew in the face of guidance issued in 2002 by the Archbishops' Council after signing a national agreement appointing the QS4 communications company as the Church's approved mast installers.

The council, which is chaired by the Archbishops of Canterbury and York, said: "Clearly there is a risk with any communication medium that it will be used for ill; but this has to be balanced against the enormous good which can flow from mobile communications - such as emergency calls, or the simple pleasures of people keeping in touch."

It added, however, that parishes "who feel strongly on this issue should not register with the national scheme".

The Rev Tom Page, the rector of Chingford, and QS4 have now appealed to the Court of Arches.

Church spokesmen declined to comment on the case, saying that it was sub judice.

Note from Next-up:

To the attention of the Ecclesiastical authorities. ([File Cult places](#)).

A contract is a convention, a pact in which the contractors mutually exchange obligations on precise bases. The majority of contracts were signed on the basis of mobile phone masts such as those that existed at the time, and known as such, i.e. voice and voicemail.

Recent technological developments changed the purpose of mobile telephony, which often no longer is **mobile telephony**, but **mobile video telephony**, which is completely different ([example Radio and Television](#)).

Mobile terminals are completely different, just as the equipment of the base stations. Consequently it is up to each party to assume its responsibilities on what can be like a unilateral rupture of contract in the case of transformation of a mobile phone base station, by the addition of new equipment on frequency bands of the type: EDGE, GPRS, UMTS, HSDPA, etc... Allowing the transfer of pictures, videos, television, other commercial services, etc...

In all logic and especially on a legal base (according to the terms of the contract), a base station should in concrete terms not be able to be transformed in its purpose without agreement of the contractors. . .

- [Civil Liability Insurance \(File\)](#) :

In the leases signed with the operators, a clause provides for an obligation of insurance as regards the business liability. A lessor has the right to request a certificate of business liability insurance which should not be illusory. In the case of mobile telephony it must obviously be within the framework of a reinsurance cover. The failure to produce the written proof of a "realistic" business liability insurance * allows if necessary to cancel the lease.

The problem can enter into a critical phase according to the evolutions of the health impacts. Indeed the lessors are likely to have their responsibilities accepted together with the mobile phone operators in case of potential complaints introduced by phone masts residents and also to support the financial expenses of possible judgments.

* The business liability insurance should not be illusory, but with in line with the associated risks.