

Church about the achievement of carbon neutrality and how they should address competing priorities in the formulation of their budgets. [DW]

doi:10.1017/S0956618X21000545

Re St Alban, Frant

Chichester Consistory Court: Hill Ch, 11 March 2021

[2021] ECC Chi 4

Memorial – applicable test

The petitioners sought a faculty for a memorial outside the scope of the Churchyard Regulations, being of cast iron and marked with stars. The court noted the emerging divergence in practice between diocesan chancellors regarding the status given to Churchyard Regulations. The Regulations were no more than instruments of delegation and the court respectfully differed from the approach of those chancellors who afforded enhanced normativity to the types of memorial covered by their Regulations, and who therefore require petitioners to demonstrate, for example, a ‘good and substantial reason’ or some higher test of exceptionality before granting a faculty. The diocesan Regulations actively encouraged petitions for faculties for attractive, well-conceived designs by skilled and imaginative craftspeople. As was the case with any petition, the burden of proof lay on the petitioner to show why a faculty should be granted, without any higher burden of proof or requirement for exceptionality. The only constraint on the court was its inability to permit something which was contrary to, or indicative of any departure from, the doctrine of the Church of England in any essential matter.

The Parochial Church Council objected to the grant of a faculty, on the grounds that it fell outside the Regulations and the parish wished to avoid a repeat of an earlier incident when an unauthorised memorial had had to be removed. The court noted that this was to misunderstand the nature of the Regulations as an instrument of delegation; an incident of an incumbent improperly exceeding his or her delegated authority had no bearing on the court’s discretion in this case. A faculty would be issued, subject to amendments to aspects of the proposed design. [DW]

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Re Blidworth Churchyard

Southwell and Nottingham Consistory Court: Ockelton Ch, 8 April 2021

[2021] ECC S&N 2