

Re Astwood Cemetery

Worcester Consistory Court: Mynors Ch, 11 May 2016

[2016] ECC Wor 1

Exhumation

The cremated remains of the petitioners' father had been interred in 2012 in a family grave already containing the remains of six other family members. He had died at the relatively early age of 60. His wife, who had been his main carer, died unexpectedly in 2015 but there was no space in that grave for her remains, despite a long-standing understanding that their remains would be interred together. The petitioners sought a faculty for the exhumation of their father's remains from the family grave for their re-interment in a nearby plot together with the remains of their mother. It was intended that the petitioners' remains would join them in the fullness of time. The chancellor considered the decision in *Re St Mark, Fairfield* [2013] PTSR 953, in which it had been decided that the exhumation and re-interment in a grave containing more than one existing family member was capable of constituting an exceptional reason outweighing the presumption of permanence of burial, subject to the strength of the reasons for any delay in seeking exhumation. The chancellor held that, in the circumstances of this case, an exceptional reason had been made out and a faculty was therefore granted. [RA]

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Re St Philip, Scholes

Leeds Consistory Court: Hill Ch, 16 May 2016

[2016] ECC Lee 5

Font – disposal – sacramental objects – confirmatory faculty

In March 2015 the petitioners were granted a faculty by the acting chancellor for works of re-ordering of this 1967 unlisted church, which included the separation of the liturgical area from a new community and social area by the introduction of a glazed screen and servery. That faculty authorised, inter alia, the 'relocation of the baptistery'. In April 2015 the petitioners attempted to remove the font, which was a fixed, marble-clad concrete pillar described by the Diocesan Advisory Committee (DAC) as of no intrinsic merit. They were unable to remove the font intact and so it was demolished, removed from the church and buried in the garden of one of the petitioners. Six months later the matter was drawn to the attention of the chancellor, who directed that the faculty did not permit the removal of the font from the church and its disposal, and required the petitioners to return the font and to petition for a faculty in

relation to its disposal. He gave directions for a hearing and there heard evidence that the petitioners' proposals had always expressly included the permanent removal of the font and its replacement with a more appropriate font. The archdeacon and DAC, who recommended the proposals, had, over the course of a number of visits and meetings, believed that the font was to be replaced. The chancellor accepted their evidence that the petitioners had acted in the honest belief that the faculty had permitted the disposal of the font.

The advice of the Church Buildings Council on the disposal of fonts was sought but they declined to comment further than to suggest that, pursuant to Canon F1, the font should be put beyond use after its removal from the church. The chancellor noted the decision of the Court of Arches in *Re St Peter, Draycott* [2009] 3 WLR 248, where it was held that the prohibition on alternative uses of the font bowl under Canon F1 ceases to apply once a font is redundant or superfluous and is no longer used for the administration of baptism. The chancellor referred to the two sacraments ordained of Christ as set out in Article XXV of the *Thirty Nine Articles of Religion*: baptism and the Eucharist. He noted the special status accorded to sacramental objects used in those two sacraments in section 76 of the Mission and Pastoral Measure 2011 (and its predecessors) and held that, when determining petitions relating to fonts, altars and communion plate, the court should give particular regard to their heightened sacramental significance and symbolism. Their previous sacramental use would be a reason for particular care being taken when deciding on any conditions to be imposed in the event of disposal.

The chancellor was satisfied that there was no legal or other requirement for a redundant font to be put beyond use. The font bowl was to be retained pending an application within three years for the introduction of an appropriate replacement set of liturgical furniture. The remaining concrete and marble cladding could be disposed of in such manner as the archdeacon might authorise, including it being dumped in landfill. A confirmatory faculty was given for the introduction of a temporary font. [RA]

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TH v Chapter of Worcester Cathedral & anor

Administrative Court: Coulson J, 17 May 2016

Bell-ringer – inappropriate behaviour – sanctions – Article 8 ECHR

The claimant was a member of Worcester Cathedral's guild of ringers. After investigations by the cathedral chapter and advice from the Local Authority Designated Officer (LADO), it was concluded that the claimant had behaved inappropriately with children and young people, though there was no suggestion