

and overseas. The chancellor considered the decisions of *Re St Gregory, Tredington* [1972] Fam 236 and *Re St Peter, Draycott* (2009) 11 Ecc LJ 365. The chancellor considered that the burden of proof on the petitioners to show a good and sufficient reason for the sale of the bible was towards the lower end of the scale but nevertheless he refused the petition. The chancellor expressed concern that if such a reason were readily found then parishes would come under great pressure to part with valuable items. There was no financial emergency and the PCC's laudable desire to support missionary work could not amount to a good and sufficient reason in the circumstances. [RA]

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### **Re St Margaret, Halliwell**

Manchester Consistory Court: Tattersall Ch, October 2009

*Confirmatory faculty – unauthorised works – costs*

The priest-in-charge and a churchwarden petitioned for a faculty for roof repairs. After an oral hearing the chancellor made findings that the petitioners had authorised the undertaking of the proposed works without a faculty despite knowing that one was required and that the DAC did not support their proposal. He further found that the petitioners had completed the petition in a misleading manner and had attempted to conceal the fact that works had already been completed. He ordered that the petitioners should each personally make a contribution of £100 towards the cost of the petition to mark the gravity of their behaviour. [RA]

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### **Re All Saints, Dulverton**

Bath and Wells Consistory Court: Briden Ch, October 2009

*Churchyard paths – disabled access*

The first part of the petition concerned the alteration of paths in the churchyard, which slopes steeply upwards from the road to the church. The chancellor granted the faculty noting that the court will normally allow reasonable alterations to improve disabled access in line with section 21 of the Disability Discrimination Act 1995. He noted that where decisions (on traffic issues, for example) had been taken by the local planning authority they would not normally be re-examined by the consistory court. However, he noted that the treatment of interred remains that may be disturbed during works in the churchyard was the proper concern of the court and he made the faculty for these works conditional upon the reburial

of any disturbed remains, the retention of some displaced memorial masonry and the retention of any displaced earth within the churchyard. The second part of the petition was for the replacement of the floor in the east end of the nave of church with a broad wooden raised platform and for the consequential removal of a small number of pews. There were no parties opponent, but objections were received, largely from those with views about more radical future plans being formulated by the petitioners. The chancellor only commented on the petition before him, which he found to be of limited scope, largely reversible and necessary. A faculty was granted for both parts of the petition. [WA]

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### **Re Great Malvern Priory**

Worcester Consistory Court: Mynors Ch, October 2009

*Chairs – choice*

The incumbent and PCC sought to replace the chairs in the nave of the priory. There was no objection to the disposal of the existing chairs, which had come to the end of their useful life, nor to the principle of replacement. However, there was considerable discussion between the petitioners, DAC, amenity societies and the chancellor on the design of the new chairs. The petitioners preferred a chair with a back upholstered in crimson-coloured fabric, whilst others preferred a chair with a plain wooden back for aesthetic reasons. The petition was amended several times. A compromise was sought and found and a faculty granted for the introduction of chairs upholstered in a more acceptable colour. [WA]

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### **Re Grimsby and Cleethorpes Cemeteries**

Lincoln Consistory Court: Bishop Ch, October 2009

*Testing of memorials – diocesan guidelines*

The chancellor refused a petition by the local authority for permission to carry out the physical testing of memorials in the consecrated parts of the cemeteries. Despite purporting to do so, the proposed regime failed to comply with diocesan guidelines for such testing. The chancellor invited the petitioner to discuss any future proposals with the registrar before submitting any future petition. [RA]

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