



desire to do so, and no known way in which they could be made satisfactorily. The court refused to grant a faculty. [Jack Stuart]

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Re St Nicholas, Leicester

Leicester Consistory Court: Jones Ch, 28 January & 2 February 2023
[2023] ECC Lei 1 & 2

Interested persons – ‘sufficient interest in the subject matter of the petition’

The petitioners sought a faculty for the introduction of a new altar frontal into the church of St Nicholas, Leicester. The proposed design was the Progress Pride flag with a white cross applied to it. The Registry received nine objections to the petition.

Objections to a petition may be made by an ‘interested person’ (rule 10.2 of the Faculty Jurisdiction Rules 2015). Rule 10.1 defines an ‘interested person’ as including:

‘... (h) any other person or body appearing to the chancellor to have a sufficient interest in the subject matter of the petition.’

Given that those objecting did not fall within any of the sub-paragraphs (a) to (g), the court had to consider whether any had a ‘sufficient interest in the subject matter of the petition’ pursuant to sub-paragraph (h), ‘sufficient interest’ being undefined. The court considered that the definition of ‘directly affected’, set out in *Walton v Scottish Ministers* [2012] UKSC 44, was helpful, the Supreme Court having previously held that the test of ‘being directly affected’ was in substance the same as the test of ‘having sufficient interest’. The test distinguished between a ‘busybody’, interfering in something with which they had no legitimate concern, and an individual affected by or having a reasonable concern in the matter to which the application related.

Held: two of the objectors had sufficient interest in the petition. They were members of clergy (one within the Leicester diocese and the other a member of General Synod). Both had identified liturgical or doctrinal issues as part of their objection as well as concerns about the effect that a decision to allow the petition would have on other members of the Church. The court held there was therefore a general public interest in these matters being considered and both were well placed to make such arguments. The status of a third had been misunderstood; he was not, in fact, a regular worshipper at the church (which would have constituted ‘sufficient interest’, whether or

not he was on the electoral roll). The court invited further submissions from him. [Naomi Gyane]

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Re St Thomas a Becket, Salisbury

Salisbury Consistory Court: Arlow Ch, 30 January 2023

[2023] ECC Sal 1

Fonts – Canon F1 – requirement for a cover

This significant, Grade 1-listed church has a Victorian stone font, with an ornate timber cover, in its south-west corner. The petitioners proposed to replace it with a modern timber and copper font at the west end of the central nave aisle, mirroring the design of a modern altar installed in 2020. The existing font would either be moved to a Roman Catholic church in Sussex, its cover remaining suspended in its current location; or be disposed of by sale, along with its cover.

The DAC did not object, although maintained concerns about the new font remaining uncovered. The CBC (which provided advice on customary and canonical issues as well as general advice) advised that removing the existing font would not be appropriate. The Local Planning Authority and Historic England had identified some harm to the building from the proposals, and the Victorian Society strongly objected to its loss from the building. Further, six local objectors raised concerns.

Applying the *Duffield* tests, the court determined that neither the proposed new location for a font nor the introduction of a new font would harm the significance of the building. However, removing the current font would cause harm to the significance of the building, given its historic and communal value, albeit that such harm would not be serious or substantial, noting that the special significance of the building arose substantially from its architecture and mediaeval wall paintings. The harm would be mitigated if the cover was retained *in situ*. The court considered that the harm was outweighed by the public benefit in terms of mission and liturgical freedom.

The reduction of harm by retention of the existing font would not be impossible, but would have a limiting impact on the space in the church and its activities. The court also referred to the 1992 House of Bishops' paper 'Baptism and Fonts', which stated that a second font in a church was generally anomalous. In terms of the disposal of the existing font, the court commended the sequential approach set out in *Re St Michael and All Angels, Blackheath Park* [2016] ECC Swk 13, preferring a disposal which would allow