

appear as an impartial judge's witness but rather as a party opponent with a potential liability for costs. English Heritage proposed that the existing nineteenth-century frame be repaired rather than replaced and adapted to accommodate the new bells. The petitioners held that this option was more costly than the replacement of the frame but the chancellor, weighing the figures before him, was not convinced. Accordingly the petition was dismissed and the faculty refused. [WA]

doi:10.1017/S0956618X0990238

Re St Mary and St David, Kilpeck

Hereford Consistory Court: Kaye Ch, February 2009

Memorial – artistic merit

The petitioner sought a faculty for the erection of a memorial stone in the churchyard in memory of his partner. The incumbent and PCC, supported by the Archdeacon, objected on the basis that the stone did not comply with the current Churchyard Regulations, was not in keeping with other memorials and would open the floodgates to further unwelcome applications. The Diocesan Advisory Committee supported the petition, stating that the memorial was 'imaginative and of artistic merit'. In granting the faculty, the chancellor recognised that the floodgates argument was 'of some weight, but only some'. He noted that the churchyard already had a diversity of headstones and observed that 'We are all human, all different, and all have different tastes'. He saw no reason why the deceased's unconventional and artistic lifestyle should not be reflected in her memorial. [RA]

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Re Hudson (deceased)

Carlisle Consistory Court: Tattersall Ch, February 2009

Exhumation

The petitioner, daughter of the deceased, sought a faculty to enable the exhumation of the remains of her father for re-interment in consecrated ground in a gravespace previously purchased by the deceased for the burial of his remains and those of his first wife, the petitioner's mother. The deceased's widow, his second wife (now remarried), opposed the petition stating that it had been the wish of the deceased not to be buried in the grave reserved for him and his

former wife. The chancellor was not satisfied that the petitioner had rebutted the principle of the permanence of Christian burial and, as the power to grant a faculty in such a case is discretionary, the faculty was refused. [WA]

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Re St Mary, Ticehurst

Chichester Consistory Court: Hill Ch, February and March 2009

Extension – consultation – public notice

The incumbent and churchwardens sought a faculty for the construction of an extension to a Grade II* listed church for a children's chapel, meeting room, kitchen facilities and toilet. Planning permission had been obtained. After a significant process of consultation the petitioners secured the support of English Heritage, the Victorian Society and the Church Buildings Council. At the consultation stage, the Society for the Protection of Ancient Buildings (SPAB) had expressed objections in writing, which had not been met in the final proposal. After a significant delay in presentation of the petition, the parish wrote to the registry seeking a swift determination. The chancellor was not prepared to adjudicate upon the petition without first ascertaining the views of SPAB. Rule 13(3) of the Faculty Jurisdiction Rules 2000 was of no application because, although SPAB had properly been consulted in a timely manner, the chancellor could not be satisfied that it had indicated that it had 'no objection or comment to make' and in such circumstances the requirement for special notice was mandatory.

After the handing down of the written judgment and the issue of the faculty, the registrar received an objection from a parishioner who alleged that the public notice displayed in accordance with Rule 6 of the Faculty Jurisdiction Rules 2000 was not displayed in its entirety, in that the reverse of the notice – containing instructions on how to object to the proposed works – was not visible. The chancellor ordered an immediate stay on the implementation of the faculty pending inquiries. The investigation as to whether the notice was correctly displayed was inconclusive and the chancellor made no finding of fact in the matter. He noted that Rule 33 stated that non-compliance with the Faculty Jurisdiction Rules did not necessarily render a faculty void. He considered in some detail the nature and likely force of objections that the parishioner might have made and concluded that the objections would not have altered the outcome of the case. While mindful that a further period of notice might have produced additional and possibly different objections, the delay that this would have caused to the parish in the implementation of the works had also