

September by him and the Administrator of the Diocese were a bar on proceedings before the tribunal. [Garth Blake]

doi:10.1017/S0956618X1200049X

### **Re St John the Evangelist, Filey**

York Consistory Court: Collier Ch, May 2011

*Re-ordering*

In the diocese unopposed petition fees were paid by the Diocesan Board of Finance, although the fees for opposed petitions were met by the petitioners. A faculty was granted for the re-ordering of the church, including the plastering of a brick wall, subject to no objection being received after display of the Public Notice. One parishioner made an informal objection to the plastering of the wall. In finding that there was no substance in the objection raised and therefore granting the faculty, the chancellor observed that the single objection had caused significant additional delay and cost for the petitioners and commented that it might be appropriate for petitioners when explaining re-ordering plans also to explain the process involved and the consequences of any objections received. [RA]

doi:10.1017/S0956618X12000506

### **Re St Nicholas, Radford Semele**

Coventry Consistory Court: Eyre Ch, February 2012

*Organ – moveable font*

The church having been destroyed by fire in 2008, a faculty had been granted for its reconstruction and those works were ready to commence. Two outstanding matters remained: proposals to install a digital organ and a moveable font. As to the organ, the chancellor referred to his judgment in *Re St Nicholas, Warwick* (2010)<sup>12</sup> Ecc LJ 407, in which he had held that those seeking to replace an existing pipe organ with something other than a pipe organ had to discharge a heavy burden, there being a presumption in favour of replacing pipe organs with pipe organs. This was still the case even where, as in the present case, the previous pipe organ had been destroyed, as the presumption in favour of pipe organs resulted from the musical quality and longevity of such instruments. The petitioners' argument that a digital organ would cost less in terms of both capital outlay and maintenance carried little weight. Over time pipe organs were better value for money than organs with a more limited lifespan and the court would not be sympathetic to arguments that it

was justifiable to install something of lesser quality simply because it was cheaper. The court also discounted an argument that a digital organ was easier to play by a non-expert organist. Although the case was borderline, the following factors resulted in the court concluding that it was appropriate to authorise the installation of a digital organ. First, the PCC had given serious consideration to the issues relevant to the type of instrument they wished to install. This was a necessary, but not sufficient, condition. Second, and more significantly, installing a pipe organ would have an adverse impact on space and openness, which were significant features of the reconstructed church. The intention of creating an open and flexible building would be hindered if a pipe organ were installed and the parish would not enjoy the full benefits that would otherwise flow from the reconstruction. On balance, enabling the parish to enjoy those benefits was judged to be a sufficient reason for permitting the installation of a digital organ. As to the proposal for a moveable font (which was supported by the archdeacon), the chancellor held that the same arguments about the flexible use of space in the new church applied equally to the question of whether the font should be fixed or moveable. There were cases where it was appropriate for the font to be located away from the main entrance to the church, and a moveable font was not necessarily impermissible. However, a moveable font must be substantial, both physically and symbolically. A faculty for the introduction of a moveable font would be granted subject to conditions as to its design, scale, appearance and materials and as to securing its suitable location in the church when not in use. [Alexander McGregor]

doi:10.1017/S0956618X12000518

## **R (on the application of National Secular Society and Bone) v Bideford Town Council**

Administrative Court: Ouseley J, February 2012

*Council meeting – prayers – discrimination*

The application by a former Bideford councillor, supported by the National Secular Society, challenged the practice of public prayers at the start of council meetings on the basis that this discriminated indirectly against councillors with atheist or non-Christian beliefs and was ultra vires the Local Government Act 1972. It was held that the holding of prayers did not discriminate either directly or indirectly against those of non-Christian beliefs as they could absent themselves either by physically leaving the council chamber or by not taking part in them. However, it was also held that there was no power, explicit or implicit, to hold prayers as part of the council meeting. Bideford Council's votes to hold prayers were therefore void as being ultra vires council