

monuments that had been laid flat was a reasonable and proportionate method of ensuring that the local authority discharged its continuing obligation in respect of those monuments. The appeal was allowed only to the limited extent set out above. [RA]

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### **Archdeacon of Northampton v Davies**

Disciplinary Tribunal, Diocese of Peterborough, November 2008

*Inappropriate sexual behaviour – drunkenness – prohibition*

The complainant complained that the respondent, the Reverend Teresa Davies, had acted in a manner unbecoming a clerk in holy orders. The first allegation centred on the respondent's alleged sexual activities, including 'the casual exchange of sexual partners' and her and her husband's advertising on 'swingers' websites. The second allegation was that the respondent was under the influence of alcohol at four separate church services. The complaint was upheld and the respondent, who had already resigned her preferment, was prohibited from the exercise of the functions of her orders for twelve years and placed on the Archbishops' List maintained under section 38 of the Clergy Discipline Measure 2003. [WA]

*A transcript of the tribunal's determination may be found at <http://www.ecclaw.co.uk/clergydiscipline/davies1.pdf> and of the imposition of penalty at <http://www.ecclaw.co.uk/clergydiscipline/davies2.pdf>*

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### **Archdeacon of Colchester v Gair**

Disciplinary Tribunal, Diocese of Chelmsford, November 2008

*Adultery – impartiality of tribunal*

The Archdeacon brought a complaint that the respondent, the Rector of Debden with Wimbish and Thunderly, had conducted an inappropriate affair with a parishioner, Mrs X, whose husband had turned to him for support when the marriage was in difficulty. The tribunal found, on the balance of probability, that the relationship was of a sexual nature and therefore conduct unbecoming. He was prohibited from the exercise of the functions of his order for seven years from the date of the determination. There were several preliminary rulings in this case. The respondent sought to ensure that both clerical members of the

tribunal be male and that one be a member of the Society of the Holy Cross, a clerical society in the catholic tradition in the Church of England. He alleged that the substance of the case in its initial stages rested on his opposition to the ordination of women to the priesthood. He raised the question of whether the complaint against him was a pretext for removing him from office because of his views on women priests and suggested that a woman priest could not be sufficiently impartial towards him. The President of Tribunals rejected this application. The tribunal noted that the complaint was not about the respondent's views on the ordination of women and that it was not open to him to challenge the validity of the appointment of a woman priest to the tribunal. It was incumbent on the tribunal, however, by reason of Article 6 of the European Convention on Human Rights, to consider any lack of impartiality levelled against it. The tribunal did so and unanimously found that there was no violation. The respondent did not attend the hearing and the tribunal proceeded in his absence. The complaint having been proved, a seven-year prohibition was imposed. [WA]

*A transcript of the tribunal's determination may be found at <http://www.ecclaw.co.uk/clergydiscipline/gair1.pdf> and of the imposition of penalty at <http://www.ecclaw.co.uk/clergydiscipline/gair2.pdf>*

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### **Re St Mary, Wollaston**

Peterborough Consistory Court: Pulman Dep Ch, November 2008

*Re-ordering – removal of pews*

The vicar and churchwardens, with the unanimous support of the PCC, sought a faculty for a major re-ordering of the Grade II\* listed church. There was general agreement between the PCC, the DAC and the amenity societies on the scope of much of the proposed re-ordering. However, the Church Buildings Council and English Heritage opposed the removal of pews and their base platforms from the nave and their replacement with chairs. The pews were late Victorian but incorporated the doors from Georgian pews re-used as pew-ends. These were of historical significance. The petitioners proposed not to dispose of the pew ends but to re-use them in a re-built west-end gallery. The chancellor noted that the question of the removal of the pews needed to be resolved first, as the scheme for the rest of the building would need to be different if the pews were not to be replaced. He accepted that the full, final costing of the scheme could not be presented, as it would be disproportionate to produce two fully costed alternative schemes.