

IN THE CONSISTORY COURT OF THE DIOCESE OF LICHFIELD

ST PAUL’S, FAZELEY

ON THE PETITION OF SIMON HUDSON

JUDGMENT

1) By a petition dated 30 July 2024 Simon Hudson applied for a faculty to reserve a grave space for his father, Alan Hudson, at St Paul’s Church, Fazeley. There is no opposition to the petition, indeed, the proposed reservation has the unanimous support of the PCC (as indicated on the face of the petition and in minutes dated 9 April 2024).

2) The petition did not give any information as to why a faculty should be granted, however, in response to enquiries made by the Registry, the petitioner confirmed:

“They lived in the parish from 1984 to 2009, before moving to Spain for 5 years returning in 2014 to live with family due to my mom’s ill health.

My sister & I were both been married at St Paul’s, and my two children have been Christened there too.

My Dad’s wishes are to be buried and my mom requested for cremation and so are looking for a plot that they can both finally rest together.”

3) In an email sent on behalf of the Parish it was confirmed that as at the end of July 2024 there were approximately 100 grave spaces available for an average of 5.8 burials per year. On the face of it, therefore, full capacity will be reached in a little over 17 years. I have also been provided with the “Peel Parishes Churchyard Policy”, which, in respect of reservation simply states:

No grave space may be reserved without a faculty, and any space so reserved must be clearly marked. Details of the procedure for the reservation of a grave-space can be obtained from the Registrar's office or from the Peel Parishes Office.

It is, therefore, of no real assistance.

- 4) The legal authorities in this area have been reviewed relatively recently in a typically erudite judgment of Chancellor Hodge QC (St Mary, Thame [2022] ECC Oxf 2). From those authorities he distilled a number of principles set out at [27]. I will not repeat them here, however, it seems to me that they are correct.
- 5) Faculties for reservations in respect of persons who do not reside within the Parish are not granted readily, particularly where the churchyard in question is approaching full capacity. It seems to me that this is a borderline case, however, in the end, I am just persuaded (bearing in mind the reasons prayed in aid (above) and the support of the PCC) that it is appropriate to grant a faculty. However, I am not prepared to grant a faculty for a period greater than 15 years. That said, and in accordance with the approach set out at [32] of St Mary, Thame (and adopted in this Diocese by Chancellor Verduyn in St Mark's, Ocker Hill [2022] ECC Lic 4) I grant permission for the petitioner to apply, on paper, within 6 months before its expiry for an extension of that period; such application must be supported by evidence.

CHRISTOPHER BUCKINGHAM

DEPUTY CHANCELLOR

13 September 2024