

IN THE CONSISTORY COURT OF THE DIOCESE OF LICHFIELD

ST PAUL’S, FAZELEY

ON THE PETITION OF JANET AND MICHAEL TIMMS

JUDGMENT

- 1) Janet Timms is 77 years old; her husband, Michael, is a year younger. By a petition dated 31 July 2024 they seek a faculty reserving a grave space for a period of 50 years within the churchyard of St Paul’s, Fazeley.
- 2) The minutes of a meeting of the PCC on 9 April 2024 record that “*JI [Revd Jonathan Iddon] advised that the applicant is resident in the parish and so application is automatically supported.*”
- 3) In support of the petition Mrs Timms has enclosed a letter addressed to the PCC which states *inter alia*:

“My name is Janet Timms and I have lived in the parish for seventy three years...All my family are buried at Fazeley, parents, grandparents, brothers and sister are here and eventually I would like to join them.”

- 4) 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. It does appear, however, from the terms of the minutes (referred to above) that applications made by residents of the Parish are automatically supported; if that is the case, then, I venture to suggest, it would be better for that approach to be formally documented in the Policy.

- 5) In view of the contents of Mrs Timms' letter and the support of the PCC I will grant a faculty in this matter.
- 6) Having reviewed the authorities in this area in St Mary, Thame [2022] ECC Oxf 2 Chancellor Hodge QC said at [27(7)] that it will not usually be right to extend the duration of the faculty beyond the period for which the churchyard is likely to have space for burials unless there are exceptional circumstances (including evidence of a particularly strong connection to the church and/or churchyard) in favour of doing so.
- 7) In my judgment the facts of this case are such that it would be appropriate to grant a reservation for the period sought of 50 years; Mrs Timms has lived in the Parish for virtually her entire life and, as she points out, the churchyard is the resting place of her entire family. Conversely, it does not seem to me right that I should in effect require the petitioners to apply for an extension (if one is needed) when they are well into their 90s (i.e. at the expiry of 17 years or so, had I granted a faculty so limited) with the concomitant uncertainty and distress that may cause. A faculty is granted in the terms sought reserving a grave space for the period of 50 years.

CHRISTOPHER BUCKINGHAM

DEPUTY CHANCELLOR

13 September 2024