

Norman arches by the door that the nuns of the community would have used to enter the church. At the conclusion of the exhibition the bespoke painting was offered to the church at a 'discounted' price of £6,000. The Parochial Church Council (PCC) voted by a majority to buy the painting as a permanent feature of the church, subject to obtaining a faculty. The decision was taken without prior consultation with the congregation, meaning that the notice for the faculty was the first notice to the wider congregation of the PCC's decision. The notice resulted in 15 letters of objection criticising the lack of consultation and process by which the PCC had made their decision. Other objections included the fact that the painting was disturbing, out of step with the historic nature of the church's architecture and detracted from the Abbey's beauty, and that the money could be better spent.

In applying the *Duffield* guidelines the chancellor found, based on evidence from the Diocesan Advisory Committee and the Church Buildings Council, that introducing the picture would not harm the architectural or historic significance of the abbey. Therefore the only question to address was whether the benefit of introducing the picture justified changing the status quo. The chancellor took seriously the objectors' view of the painting as so disturbing that it was an impediment to worship. Taking the matter as a whole, however, he found that the benefits seen by the PCC of commemorating the saint, adding to the liturgy and encouraging visitors outweighed the objections. A major factor was that the size of the abbey meant that those who were inspired by the picture could benefit from it while those who were not could avoid it. [Catherine Shelley]

doi:10.1017/S0956618X18000777

Re St Leonard, Birdingbury

Coventry Consistory Court: Eyre Ch, 4 February 2018

[2018] ECC Cov 1

Memorial – churchyard regulations

In considering a petition for a confirmatory faculty for a memorial, the chancellor surveyed a number of decided cases that considered the approach to be taken where a petition sought authority for a memorial that could not be authorised under the diocesan churchyard regulations. One line of authority – exemplified by *Re St John the Baptist, Adel* [2016] ECC Lee 8 – took the approach that a petitioner who sought authority for a memorial which fell outside the scope of the diocesan churchyard regulations was not subject to a special burden of establishing an exceptional case: assuming that what was proposed was not contrary to, or indicative of, a departure from the doctrine of the Church of England in any essential matter, the petition was simply to be determined on its own merits. Another line

of authority – exemplified by *Re St Peter, Church Lawford* [2016] ECC Cov 3 – required a substantial reason to be shown before a faculty would be granted for a memorial which fell outside the scope of the diocesan churchyard regulations and could not therefore be authorised otherwise than by faculty.

The chancellor held that, as there was no statutory basis for churchyard regulations, it was open to different chancellors to take different approaches when it came to petitions for memorials that could not be authorised by incumbents under regulations that each chancellor had made for his or her respective diocese. The approach previously taken in the Diocese of Coventry was taken by a number of chancellors and was a legitimate one: it was fair to those who had chosen memorials that came within the scope of churchyard regulations to require those who did not do so to show a good reason; and it reflected the role of regulations in expressing an understanding of what was generally acceptable and appropriate. Accordingly, the chancellor would continue to follow the approach he had indicated in *Re St Peter, Church Lawford*. [Alexander McGregor]

doi:10.1017/S0956618X18000789

Re St Luke, Middlestown

Leeds Consistory Court: Hill Ch, 5 February 2018

[2018] ECC Lee 1

Pews and chairs – DAC advice

The churchwarden and priest-in-charge of this unlisted church built in 1974 sought a faculty for the removal of the pews and their replacement with timber-framed upholstered chairs. The Diocesan Advisory Committee (DAC) did not recommend the proposal, stating that the chairs were heavy and difficult to stack and that the dark upholstery would be detrimental to the light levels and appearance of the church. The Church Buildings Council did not wish to comment on the proposals as the church is unlisted. On a site visit the chancellor noted that the same chair had been introduced into a neighbouring church and it had worn well and was easy to stack and unstack. He observed the light levels within the church and queried whether the DAC's view might have been different if a site visit had taken place. The chancellor observed that considerable weight should be afforded to the expertise and experience of the DAC in the exercise of its statutory duty, but that the chancellor could not fetter his discretion by routinely rubber-stamping DAC advice. The chancellor was independent of the diocese and must take account of all relevant material and all applicable law. The faculty was granted. [RA]

doi:10.1017/S0956618X18000790