

IN THE CONSISTORY COURT OF LEICESTER

IN THE MATTER of FENNY DRAYTON, ST MICHAEL AND ALL ANGELS

IN THE MATTER of a PETITION FOR A CHURCHYARD MEMORIAL

CHANCELLOR BLACKETT-ORD

The Festival of St Chad, Bishop of Lichfield
2 March 2020

JUDGMENT

1. There is before me a Petition by a Mr Adrian David Young for a confirmatory faculty permitting the continued presence in the churchyard of a memorial made of white marble 55 centimetres high in the shape of a cross with some heart motifs and a brass plaque on it.
2. The memorial does not comply with the churchyard regulations.
3. I am told that the Petitioner had been given a copy of the churchyard regulations before June 2019 when he installed the memorial.
4. After the petition was presented, I directed that the views of the DAC and of the PCC should be obtained upon the form of the memorial.
5. Neither body was supportive of the proposal.

6. By letter dated 14 January 2020 from the Registrar to Mr Young, enclosing copies of the DAC notification of advice and of the minutes of the PCC meeting, he was informed that I regarded the Petition as a contested petition.
7. I issued directions to the effect that before 1 February 2020 Mr Young should write to the Registrar stating:
 - (1) the reasons why he required the particular type of stone he had chosen for the memorial and why the Diocesan Churchyard Regulations should be departed from, and
 - (2) whether Mr Young wanted the Chancellor to consider the matter on the papers before him or at an oral hearing.
8. The Registrar also warned the Petitioner of the potential costs of an oral hearing.
9. Mr Young did not answer this letter before 1 February 2020 as required. However, he replied in writing on 3 February and answered the two points as follows:

“Point 1

My father chose this stone after my mother passed away. They were both military veterans from the Second World War, and my father thought this would be fitting for both. He did not want anything fussy. This was his choice.

Point 2

We have been made bankrupt due to the financial crisis of 2008 and do not have funds to take this matter further”.
10. I do not consider that either of these two “points” is a good answer to either of the matters that I have required to be answered.

11. Since Mr Young has not consented to the matter being dealt with on paper, it must proceed to an oral hearing, with the resultant expense, if it proceeds at all.
12. I consider that the matter should not proceed further because of Mr Young's non-compliance with my directions and his own statement that he does not have funds "to take this matter further".
13. On these grounds, I will dismiss the Petition, subject to what I say below.
14. The consequence is that the stone must be removed. I give permission to Mr Young to remove the stone within two months of the date of this Judgment. In default, I direct that the incumbent and churchwardens should make their own arrangements for its removal.
15. Because Mr Young may not have expected me to take the course that I have taken at this stage, I give him permission, within fourteen days of the date of this judgement, to apply to the Registrar in writing with reasons why my present order should be set aside or varied. I will then consider those reasons. The dismissal of his petition will remain on hold in the meantime.
16. The matter can also be restored to me for further directions if required, by written application to the Registrar before the expiry of one month from this date.

MARK BLACKETT-ORD
Chancellor
The Festival of St Chad, Bishop of Lichfield
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The Registrar to Leicester Diocese