

Neutral Citation Number: [2021] ECC Wor 3

IN THE CONSISTORY COURT OF THE DIOCESE OF WORCESTER

RE HOLY TRINITY, BELBROUGHTON AND FAIRFIELD

IN THE MATTER OF A PETITION FOR THE RESERVATION OF A GRAVE SPACE

IN THE MATTER OF THE PETITION OF ROSEMARY ANNE GRIFFIN

WRITTEN REASONS FOR DECISION

1. On 2 July 2021 I received an email containing an application for the reservation of a double grave space in the churchyard of Holy Trinity, Belbroughton & Fairfield, in the Diocese of Worcester. The application was by Mrs Rosemary Anne Griffin, on behalf of herself and her husband, Kevin Barrie Griffin. The space requested was designated on the enclosed map as Row 2 Grave 10 in what is described as the 'New Extension' of the churchyard. The space requested was that big enough to accommodate 2 coffins each measuring 3 feet by 8 feet.
2. This application requested a reservation of that space for some 25 years. This is because that is the standard duration requested on the current version of the application form.
3. The application contains the following information:
 - a. Mr and Mrs Griffin live in the parish of Belbroughton & Fairfield and therefore have a right to burial in the churchyard of Holy Trinity Church.
 - b. The Incumbent and Churchwardens are supportive of the application. That is, they were supportive when the application was first made and have not withdrawn that consent, although I understand the parish has now gone into vacancy.
 - c. The PCC unanimously supports the application, by a resolution made on 17 November 2020.
 - d. Mrs Griffin is willing to make a donation of £200 to the PCC upon grant of the faculty, to contribute towards the costs of maintaining the churchyard.

4. With the application is a standard form of consent from the Incumbent and Churchwardens which provides the following additional information:
 - a. The average number of burials in the churchyard are ten per year.
 - b. It is estimated that the remaining space for burials in the churchyard will be sufficient for the parish for ten years.
 - c. There is no policy in place as to the principles upon which applications are supported or not supported.
5. A copy of the PCC resolution shows that the PCC supported the application but gives no indication of any discussion or reasons for so doing.
6. Other than the map previously mentioned, there is no further information supplied with this application. In particular there is no information provided as to any additional reasons in support of Mrs Griffin's application.

Decision

7. On 3 July 2021 I granted the petition, but for the period of ten years. I now provide written reasons in support of that decision.

Reasons

8. I was content to grant this petition as the petitioner and her husband live in the parish and have the right to be buried in the churchyard so long as it remains open for burials. They do of course share that right with all other persons currently living in the parish, on the electoral roll or dying in the parish where ever their usual home may be. And similarly, that right will extend to any people moving into the parish in the future or adding their name to the electoral roll in the future.
9. I am also content to grant the petition as it has the support of the (former) Incumbent and Churchwardens, and of the PCC, which has responsibility for the maintenance of the churchyard.
10. However, as I am told the churchyard is likely to have space for burials only for the next ten years, I take the view that it is not right to grant a faculty for longer than the churchyard is likely to remain open, in the circumstances of this case.
11. A reservation for longer than the churchyard is likely to remain open gives the person reserving a space more than simply the right to a particular space for the stated period. It also has the effect of preventing others with the right of burial in that churchyard exercising that right at all, if at the time of their death the reserved spaces are the only ones left.

12. Therefore, unless there are particular circumstances that suggest that Mr or Mrs Griffin has a connection to the particular space requested, or that this particular space has additional significance to them beyond a simple preference or desire, it would not be right to extend the faculty beyond the duration for which the churchyard is likely to have space for burials.

13. In this case I am not given any evidence that the connection between the petitioner or her husband and the space sought to be reserved is based on more than residence in the parish and preference or desire for their remains to be buried in that space upon death.

Conclusion

14. For the reasons given above I have therefore directed that the faculty be granted but for the period of ten years, rather than the 25 requested.

15. It remains open to the petitioners to apply at any time for an extension of the 10-year period, for example, should their personal circumstances change or in the event that more space becomes available in the churchyard such as by the consecration of an extension to the churchyard or a policy on re-use of older graves being adopted.

The Worshipful Jacqueline Humphreys
Chancellor of the Diocese of Worcester
11th July 2021