

Neutral Citation Number: [2021] ECC Wor 4

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 MALCOLM REX PORTMAN

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 Mr Malcolm Rex Portman, on behalf of himself and his wife, Carole Ann Portman who live in Stourbridge. The space requested was designated on the enclosed map as Row 6 Grave 7 in what is described as the 'New Extension' of the churchyard. The space requested was that big enough to accommodate 2 coffins each measuring 28 inches feet by 84 inches (7 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 Portman live in Stourbridge, and not in the parish of Belbroughton & Fairfield. They therefore do not have a right to burial in the churchyard unless they are members of the electoral roll. I am not told whether they are on the electoral roll of Holy Trinity.
 - 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 That is, they were supportive when the application was first made and have not withdrawn that consent, although I understand the parish has now gone into vacancy. This is important as without the consent of the minister of the parish persons that do not live in the parish and are not on the electoral roll cannot be buried in the churchyard and no faculty for the reservation of a grave space can issue.

- c. The PCC unanimously supports the application, by a resolution made on 11 March 2021.
 - d. Mr Portman 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 minutes from the meeting on 11 March shows that the PCC supported the application. However, they give no indication of any discussion or reasons why the support was given.
6. Other than the map previously mentioned, there is no further information supplied with this application. In particular there are no additional reasons provided in support of Mr Portman'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 note the consent of the (former) incumbent, which enables me to grant this petition by people who do not reside in the parish, even if they are not on the electoral roll.
9. I was content to grant this petition because it has the unanimous support of the PCC. I infer from such unanimous support that they may be regular worshippers at Holy Trinity and/or on the electoral roll or otherwise have a strong connection to the parish that encouraged the PCC to support the application.
10. All those living in the parish and those on the electoral roll have the right to be buried in the churchyard so long as it remains open for burials. 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. Therefore, I am aware that granting this petition may impact upon the rights of those people.

11. In particular, as I am told the churchyard is likely to be open for burials only for the next ten years, I take the view that in the circumstances of this case it is not right to grant a faculty for longer than the churchyard is likely to remain open.
12. A reservation for longer than the churchyard is likely to remain open gives the person reserving a space more than simple the right to have their remains buried in a particular space for the period for which it is reserved. It has the effect of preventing others with the right of burial in that churchyard exercising it at all, if at the time of their death the reserved spaces are the only ones left. Therefore, unless there are particular circumstances that suggest that Mr or Mrs Portman has a connection to the 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 remain open for burials.
13. In this case I am not given any evidence that the connection between the petitioner or his wife and the space sought to be reserved is based on more than 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