

employment tribunal that Mr Power's spiritualist beliefs in God, psychics and life after death were capable of being religious and philosophical beliefs for the purposes of the Employment Equality (Religion or Belief) Regulations 2003, SI 2003/1660. In dismissing the appeal the tribunal reviewed the decision in *Grainger plc v Nicholson* (noted above) and, upholding the employment tribunal's decision that Mr Power's beliefs amounted to a religious belief, the judge referred to the history of the spiritualist church and the fact that its membership was claimed to be the eighth largest faith group in the 2001 British census. He further held that the employment tribunal's decision that Mr Power's belief in life after death and the capacity to communicate with spirits 'on the other side' was worthy of respect in a democratic society and had the necessary cogency, seriousness, cohesion and importance such as to amount to a philosophical belief was not perverse. [RA]

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### **Re St Mary, Barcombe**

Chichester Consistory Court: Hill Ch, November 2009

*Re-ordering – withdrawal of formal objection*

In granting a faculty for the minor re-ordering of a listed church the chancellor commented upon the inherent unsuitability of faculty proceedings for settlement between the parties, such proceedings not being in the nature of adversarial litigation. Two parishioners had chosen to become formal objectors to the petition but had later withdrawn their objections 'in view of the concessions the petitioners have made'. These were the subject of 'without prejudice' correspondence to which the court was not privy, and the petitioners pursued the petition in its original form. Any agreement between the parties could not fetter the discretion of the court. [RA]

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### **Re St Mary, Westham**

Chichester Consistory Court: Hill Ch, December 2009

*Headstone – inscription – pet name – 'Mummy'*

The petitioner sought a faculty for the erection of a headstone over her mother's grave which would include in the inscription the word 'Mummy'. The deceased was the mother of eleven children. The headstone sought was to be erected in the separate new part of the churchyard. The chancellor raised the concern

that the term ‘Mummy’ appeared to exclude other familial relationships and might cause legitimate upset to friends and more distant relatives of the deceased. He further noted that the granting of the application might cause pastoral difficulties in the parish as there had been previous applications seeking similar inscriptions which had (like this application) been properly refused by the incumbent. The chancellor observed that none of those previous applicants had sought a faculty and that his discretion could not be fettered by the decision of such applicants not to petition the consistory court. The chancellor, after encouraging the petitioner to reconsider her choice of words, noted the exceptional nature of the case and granted the faculty sought should the petitioner pursue it. The faculty was subject to the lodging at the registry of the signatures of all of the deceased’s children, grandchildren, great-grandchildren and siblings signifying their consent. The chancellor made plain that no precedent for such an inscription was being established either within the particular churchyard or in the diocese or generally. [RA]

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### **Re St Mary, White Waltham**

Oxford Consistory Court: Bursell Ch, December 2009

*Churchyard – building – consultation – planning permission*

The judgment followed on from an interim hearing and unsuccessful application for leave to appeal to the Court of Arches noted at (2010) 12 Ecc LJ 122. The interim order permitted a small amount of work to be carried out to prevent the lapse of planning permission. There were three parties opponent and the chancellor also took into account the views of a number of informal objectors. The chancellor reviewed the law on consultation, the burden of proof, the relationship between local planning authorities and the consistory courts, the *Bishopsgate* questions, erection of buildings in burial grounds and cost. He followed the pattern of other courts in holding that when planning permission had been granted the court was able to accept the reasoned decisions of that authority unless they were shown by cogent evidence to be wrong. In addressing the *Bishopsgate* questions the chancellor found that the current arrangements for children’s activities in the church were not ideal, taking place at some distance from the church with consequent concerns about the integration of children into the life of the church and of safety getting to and from the church. Despite the relatively small number of children presently attending Sunday school the chancellor held that there was a very real need for proper provision for children’s work if that number were to increase. He held that this increase was necessary for the continued mission of the church,