

In the Consistory Court of the Diocese of Durham

Re the Churchyard of Wolviston St Peter

And Re the Petition of Mark Allison Lewis

JUDGMENT

1. In a petition dated 9th May 2022 the petitioner, Mr Lewis, seeks the reservation of a double grave space in the churchyard of Wolviston St Peter in the parish of Billingham. He is not a parishioner nor on the electoral roll, and he is not a regular worshipper. He does not even live within the diocese of Durham. His petition however discloses that his grandparents, parents and some other relatives are buried in the churchyard.
2. Space in St Peter’s churchyard is running out. Based on the present rate of burials the churchyard will be full in about two years.
3. The PCC discussed the petition at a meeting on 13th September 2022, and unanimously voted to support it despite Mr Lewis not being a parishioner, and despite the shortage of grave spaces in the churchyard. The PCC’s explanation for supporting the petition was that members of the PCC “were aware that the petitioner lived outside the parish but acknowledged that the petitioner had several family members buried at St. Peter’s Wolviston including his grandparents and his parents, John Newman Lewis and Nancy Lewis, the latter previously living at Whitehouse Road, Billingham before moving into a Care Home before her death in April 2022. On the basis of previous family connections, the PCC approved the application. Following this, the Public Notice Form was displayed from 18th September 2022 for 28 days and we believe no objections were forthcoming from the parish.”
4. On noting that Mr Lewis was not a parishioner and was not on the electoral roll, the diocesan registry sent him a copy of the judgment of this court in the case of *Fatfield St George re Goundry* [2021] ECC Dur 4 to alert him to the principles that would be applied when deciding his petition. At paragraph 9 of that judgment is the following passage:

‘The law relating to the granting of faculties for the reservation of grave spaces was recently succinctly summarised by HH Peter Collier QC Diocesan Chancellor for York in the case of St Augustine, Kirkby-in-Cleveland [2021] ECC Yor 5:

“The reservation of grave spaces is always a difficult matter. The matter is entirely within the discretion of the consistory court. The principles that are

generally applied include the court being more inclined to grant a faculty in respect of a person with the right to be buried in the churchyard than in respect of one without such an entitlement. Those who have such a right are the persons living within the parish and those on the electoral roll of the parish church. The Court also has to be satisfied that the parishioners' rights will not be prejudiced.

It is very rare, in my experience, to allow a reservation of a plot, by someone who does not have a right of burial.”

5. Having read the judgment, Mr Lewis sent an email to the diocesan registry dated 18th November 2022 in which he wrote: “Is it possible to stress position of parents (ie not parishioners yet buried there alongside all my aunts uncles grandparents who were also not from the parish etc).”
6. In answer to written questions subsequently put by the court to Mr Lewis to seek clarification on the position relating to the burials of his relatives, he revealed that the remains of two grandparents, both parents, three great aunts, one great uncle, two aunts and two uncles were all buried in the churchyard and that the burials, with the exception of his mother, took place in a period from 1973 to 2004 (a time when there would have been no shortage of space); the remains of his mother were buried in 2022. Mr Lewis in his written answers described most of these relatives as “possibly parishioners” but he stated that his parents were not parishioners. It appears from this that Mr Lewis may not fully appreciate the meaning of the term “parishioner” and may have assumed it means “worshipper”; I draw this conclusion because, according to the PCC, Mr Lewis’ mother did indeed live within the parish of Billingham until taken into a care home before her death in 2022.
7. Mr Lewis was also asked by the court why he was seeking the reservation of a double grave space, who the other person was for whom the grave space was being reserved, whether that person had ever been a parishioner or on the electoral roll, and why that person was not a joint petitioner. His written answer was that he was not aware he had requested a double grave, but now having had his attention drawn to it he would like to include his partner on the petition, but like him she was not a parishioner nor on the electoral roll. His partner has not informed the court that she wishes or consents to be a joint petitioner, and I therefore do not give permission for the petition to be amended to add her as a party in these proceedings.
8. Mr Lewis clearly has links with the parish because of the many close relatives whose remains are buried in St Peter’s churchyard, but he does not have the right in law to be buried there. Accordingly, if he were granted a faculty for the reservation of a grave space (either single or double) it would use up a space in an almost full churchyard and prevent the burial of another person, who would otherwise have had a legal right to be buried

there. This petition bears many similarities to *Fatfield St George re Goundry* where the petitioners also were not parishioners but had close relatives buried in the churchyard; in that case the petition was dismissed so as not to override and prejudice the rights of parishioners. The petition of Mr Lewis must likewise be refused.

Adrian Iles
Chancellor

11th January 2023