

Neutral Citation Number: [2017] EACC 2

**THE ARCHES COURT OF CANTERBURY
APPLICATION FOR PERMISSION TO APPEAL
FROM THE CONSISTORY COURT OF THE DIOCESE OF SOUTHWARK
(CHANCELLOR PHILIP PETCHEY)**

CAUSE OF FACULTY RELATING TO ST JAMES, KIDBROOKE

PETITIONERS/ PROPOSED RESPONDENTS:

- (1) THE REVD. CANON KIM HITCH**
- (2) RICHARD PHILPOT**
- (3) JENNIFER ANDERSON**
- (4) NET COVERAGE SOLUTIONS LIMITED**

**PARTY OPPONENT/APPLICANT/PROPOSED APPELLANT:
VELMA LYRAE**

DECISION ON COSTS

1. In my decision of 7 March 2017 refusing permission to appeal ([2017] EACC 1) I dealt with costs in the final paragraph:

“39. Unless within 7 days of receipt of this decision the Applicant submits to the Provincial Registrar a short alternative costs proposal, in which case this costs order will be reviewed by me, she must pay by 1 June 2017 (a) the proposed Respondents’ costs of their written representations in respect of her application, to be taxed if not agreed; and (b) the court costs of the application”.

2. By letter to the Provincial Registrar of 14 March 2017 the Applicant sought various details in relation to the financial payments she might be obliged to make, so that she could “have the opportunity to obtain legal advice”. By letter to the Applicant of 17 March 2017, the details sought were provided; she was informed that, notwithstanding the terms of para 39 of my decision, the Petitioners had waived their entitlement to seek costs; and time for making any further representations was extended by 7 days from 17 March.

3. By letter to the Provincial Registrar of 22 March 2017, the Applicant referred to the chancellor’s determination of 16 September 2016, refusing the Petitioners’ application for security for costs ([2016] ECC Swk 13), which, she says, “recognises that Petitioners would have to fund Court costs of the hearing by warrant of the fact that I am unwaged and that by barring me from objecting on the grounds of costs would not have been in the interests of justice”. She then set out part of para 42 and all of para 43 of that determination, asserting that para 43 “is rather ambiguous”.

4. I see no ambiguity in what the chancellor was saying in these two paras of his determination. At that stage the chancellor plainly considered that the Applicant (then Party Opponent) might not be able to pay the court costs of the imminent hearing, nor to pay the Petitioners’ costs were he so to order. But the costs now in issue

(confined to the court costs of her refused application for permission to appeal) will be considerably smaller than the costs which the chancellor then had in mind, and which she was not eventually ordered to pay (see the final sentence of para 56 of the chancellor's final judgment ([2016] ECC Swk 16).

5. It is not clear what "alternative costs proposal" the Applicant is putting forward. If it be that the Petitioners should pay the court costs because of her own limited means, I reject that proposal. Therefore the Applicant must pay the court costs of her application by 1 June 2017. If she is unable to pay in full by that date, she may apply to the Provincial Registrar for a reasonable extension of time.

23 March 2017

CHARLES GEORGE QC
DEAN OF THE ARCHES