

IN THE CONSISTORY COURT OF THE DIOCESE OF COVENTRY

ST ANDREW: EASTERN GREEN

JUDGMENT

- 1) The unlisted church of St. Andrew in Eastern Green, Coventry was built in 1875. It is a relatively small church building which now serves an area with a growing population. The ministry to that population has been fruitful and the church is regularly full to capacity for Sunday services.
- 2) The vicar and churchwardens petition with the unanimous support of the Parochial Church Council seeking a faculty authorising the removal of the current font and its replacement with a moveable font.

The Procedural History.

- 3) The Diocesan Advisory Committee has recommended approval of the petition.
- 4) The public notice resulted in one letter of objection. That came from Mr. Trevor Smith a longstanding and committed member of the worshipping community at St. Andrew's. Mr. Smith lives just outside the parish but is on the electoral roll. He has chosen not to become a party opponent but I will take account of his objections when considering the petition.

The Proposal and its Rationale.

- 5) In 1975 the font which had been in the church for about 100 years was removed. The bowl and cover of that font were retained and were incorporated in the new font which was then installed. The Petitioners seek to remove the 1975 font but again to retain the original bowl and cover. They propose that these should be incorporated in a new moveable font to be made of solid oak. They propose that the current font be buried in the churchyard (a course supported by the Diocesan Advisory Committee).
- 6) The Petitioners contend that the size and location of the current font justify its removal. The font is currently at the east end of the northern side of the nave and

is next to the pulpit. The font is a substantial stone structure the base of which is 28” in diameter. There is limited space in the church and the size of the font means that it takes up a significant amount of that space. The Petitioners say that the font’s position next to the pulpit means that it is difficult for families to gather around the font at baptisms and that those who do stand around the font obscure the congregation’s view of the font and of any baptism. They also say that the font’s position at the east end of the nave inhibits the use of that part of the church where the nave and chancel meet rendering it less suitable than would otherwise be the case for use by music groups or in worship with a dramatic element. In addition the size and position of the font are said to reduce the space available at weddings for those standing at the east end of the nave. The Petitioners say that they have considered whether there are locations in the church to which the font could be moved so as to remove the difficulties resulting from its current location. Realistically there are two theoretically possible locations but the Petitioners say that each is impracticable. If the font were to be placed next to the altar in the sanctuary there would be a substantial impact on the space available to those celebrating at services and in particular at the Eucharist. If the font were to be positioned at the west end of the nave it would be readily visible those entering the church but would further restrict the use of that already constrained area for a ministry of welcome and for post-service fellowship.

- 7) The Petitioners’ intention is that when the moveable font is being used for a baptism it will be in a position such that administration of that sacrament can be readily seen by the congregation as a whole and that when it is not in use the font will be in a position such that it does not impede worship.

Mr. Smith’s Objection and the Petitioners’ Response.

- 8) As I have already noted Mr. Smith is a long-standing and committed member of the worshipping community at Eastern Green. He believes that the current font fits in well with the existing building and does not detract from worship. Mr. Smith’s central objection is a concern that a moveable font will detract from worship by impacting on the feeling of “sanctity” which currently exists in the church. In short terms Mr. Smith believes that the current fittings and

arrangements in the church assist those who worship there in focusing on God and he fears that the removal of the font and the installation of a moveable font will have the reverse effect.

- 9) In responding to Mr. Smith's objection the Petitioners have emphasised the steps they took to publicise their proposals. Information was provided in the weekly notice sheet given to worshippers for several weeks and was also set out in a monthly magazine distributed to every home in the parish. Apart from the objection of Mr. Smith there has been no adverse voice raised either in correspondence to the Registry or in comments made to the vicar or churchwardens orally. In addition the vicar, Rev'd Greg Smith, says that he is not aware of Mr. Trevor Smith having attended a wedding or baptism in the last decade or so and he suspects that Mr. Smith is not aware of the inconveniences which the size and location of the font can cause. In the latter regard I note that Mr. Smith's children were baptised in the church in the 1990's and so he clearly has some knowledge of the arrangements for baptism.

The Relevant Principles.

- 10) The starting point as with any faculty petition is that the burden is on the Petitioners to establish grounds for granting the faculty sought. They must show a reason sufficient to justify making the proposed change.
- 11) There are particular considerations which have to be taken into account when the faculty sought relates to the repositioning or removal of a font. I summarised my understanding of the relevant principles in my decision in *St Nicholas, Radford Semele* (Coventry 2012) at [25] – [26] and [27] in these words.

“25) What are the applicable principles? The starting point is Canon F1 which provides that:

*“1. In every church and chapel where baptism is to be administered, there shall be provided a decent font with a cover for the keeping clean thereof.
2. The font shall stand as near to the principal entrance as conveniently may be, except there be a custom to the contrary or the Ordinary otherwise direct; and shall be set in as spacious and well-ordered surroundings as possible.”*

26) In addition I am able to take account of the approaches adopted by other chancellors and the *Response by the House of Bishops to questions raised by Diocesan Chancellors* (1992). The following principles emerge:

- a) In an appropriate case a font can be located in a position away from

the main entrance to a church and the practices of a particular church community for baptism to take place in the body of a congregation can be a good reason for so locating the font (see **Re St James, Shirley** [1994] Fam 134).

b) A moveable font is not impermissible per se and can be authorised in a suitable case (see **Re St. Andrew, Cheadle Hume** (1994) 3 Ecc L J 255).

c) However, even if a moveable font is installed it has to be substantial both physically and symbolically. It has to be such as to make a point to those entering the church building about the significance of baptism (see **Re St. Margaret, Brightside** (1997) 4 Ecc L J 765 and (**Re St. Andrew, Cheadle Hume**). In this regard I take account of the views expressed by Bishop David Stancliffe in "**Baptism and Fonts**" ((1994) 3 Ecc L J 141) making the point that "*what the font says by its style, size, and position tells the regular worshipper and the casual visitor alike a good deal about the life of the church, the company of the baptised.*"

27) In the light of those principles and in the circumstances of the reconstructed St. Nicholas it is clear that the installation of a moveable font in the new church is justifiable. The practice of conducting baptisms in the midst of the congregation is appropriate in terms of mission and theology. That practice could be accommodated by a fixed font but the benefits of enabling flexible use of the church space and in providing for baptisms to take place in the former chancel are such as that it is appropriate to authorise the installation of a moveable font. Accordingly, I intend to authorise the grant of a faculty permitting the installation of such a font. However, before I do so I need to be satisfied that the moveable font when installed will be substantial both physically and symbolically and that when not in use it will be placed in an appropriate location. ..."

12) In that case I was addressing the introduction of a moveable font in the context of a church building the interior of which had been almost entirely destroyed by fire and where the reordering and rebuilding had placed considerable emphasis on the creation of a worship space which could be used flexibly. I expressed the same understanding of the relevant principles in slightly different words in the context of moving an existing font in *All Saints, Alrewas* (Lichfield 2012).

13) Those expressions of the relevant law must now be seen in the light of *St Bartholomew Kirby Muxloe* (Leicester 2015) where **Rees Dep Ch accepted the applicability of the summary of the law set out above and authorised the introduction of a moveable font of a markedly unusual design and appearance.** They must also be seen in the light of Petchey Ch's learned analysis of the approach to be taken to the movement and relocation of a font set out, at [28] et seq, in *Holy Trinity, Wandsworth* (Southwark 2012). Although Petchey Ch was

not there addressing the question of a moveable font his analysis emphasises the importance which is to be attached to the location and appearance of a font.

- 14) I remain of the view that my previous statement of the applicable principles was accurate but in the light of Petchey Ch's analysis I remind myself of the particular importance of ensuring that any proposed moveable font is of appropriately substantial appearance and that when not in use it occupies an appropriate position in the church.

The Application of those Principles in this Case.

- 15) I am satisfied that the Petitioners have established that the size and location of the current font have caused problems both in the administration of baptism and in other acts of worship. It is appropriate for those problems to be addressed. I accept that the Petitioners have demonstrated that there is no other location in the church to which the current font could sensibly be relocated. In those circumstances a powerful case has been made out for the introduction of a moveable font of a smaller size than the current font.
- 16) The concerns raised by Mr. Smith about the effect of the proposed change on the appearance and atmosphere of the church are real and merit serious consideration. They are, however, matters of taste and feeling about which there can be legitimate differences of opinion. I note that the Diocesan Advisory Committee has recommended approval and that the petition has the unanimous support of the vicar, churchwardens, and the Parochial Church Council. Those views must carry considerable weight. I also take account of the facts that the proposed moveable font is to be a substantial piece of oak furniture and that it is to incorporate the bowl and cover which were in the church's original font and which were incorporated in the current font in 1975. Such a font cannot be said necessarily to detract from the beauty of this church nor from the seemliness consistent with a place of prayer and worship.
- 17) In those circumstances I have concluded that the benefits to be obtained from the proposed works and the disadvantages removed by them justify making the change notwithstanding the genuine regret which Mr. Smith (and potentially others) will feel at the loss of the current font.

18) It is, however, important to ensure that when the new font is not in use it stands in an appropriate location or locations. That location or locations must be readily visible from the west end of the church; as spacious and well-ordered as possible; and consistent with the symbolism and importance of baptism as the rite of entry into membership of the Church. In the light of that I shall impose the following conditions on the faculty granted.

a) That the Petitioners shall consult the Archdeacon Pastor as to a suitably spacious and well-ordered location or locations in which the moveable font shall stand when not in use such as to ensure that it is readily visible to persons standing at the west end of the church.

b) The Petitioners shall cause the moveable font to be placed when not in use in such a location or locations as has been either approved by the Archdeacon Pastor as being suitable in the aforesaid regards or authorised by the court on further application from the Petitioners in the event that they wish to cause the moveable font to be positioned in a location not approved by the Archdeacon Pastor.

Disposal of the Current Font.

19) The Petitioners propose that the current font should (after removal of the bowl and cover) be buried in the churchyard and the Diocesan Advisory Committee recommended the imposition of a condition to that effect.

20) **The practice of burying disused fonts is longstanding.** In modern times it is sometimes said to be the consequence of Canon F1 (3) which provides that “the font bowl shall only be used for the water at the administration of Holy Baptism and for no other purpose whatsoever.” However, the ambit and effect of that canon is rather less wide-ranging than is sometimes thought and relates to protecting the font bowl while it is in use in a church. **The legal position is that the sale of a font which is no longer in use is permissible and disposal by burial is not the only lawful means of disposal.** The consistory court will be concerned to avoid a disused or redundant font being put to unseemly uses but consideration can be given to a sequential approach in which alternative ways of disposal are explored with burial of a disused font being a last resort. See *St Peter, Draycott* [2009] 3

WLR 2009; *St Philip, Scholes* [2016] Ecc Lee 5, [2017] Fam 6; and *St Michael and All Angels, Blackheath Park* [2016] Ecc Swk 13.

21) In the circumstances here there is no need for concern about the font bowl and cover which are to be incorporated in the new font. The current font dates from 1975 and would not appear to have any historical significance nor indeed any outstanding aesthetic merit. It seems unlikely that a different church would be interested in using it and it may very well be that burial is the most appropriate course to guard against unseemly uses of the font. However, I will impose conditions in the following terms to provide for an exploration of alternatives with burial being a last resort namely that:

c) The Petitioners shall consult with Archdeacon Pastor on methods of disposal of the font with a view to its use in a church or in some other seemly and appropriate setting.

d) Following such consultation the font may be disposed of in any manner authorised by the Archdeacon Pastor or by the court on application by the Petitioners if they wish to dispose of the same in a manner not authorised by the Archdeacon Pastor.

e) If no other means of disposal has been identified within 9 months of the grant of the faculty then the font shall be buried in the churchyard.

22) In those circumstances and subject to those conditions the faculty shall issue.

STEPHEN EYRE
HIS HONOUR JUDGE EYRE QC
CHANCELLOR
3rd July 2018