The chancellor held that the memorial was within the dimensions and from materials permitted by the churchyard regulations. He also held that, although it was unusual, the discretion to permit a memorial was not limited to post-mortem applications. Accepting that allowing the erection of a monument before death would set a dangerous precedent, he held that the question remained whether a faculty should be granted now which permitted the erection of memorial after death.

Considering the respective faiths of the petitioner and his wife, the chancellor doubted whether, in the event that the wife pre-deceased the petitioner, she would wish to be buried beneath a Buddhist monument rather than a traditional Christian memorial. Considering the authorities, he found that, while executors should consider the deceased's wishes, they were not bound by them and there were no post-mortem human rights in respect of burial. The faculty was refused as being premature and unnecessary given the uncertainty about the views of the personal representatives of the petitioner and his wife as to memorials and location of burial at the time of death. An analogy was drawn with a petition for the reservation of a grave space, which is often refused where space is limited. The chancellor did accept that the churchyard was available to all ratepayers regardless of beliefs but that it was, nonetheless, consecrated ground. *Obiter*, the chancellor observed that the proposed inscription would not readily be understood as a Buddhist koan, nor did it honour the dead, comfort the living or inform posterity, but was likely merely to cause amusement, which was not the purpose of such an inscription. [Catherine Shelley]

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Re C (Children)

Court of Appeal: Gloster, King and David Richards LJJ, 14 April 2016

Care proceedings – children's name – inherent jurisdiction of the court

Twins, a boy and a girl, were in care. There was no known respondent father and their mother was both psychotic and schizophrenic. The mother wanted to call the boy 'Preacher' (which she described as a strong spiritual name) and the girl 'Cyanide' (which she described as a lovely pretty name). In the Family Court, HHJ Sharpe had held that the local authority was permitted to restrict the extent to which the mother could exercise her parental responsibility so as to prevent her registering 'Preacher' and 'Cyanide' as forenames, and issued an injunction prohibiting her from doing so or referring to either child by those forenames in contact.

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In the Court of Appeal, King LJ held that this was one of those rare cases where the court, in the exercise of its inherent jurisdiction, should intervene to protect the girl twin from the emotional harm that she would suffer if called 'Cyanide'. She further concluded that, though there was nothing inherently objectionable about the name 'Preacher', the girl twin's welfare could only be met by neither she nor her brother having the names chosen for them by their mother. The appeal was dismissed. [Frank Cranmer]

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Re St James the Great, Flockton
Leeds Consistory Court: Hill Ch, 26 April 2016
[2016] ECC Lee 4
Disposal of articles – guidance

In determining a petition for the disposal of a number of articles from this church, the chancellor held that none of the articles in question were 'church treasures' for the purposes of *Re St Lawrence, Wootton* [2015] 1 Fam 27. The chancellor gave general guidance as to the matters that petitioners should address where it was proposed to dispose of articles belonging to a church: 1. Does the item constitute a 'church treasure' properly so described? If so, the more formal process will apply, namely consideration of the strong presumption against sale and the other matters provided for in the *Wootton* case, usually at a hearing in open court. If not, then 2. What is the history of the item? 3. What is the connection, past and present, of the item with the church? 4. If the item was a gift, has the donor or any surviving family member expressed a view as to its proposed disposal? 5. If the item was given in memory of an individual, have that person's surviving family members expressed a view? 6. What attempts have been made to find an alternative home for the item in another church, a local museum or civic building or some other appropriate location? 7. What is the monetary, aesthetic, artistic or heritage value of the item? If this information was systematically set out, and accompanied by an ordered bundle of relevant documentation, the matter should be capable of determination with relative ease. [Alexander McGregor]

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