

IN THE CONSISTORY COURT OF THE DIOCESE OF COVENTRY

Church of St Andrew, Shottery
Re: Peter and Joseph Whittaker (deceased).

Petition for permission to :
Install a small marble memorial plaque within the Church
2022 - 072655

JUDGMENT

1. By a petition dated 9th June 2022, signed by David Millington (PCC Secretary), the petitioners (incumbent Revd. Craig Grocock, David Whyman, churchwarden and Mr Millington) apply for permission to install a memorial plaque within the church.
2. The Diocesan Advisory Committee is of the opinion that rule 9.9 Faculty Jurisdiction Rules, relating to the publication of notice, does not apply to this petition. I respectfully agree. Form 4A (public notice) was completed and displayed inside and outside the church. There have been no responses to its publication.
3. The dimensions of the proposed plaque are 20x12x3/4 inches. The proposed material is Italian white marble, and the plaque would be fixed to the wall using fixings on the back of the plaque. The inscription is to be in black lettering. The dimensions, material and style of the font are all acceptable.

4. The estimated cost of the proposed work is not cited within the petition, which makes clear that there will be no recourse to church funds to finance the memorial.
5. The proposed siting of the plaque is on the west wall or the rear of the church, adjacent to two similar-sized plaques. Those plaques mark the deaths of people who died in 1929, 1952 and 1953.
6. On 4th April 2022, the 14 members of the Parochial Church Council voted unanimously in favour of the proposal. The minutes read as follows:-

‘A request has been received from Naomi Whittaker for a small memorial plaque to be placed in church commemorating the deaths of Rev Peter Whittaker and Pte Joe Whittaker. The PCC discussed whether this would form a dangerous precedence *[sic]* for other plaques in church, but the PCC were satisfied that the unusual nature of (a) the connection with/service to the church and (b) the circumstances of their deaths were such as to allay such fears. The PCC voted unanimously in favour of the application and charged the PCC Secretary to make the necessary faculty application’.
7. I have not been provided with further details of the deaths of either of the men concerned, other than set out in this judgment.
8. The proposed work would be undertaken out by Geo Clifford & Son of Stratford-upon-Avon.
9. The proposed wording of the plaque reads:-

IN LOVING MEMORY OF
Rev PETER WHITTAKER
CURATE OF THIS CHURCH
KILLED EASTER DAY
15th April 1990 AGED 30
AND HIS SON
Pte JOE WHITTAKER 4 PARA
HEAD CHORISTER OF THIS CHURCH
KILLED IN ACTION IN AFGHANISTAN
24th June 2008 AGED 20

10. The plaque is in a mixture of capital and lower-case lettering, with differences in font size, and a centred alignment.
11. In a document titled 'proposals', it is explained that Peter Whittaker was a curate of the church. It is said he was 'killed in a road traffic accident whilst working at the church'. I infer from this that the accident occurred during his period as a curate with the church. It is not clear how long he worked for the church. Mr Whittaker left a widow and young family. One of his children was Joe, who went on to be a long-serving member of the church and church choir. Indeed, he became head chorister.
12. Joe Whittaker joined the Army, but was killed in action in Afghanistan.
13. The petitioners acknowledge the precedent that their application risks, but seek to distinguish it on the grounds of the contributions each man made to the life of the church.
14. Case law establishes that a case of 'exceptionality' must be made out in relation to the character or service of the person to be commemorated (*Re St Margaret, Eartham* [1981] 1 WLR 1128, Ct of Arches).
15. It is necessary for the court to determine two questions:-
 - (1) Is this a case so exceptional that the special privilege of a Faculty could properly be granted? And
 - (2) If so, are the circumstances such that a Faculty should be granted?
16. Although the petition could be more detailed in terms of the exceptionality test, I am satisfied that the combination of the contributions to the church of both Peter and Joe Whittaker meets the test. Further, the plaque would not visually detract from the character of the church or surrounding memorials, which is another consideration. Both questions can be answered in the affirmative.

17. The plaques are adjacent to congregational seating, and can be read by those sitting in the area.

18. I have considered the application with care. My only concern is the word 'killed' being used in respect of Peter Whittaker. 'Killed in action', per the wording for Joe Whittaker is a recognised tribute to those who lose their lives whilst serving in the armed forces. Outside that context, the word engenders an element of blame. To simply record 'Killed Easter Day' leaves the cause of death open to a wide variety of interpretations, generally of the criminal kind. There is no suggestion in this case (or, at least such information has not been provided) that might suggest someone was successfully prosecuted following Peter Whittaker's death. Indeed, it may be that nobody else was involved at all.

19. Even if someone had been convicted of causing Peter Whittaker's death by dangerous driving (for example), the word is emotive and likely to cause discomfort to those reading the plaque. Further, it is not clear whether the family of the other party is likely to attend the church. Given that the plaque is so close to the seating area of the church, those attending may include children and those engaged in contemplative prayer.

20. An alternative wording could be 'lost his life', or 'died', or similar. Further, such wording would mirror wording of the adjacent plaques.

21. Subject to the following conditions, let a faculty be issued:-

- a. The size, material and typeface be of the kind specified in the proposal.
- b. The word 'killed' shall not be used in respect of Peter Whittaker.
- c. The wording for the plaque or inscription shall be agreed with the Chair of Diocesan Advisory Committee or a nominated representative on her behalf (in the event of dispute over the wording this matter may be returned to the Court for further directions).

- d. A photograph of the memorial shall be supplied to the churchwardens, so that this can be retained in the parish records.
- e. The details of the memorial shall be entered in the church log book.

CAROLINE HARRIS

Deputy Chancellor