

IN THE WORCESTER CONSISTORY COURT

IN THE MATTER OF ST MARY DE WYCHE, WYCHBOLD

PETITION REF. 2021 – 065565

JUDGMENT

Introduction

1. The Petitioner is Mr David Hughes and his Petition is supported by the local Parochial Church Council of St Mary de Wyche church, Wychbold, Worcestershire.
2. Mr Hughes brings a Petition for a Faculty to replace the existing memorial plaque to the 9 servicemen of Wychbold who died in World War II. The plaque is moulded metal with the words, “IN REMEMBRANCE OF THOSE WHO FELL IN THE WORLD WAR 1939 – 1945” followed by the names arranged in two columns of four with one name in the middle at the bottom. It is screwed or nailed into the wooden sides of the lychgate at the church.

3. One of the 9 names appearing on the plaque currently reads “Patrick Collins”. Mr Hughes contends that this is a mistake and that the person who should be commemorated by that entry had the legal name Kenneth Lawrence Collins, albeit that he was apparently known by the nickname “Pat”. Kenneth Lawrence Collins was a cousin of Mr Hughes.
4. Mr Hughes wishes to replace the existing plaque (at his own cost) with a new memorial, substituting “Kenneth L. (Pat) Collins” for the current “Patrick Collins”. Otherwise, as I understand it, the new plaque would be the same as currently exists.
5. This proposal is objected to by the War Memorials Trust (“the WMT”), though that body has not become a party to these proceedings. In short, the WMT resist removal of the original plaque because that would result in complete loss of the original fabric of the memorial. The WMT also say, in their written consultation response of 22 June 2022, that they “caution against the change of spellings on war memorials and usually require definitive evidence that an error has occurred otherwise there is a risk that a legitimate name will be altered or removed.” The WMT propose that a name could be added below the existing plaque, in a style sympathetic to the main memorial, perhaps explaining (though this part of the objection is not entirely clear) why the name Kenneth has been added. The WMT note that it has records of 6 men named “Patrick Collins” who died in World War II and caution against too readily concluding that “Patrick Collins” on the existing plaque is an error.

Kenneth Lawrence Collins

6. Mr Hughes has conducted extensive research into his cousin’s life and war record and has helpfully included the fruits of those enquiries with the Petition.

7. According to his birth certificate, Kenneth Lawrence Collins was born on 18 May 1922 in Wychbold. His mother was Alice Collins (née Hughes). I have seen a death certificate for Private Kenneth Lawrence Collins (no. 5117681, of the Somerset Light Infantry) who died of wounds received in World War II on 20 November 1944 at the age of 22. An extract of records held by the Commonwealth War Graves Commission indicates that Private Kenneth Lawrence Collins (with the same number and regimental information as above) is buried at Leopoldsburg War Cemetery in Belgium. It also refers to a date of death of 20 November 1944. An extract from Ancestry.co.uk essentially repeats this information but adds a detail that Private Collins was born and resided in Worcestershire. I have also seen photographs of Private Collins' graves, first an apparently temporary grave with a wooden cross, then the present day traditional white Commonwealth War Graves Commission grave and stone in Belgium. On both grave markers, Pte Collins is referred to as "K. L. Collins", with his regiment, number and date of death all given as above.

8. Mr Hughes says that he (with the help of Sarah Taylor of a website called Remember the Fallen, which specialises in Worcestershire war memorials) has researched the 6 men called "Patrick Collins" who are recorded as having died in World War II (and who were referred to by the WMT in their consultation response, above). These enquiries suggest that none of these 6 men had any connection to Worcestershire. The Commonwealth War Graves Commission website lists 6 men called "Patrick Collins" who died in World War II and none of those individuals was obviously connected to Worcestershire.

9. Mr Hughes also notes a conversation with another cousin of his, the late Violet Hughes, who informed him before her death that Kenneth Collins had adopted the nickname "Pat" during

his military career after a famous showman active in the West Midlands at the time called Pat Collins. It is surmised by Mr Hughes (but no more) that those putting the memorial plaque together must have assumed that the nickname Pat was short for Patrick.

Analysis

10. The pre-eminent function of a war memorial is to record and honour those whose names appear thereon.
11. Of course, many war memorials will also be important articles of conservation heritage in their own right: Sir Edwin Lutyens' Cenotaph in Whitehall is an obvious example, but this will also be true of many memorials in towns and villages the length and breadth of the country. Accordingly, due weight must be given to the conservation impact of faculty applications relating to war memorials but such considerations are not automatically determinative (just as they are not automatically determinative of applications for the reordering of churches, for example).
12. A mistake on a war memorial may prejudice its role in recording and honouring those who fought and died in war. Mistakes come in different shapes and sizes: a minor spelling mistake might cause little prejudice or offence, even if it would be regrettable, but more serious mistakes, such as the use of an incorrect name for a person, may reasonably be seen as intolerably (albeit unintentionally) disrespectful towards the fallen and those who were close to them. More substantial mistakes also risk misleading those who inspect memorials hoping to learn something about local history. Even allowing for the fact that naming conventions may have changed over time, a reasonable person inspecting a memorial would expect it to be

basically reliable as a record of those individuals whose service it records – there would, otherwise, be no point in including names on memorials at all.

13. While I accept in principle the concern of the WMT that names on war memorials should not be too readily altered, I consider that Mr Hughes has shown, on the balance of probabilities, that the soldier with the surname Collins who should be commemorated on the war memorial in Wychbold church is Kenneth Lawrence Collins and not Patrick Collins. Indeed, I consider Mr Hughes to have presented a strong evidential case to this effect. I consider this to be a substantial error on the face of the memorial and accordingly that there are good *prima facie* reasons to approve its correction.

14. Before reaching a final conclusion, I must turn my mind to the conservation context. The memorial plaque in place at the moment is of comparatively small size and, as a moulded metal plate, should be capable of fairly easy faithful reproduction. Consequently, those looking at a new memorial in the future should not find the replacement plaque unfamiliar or out of kilter with what went before. It should be possible, in other words, to maintain a consistent aesthetic in the way in which the World War II dead of Wychbold are commemorated.

15. I also consider that any special conservation value in the fabric of the existing plaque can be protected by directing that it is respectfully retained in the church and is not to be disposed of without further order of this court. The church might wish to display it in some appropriate place with an explanation of why it was replaced, or offer it to a local museum, (in either case obtaining all necessary permissions and faculties) but that is of course a matter for them.

16. I have considered the WMT's proposal that Kenneth Collins' name should be added below the existing plaque. I have some sympathy with this suggestion (though regret that it was described as "more honest" in the WMT's consultation response) but on balance have concluded that it would treat Kenneth Collins' memory with less respect than is reasonably possible given the comparative ease with which a like for like memorial plaque can be provided.
17. I assume that it is not possible to alter the existing metal plate by remoulding that part currently referring to Patrick Collins but leaving the rest untouched, but I will direct that Mr Hughes explores this possibility before any new plaque is commissioned.
18. Finally, I address the name which is to be substituted in to the memorial. Mr Hughes has proposed "Kenneth L. (Pat) Collins". I will not permit the introduction of the nickname, for the following reasons. First, no other names on the existing memorial contain nicknames, even though some of the Christian names involved (e.g. Frederick) might well be expected to have attracted familiar abbreviations at the time. Second, the introduction of a nickname adds information beyond that which might be expected to be found on the face of a memorial, i.e. the legal name of the person commemorated. Third, allowing nicknames onto memorials risks creating difficult cases in the future where particular nicknames risk causing offence to others. A war memorial is a public document and the use of legal names is both informative and respectful. I note, in any case, that Mr Hughes has referred to his cousin as Kenneth and not Pat in his submissions. Therefore I will direct that the name to be substituted, adopting the format of the other existing names, is "Kenneth L. Collins".
19. I have no doubt that the people of St Mary de Wyche church will ensure that any amended or new memorial plaque will be dedicated in an appropriate service.

20. Finally, I record my appreciation of Mr Hughes' noble efforts to have his cousin's name properly recorded on the war memorial. I also thank the WMT for the points made in their consultation response, albeit that I have rejected them on the facts of this case. I note the hard work which they do for the preservation of war memorials in this country.

21. Consequently it is ordered:

- (1) The Petitioner shall make reasonable enquiries of appropriate craftsmen to see whether the existing war memorial plaque can be amended by the replacement in the same place of the name "Patrick Collins" with "Kenneth L. Collins" in the same style as presently exists and otherwise leaving the memorial unaltered, in which case such work is hereby permitted subject to what appears below;
- (2) If it is not possible to amend the fabric of the existing memorial plaque as above, a new plaque may be commissioned to replace the existing memorial, using a design and material matching that which presently exists, and replacing "Patrick Collins" in the same place with "Kenneth L. Collins", subject to what appears below;
- (3) Any amended or new plaque produced pursuant to this order shall be installed in the same place in the lychgate of St Mary de Wyche church as the existing memorial plaque;
- (4) The Petitioner shall report to the DAC in writing on the outcome of the enquiries directed in (1) above and, whether work is then to be effected under paragraphs (1)

or (2) above, the precise works of amendment to the existing plaque or the design specifications of the new plaque, as appropriate, shall be subject to the prior written approval of the DAC or, in case of any disagreement, of this court, and the present memorial plaque shall not be interfered with until such written approval has been obtained;

- (5) If the existing war memorial plaque is replaced, it shall be respectfully stored in the church of St Mary de Wyche and shall not be removed from the curtilage of that church without further order of this court.

John Summers

Deputy Chancellor

15 September 2022