

In the Consistory Court of the Diocese of Salisbury

In the Matter of Salisbury, St Thomas a Becket

Judgment

1. The history of the church of St Thomas a Becket in Salisbury is inextricably linked with the history of Salisbury Cathedral. It served as the parish church for the masons building the Cathedral after it moved from Old Sarum in the 13th century. It continues to have a crucial role in the liturgical, social and civic life of the city. In recent years significant works of restoration and reordering of this ancient building have been ongoing. This petition concerns the next phase of those works, namely the proposal to introduce a modern timber and copper font into the west end of the central nave aisle and the removal of the current Victorian stone font and timber cover from the south west corner of the church. The new font is intended to echo and compliment the modern altar which was installed at the east end of the nave in 2020.
2. The petitioners also seek permission to install oak storage cupboards under the windows in the south west corner of the building after removal of the existing font to allow for storage of the wooden stacking chairs which are used for additional seating in the church when needed.
3. As mentioned, these proposals are the next stage of a programme of reordering and restoration which has been ongoing in this church building since at least 2015. Works already completed include the construction of a glass lobby at the west (main) entrance, the replacement of 19th century fixed nave pews with oak benches, the restoration of significant paintings and monuments and the installation of the new east nave altar by local designer, Matthew Burt, on a central dais.
4. Having been unable to find a museum which would accept it, the petitioners provide two options for the future of the existing font and cover. They propose that either the font should be moved to a Roman Catholic church in West Grinstead, Sussex and continue in use for baptismal purposes and that its cover (which cannot be accommodated in West Grinstead) should remain suspended in its current location in St Thomas' church ('Option A'), or both font and cover should be disposed of by sale ('Option B').

Consultation

5. This petition has, of course, been the subject of wide consultation and public notice over a number of years as the works to the church building have progressed. The lengthy process of engagement with the public and statutory bodies has resulted in a Notification of Advice from the Diocesan Advisory Committee which 'does not object' to the approval of the proposed works.

6. Of the other statutory bodies consulted, Historic England, the Victorian Society and the Local Planning Authority maintain varying levels of objection to the proposed works. None of those bodies have chosen to take party status in these proceedings. The Society for the Protection of Ancient Buildings is content with the proposal on the basis that Option A is used for disposal of the existing font. Historic Buildings and Places makes no comment on the proposal. Helpful advice has been received from the Church Buildings Council both generally in relation to the proposals and specifically on certain liturgical and canonical issues which arise in this case.
7. In response to the public notices, the Registry received six letters of objection from local residents and members of the worshipping community. I am quite satisfied that each of those who wrote to the Registry is an “interested person” for the purposes of rule 10.1 of the Faculty Jurisdiction Rules 2015. None of them have chosen to take party status in these proceedings, but instead ask that I take their representations into account.

Advice and objections

Diocesan Advisory Committee

8. The Diocesan Advisory Committee has been closely involved in the development of these proposals and the wider reordering scheme. Under rule 4.9(4) of the Faculty Jurisdiction Rules 2015, when giving its formal advice to the Court, the DAC has three options available to it: it may (a) recommend the proposals for approval; (b) not recommend the proposals for approval; or (c) not object to the proposals. Initially, the DAC voted not to recommend the proposals for approval – the least positive option. Once details of further efforts to find a new ‘home’ for the existing font had been provided by the petitioners – including confirmation that it could continue in sacramental use in West Grinstead – the DAC amended its advice such that it now “does not object” to the proposals. The DAC Minute confirms that this is on the understanding that the font cover is retained in St Thomas’ church, and it maintains concerns about the appropriateness of the new font remaining uncovered.

Church Buildings Council

9. The Church Buildings Council has been involved in the provision of general advice in relation to this proposal and also, upon request, specific advice about the canonical and customary issues which arise in relation to it. The CBC is better placed than the secular consultative bodies to advise on these latter issues and I am grateful to it for the advice given.
10. I will deal with the canonical and customary issues raised in detail below, but in its provision of general advice, the CBC initially raised a number of issues for clarification. It later advised that those issues had either been answered by the petitioners or were subjective matters about which I would need to make a decision. It maintains its advice that the removal of the existing font would not be appropriate.

Historic England

11. Historic England has been engaged in the development of these proposals for many years. Initially, significant concerns were raised, particularly in relation to the removal of the existing font. Although the font is described as “of simple, Victorian design and form”, HE attaches particular significance to its historic and communal value in contributing to the special significance of this Grade I listed building. It concludes by advising that the loss of the font from the church would result in:

“some harm to the significance which the grade I listed church derives from the communal value associated with the font and its association with a former incumbent as well as the quality and aesthetic value of the Hems font cover both of which were designed specifically for this building. However, we appreciate that the church’s significance largely lies in the longevity and quality of its fabric and its striking and historic internal decoration. It will therefore be for the Diocesan Chancellor to weigh up the benefits associated with this application as outlined by the PCC, against the harm set out above, in making their decision as to whether this harm is justified and therefore whether a faculty can be granted.”

The Victorian Society

12. The Victorian Society “very strongly opposes” the disposal of the existing font. It records the artistic significance of the font as the work of designer E Doran Webb and maker Harry Hems and its communal value to the significance of the building for which it was designed. Its clear advice is that the existing font should be retained within the building and that the font and its cover should not be separated. It advises that either the relocation of the existing font to the proposed location of the new font or its relocation and preservation elsewhere in the building would be acceptable. Though recognizing some weight in the petitioners’ arguments about liturgical need, it expresses doubt about the arguments in relation to space within the building and the retention of a second font. It does not consider that the justifications provided by the petitioners are sufficient to warrant the loss of the existing font from the building.

The local planning authority

13. Upon initial consultation, Wiltshire Council considered that the removal of the existing font would cause irreversible harm to the character and significance of the building, and that no adequate justification has been offered for such harm, saying: “There are no public benefits provided or facilitated by removal of the font.” It is not clear whether this advice predates the proposal to move the existing font to West Grinstead, although it appears that it predates the proposal to retain the cover within St Thomas’ church. No response was received to the Special Notice served under rule 9.3 of the Faculty Jurisdiction Rules 2015.

Local objectors

14. Seven individuals wrote to the Registry expressing objections to the proposal. All were either parishioners, on the electoral roll of the parish, members of the congregation or a combination of the three. Their objections echoed some of the objections raised by the statutory bodies referred to above – in particular, emphasizing the historical and communal value of the existing font. Some expressed concerns about the appropriateness of the design of the proposed font.

Some expressed concern that the proposals were an inappropriate use of funds and a “vanity project” for a limited number of individuals. Some expressed the view that the location of the proposed font was inappropriate as it would limit space and flexibility. All representations have been taken into account in determining this petition.

The law

15. These proposed changes must be determined by reference to what have become known as the *Duffield* Guidelines – so called as a result of having been first articulated in the Court of Arches decision of *Re St Alkmund, Duffield* [2013] Fam 158 at paragraph 87 of that judgment. In that case the court suggested Chancellors should approach cases of this sort by addressing the following questions:

“1. Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?

2. If the answer to question (1) is “no”, the ordinary presumption in faculty proceedings “in favour of things as they stand” is applicable, and can be rebutted more or less readily, depending on the particular nature of the proposals (see *Peek v Trower* (1881) 7 PD 21, 26-8, and the review of the case-law by Chancellor Bursell QC in *In re St Mary’s, White Waltham (No 2)* [2010] PTSR 1689 at para 11). Questions 3, 4 and 5 do not arise.

3. If the answer to question (1) is “yes”, how serious would the harm be?

4. How clear and convincing is the justification for carrying out the proposals?

5. Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building (see *St Luke, Maidstone* at p.8), will any resulting public benefit (including matters such as liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission) outweigh the harm? In answering question (5), the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted. This will particularly be the case if the harm is to a building which is listed Grade 1 or 2*, where serious harm should only exceptionally be allowed.”

16. The questions have been refined further by the Court of Arches in *Re St John the Baptist, Penshurst* (9 March 2015) which requires a careful assessment of the special significance of the building before answering the *Duffield* questions.

17. In the current context, the provisions of Canon F1 are also of particular relevance. I set them out in full below:

“F 1 Of the font

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.
3. The font bowl shall only be used for the water at the administration of Holy Baptism and for no other purpose whatsoever.”

The special significance of the building

18. I have visited the church of St Thomas on a number of occasions as a visitor to the city of Salisbury and am familiar with the building. The Statement of Significance, together with supplementary documents provided by the petitioners, sets out the significance of St Thomas’ church. The building is Grade I listed and is most noted for its “sumptuous”¹ interior and medieval wall paintings, especially the 15th century Doom painting which dominates the east end of the nave above the chancel arch. Having been overpainted in the reformation, that painting was rediscovered and restored in the 19th century and further comprehensively restored in 2019 as part of the current ongoing programme of works. Externally, the building is principally 15th century. Internally, it is also substantially 15th century, the east end having been heavily endowed by rich merchants after the collapse of the chancel in 1447. The building was substantially re-ordered in the latter half of the 19th century by GE Street, including the removal of galleries, the introduction of pews (now replaced with oak benches under a faculty dated 2017) and significant ordering of the chancel. Further changes, referred to above, have been made to the interior of the church in the 21st century. This proposal forms part of that scheme of re-ordering.

19. Given the proposal to remove it from the building, I must also examine the particular significance of the existing font in the context of the building. Substantial research has been undertaken into its provenance and importance. This font sits at the west end of the south aisle of the church. It was installed in the early years of the 20th century (1902) in memory of a former incumbent, the Revd William Birkbeck (1894-1898), who had died in 1899. It takes the form of a solid octagonal pillar of Beer stone with carved panels on each face. It was designed by E Doran Webb and made by Harry Hems – both significant and highly skilled Victorian artists. The timber font cover is suspended on chains over the font. Its base is also octagonal, although most of the height (of over six feet) takes the form of an intricately carved spire which is topped by a dove. The Statement of Significance unfairly describes the font as “unremarkable”. It is an elaborate piece which is the work of important artists and holds particular communal as well as historic value for this building given its status as a memorial to a “greatly beloved” former incumbent and its use as the principal place of baptism in this church for 120 years.

Harm to the special significance of the building

20. And so I must ask myself whether these proposals would cause harm to the special significance of this building. I am quite satisfied that the introduction of the timber storage cupboards would not, alone, cause harm to the significance of this building. They are designed to be in keeping with the adjacent timber

¹ See Pevsner’s *The Buildings of England – Wiltshire*.

furniture and fittings and would improve the presentation of the interior by providing appropriate storage for the stackable chairs introduced under an earlier faculty. It was a condition of that earlier faculty that appropriate provision should be made for their storage, though without any assumption that they should be located in the current baptistry. No concerns have been raised about the design of the cupboards. If the existing font is to be removed or relocated, the location of the cupboards in the south west corner of the church, is entirely appropriate, although I do not find the intended location of the cupboards to provide a good reason for removal or relocation of the existing font.

21. The more contentious elements of these proposals are, of course, the removal of the existing font and the introduction of the proposed font. The relocation of the church's font (whether the existing font or the new one) to the west end of the central aisle would not cause harm to the significance of this building. Although the south west corner has been the place of baptism in this church since at least the middle of the eighteenth century, it is not clear that it has been in that location throughout the church's history. The locating of a font as proposed would bring to prominence the sacrament of baptism in a way which would enhance the significance of this place of worship and would be entirely consistent with the requirement of Canon F1 that "[t]he font shall stand as near to the principal entrance as conveniently may be...; and shall be set in as spacious and well-ordered surroundings as possible." The new location is more visible upon (and before) entry into the church. I do not accept the suggestions made that the new location would be inappropriately cluttered or an obstruction to worship and the flexible use of the building. The careful sizing and location of the moveable oak benches which now fill the nave mean that its location will be "spacious and well-ordered" and there need be no difficulty in passing it, whether for liturgical or other purposes².

22. Equally, I am satisfied that the introduction of the proposed font of new design would not cause harm to the significance of the building. It has been suggested that the font is inappropriate in its quality and design - being described by some of the objectors as resembling an "ice-cream cone" or a "waste paper bin". The difficulty with judgments of this kind is that they are largely subjective. As with any new design or piece of art, some will like it and others will not³. Although the views of the individual objectors make clear that the new design is not to everyone's taste, it is clearly supported by many and the statutory consultative bodies have not expressed any fundamental concern about that design. This font has been designed by the same local artist who designed the nave altar. It is intended to be sympathetic to and echo that new altar. I am quite satisfied that it is of an appropriate quality and dignity for its purpose. Its design has the support of the overwhelming majority of the PCC⁴.

23. What I am satisfied *does* cause harm to the significance of the building is the loss of the existing font. Although the petitioners have described the existing font as "unremarkable", it has clear historic and communal value in the context of this building. It was commissioned specifically for the space and building within which

² E.g. liturgical processions, the passing of coffins at funerals, the movement of pushchairs or people in wheelchairs around the building.

³ I am put in mind of the new font in the case of *Re St. Bartholomew Kirby Muxloe* [2015] Leicester Const Ct where the Chancellor expressed the view that new font looked "more like a toilet than a font".

⁴ The relevant PCC resolution was passed by a majority of 15 to 1 with no abstentions.

it sits and is intrinsically linked to the building. The symbolism of some of its carved panels reflects local connections and it was introduced in memory of an incumbent of this parish, albeit one who served only for four years. It is the vessel at which parishioners have been baptized for 120 years. It is an intricate and high quality piece of sacramental furniture. Its loss will cause harm.

Seriousness of the harm to the significance of the building

24. I must assess the seriousness of the harm to the significance of the church caused by these proposed changes. In making that assessment I am particularly persuaded by the words of Historic England when it says:

“the loss of the font from the church would result in *some harm* to the significance which the grade I listed church derives from the communal value associated with the font and its association with a former incumbent as well as the quality and aesthetic value of the Hems font cover both of which were designed specifically for this building. However, we appreciate that the church’s significance largely lies in the longevity and quality of its fabric and it’s striking and historic internal decoration.” (my emphasis)

25. As Historic England points out, the special significance of this building arises substantially from its largely 15th century architecture and remarkable medieval wall paintings. The important 19th century Street re-ordering is unaffected by these proposals. Although some harm will be caused to the special significance of this building as a whole, I do not find that that harm is serious or substantial. Rather the harm caused would be modest – particularly if that harm is mitigated by the retention *in situ* of the timber cover which will serve as a physical reminder of the history of the font and its contribution to the communal life of the church.

Justification for the harm

26. The petitioners seek to justify any harm caused by the proposed works on the basis that they will provide a significant public benefit. As the fifth *Duffield* question makes clear, public benefit can include matters of liturgical freedom and opportunities for mission. The petitioners rely principally on such reasons. They seek to bring the font into a place of prominence, located centrally (like the new nave altar) as a symbol of the unity of Christ’s people brought together in their diversity through one baptism into His Church. This is echoed in the font base’s inscription – “One Faith, One Baptism”, which in turn echoes the inscription on the nave altar – “One Body, One Bread”. It will be highly visible from the main entrance to the church, including from outside the church through the relatively newly glazed west porch to the passing city pedestrian traffic. It is intended to serve as a witness and a reminder, both to those who worship in the building and those who are simply visiting, of their own baptism. The font itself, like the nave altar, is to be constructed of staves of oak representing the people of God, originating in the single point of God’s imagination and visibly rising to form the font bowl.

27. In 1992 the House of Bishops produced a paper at the request of Chancellors entitled *Baptism and Fonts*⁵. In considering the location of fonts in that paper, the bishops observed that:

“...while a position at the door may speak of our entry into Christ's church, a position in - for example - the centre of the congregation may have more to say about the outpouring of God's grace as he brings his people to a new birth, and a position in close proximity to the altar will emphasise the paschal link between baptism and the eucharist.”

It seems to me that the location chosen by the petitioners would serve each of these three symbolic aims.

28. Plans for use of the font within liturgy have been outlined in detail in the revised Statement of Need. When baptisms take place, they will take place in the midst of the gathered community. The new font is to be used as part of wider liturgy - including in formal and informal processions and for the sprinkling of water from the font on Easter Sunday and at funerals. The new location supports this.

29. Flexibility of use of the building has been a substantial aim of the wider re-ordering project which has been underway in recent years. The unfixed oak benches which now occupy the nave have been sized to ensure that sufficient space can be left around the new font to avoid unhelpful obstruction. Provision has been made for the font to be removable so that it can be moved if an event hosted at the church might require that. That said, it is intended that that would be a rare occasion and that the font would remain fixed almost all of the time.

Public benefit vs harm

30. When weighing the intended public benefit against the harm which will be caused, I must consider whether a less harmful proposal would achieve the desired benefit. It has been suggested by some of the consultative bodies and individual objectors that the intended benefit could be achieved alongside the retention of the existing font within the building, either in its current position, in place of the proposed new font or in an alternative position within the building.

31. I have considered whether the relocation of the existing font to the position intended for the proposed font would meet the needs of the petitioners in a way which would be less harmful to the significance of the building. I accept that it would not. The principal difficulty with this proposal is the size and form of the existing font. The font cover alone is six and a half feet tall and, of course, it sits atop the font itself which is a solid octagonal stone pillar. The cover is suspended by chains attached to the ceiling of the south aisle to aid its being lifted from the font. The south aisle nave is significantly lower than the nave ceiling, which is the full height of the building. I have serious doubts about whether the lifting mechanism for the cover could be extended to be safely usable at the height of the nave. Even if it could, more significantly, the size and volume of the existing font is such that it would create a substantial visual obstacle within the nave

⁵ HB (92) 36. The questions in the paper appear to have been posed by the Chancellors in response to differing approaches to the question of the multiplicity of fonts in churches, in particular in the cases of *Re St Nicholas, Gosforth* (Newcastle Consistory Court, 27 Oct 1988), *Re St Barnabus, Kensington* [1991] Fam 1 and *Re St George, Deal* [1991] Fam 6.

central aisle. The aesthetic and symbolic intention behind the relocation of the font is to represent the journey of the faithful from the entry into the Christ's church through baptism towards the gathering of Christ's church at the nave altar and beyond to the sanctuary. The solidity and height of the existing font means that it would be difficult to see past it to the east end of the church. It would defeat much of the symbolic intent behind these changes and increase difficulties of access down the aisle for liturgical and other purposes. I am mindful that concerns which were raised at the time of the design of the nave altar about the risk of its obscuring the sanctuary altar and the important GE Street re-ordering of the chancel. The size of the nave altar was scaled back to limit the harm that would have been caused by its being too large. To place the existing font at the west end of central aisle would risk similar harm to the aesthetic significance of the building, especially with its canopy and lifting gear. The petitioners also argue that the solidity of the existing font would be aesthetically incongruous in this location given the relative lightness and delicacy of the current furnishings. I have some sympathy with this view. Although the retention of the font in this location would limit the harm identified above, it would be harmful in a different way to the overall visual impact and ordering of the church to relocate it to the central aisle.

32. I turn to consider the retention of the existing font elsewhere within the building. If the existing font is to be relocated within the church alternative space must be found. If it is to be retained *in situ*, alternative space would be required for the storage cupboards currently proposed for the south west corner. The petitioners maintain that space is at a premium in this busy city church and that there is no other suitable location for the existing font's retention which would not limit the new flexibility and uses to which the church is now put. I have seen details of the wide and varied uses to which this church building is put throughout the course of the year whether liturgical, missional, social, educational or civic. Those activities need not be set out in detail here, but are carefully described within the papers before me. Whereas it would not be impossible to retain the font within the church, there is no doubt that its retention would have a notable impact on the activities within the church and limit the space available, particularly those missional and social activities which are a core part of the outreach in this busy city centre parish.

33. The proposed retention of the font also has raised concerns about the appropriateness of a multiplicity of fonts within the church. Certainly, the DAC and CBC have advised that this is an important ecclesiological issue which must be addressed. That position is reflected in the CBC's Guidance Note on Fonts which records that "[t]here is a strong custom of each church having only one place of baptism". The House of Bishops has made clear in the paper referred to above⁶ that the existence of more than one font within a church should be an anomaly. The aim should be that there will only be one font. As the Bishops have said, "[o]ne baptism once only is the teaching of the Church from earliest time". To provide alternative fonts within a church, risks creating confusion about different 'types' (and even hierarchy) of baptism. It is clear from the wording of Canon F1⁷ that the significance of the presence of a font in a church extends beyond its use at the sacrament of baptism. At least as important is the ecclesiological message given to all who enter the building of the unity of baptism

⁶ See the Annex to House of Bishops paper HB (92) 36.

⁷ Especially F1.2 in relation to the location of the font.

as a sacrament which can happen only once for each of us.⁸ As the House of Bishops has said, “[c]hurch buildings have a proclamatory life of their own apart from the confines of public worship”⁹.

34. This does not mean that more than one font can never be present in a church, but it should be exceptional. In the House of Bishops paper, it is anticipated that an exception might be made where different types of font are needed in order to accommodate baptism by immersion as well as affusion or aspersion. That is not the case here. The Victorian Society has pointed out that there may, in fact, be a third font within the church – an eroded 12th century stone bowl which is stored in the church and may have been a font at some point in its history. I am entirely satisfied that the presence of this item in the church does not create the pastoral ambiguity or confusion about the unity of baptism which the retention of the existing font would cause. It is clearly redundant as a font (if it was ever used for this purpose). The existing font is of such size and scale that it would not be possible to retain it within the building without challenging the norm of one font per church building “which has the overwhelming weight of tradition behind it as well as pastoral common sense”¹⁰.

35. I have come to the conclusion that the public benefit to be achieved by these works outweighs the modest harm that would be caused to the significance of the building by the loss of the existing font. In reaching this determination, I have taken account of the fact that that harm can be mitigated by the retention of the substantial yet intricate timber cover, suspended *in situ*, together with explanatory information about it and the font which it has, until now, covered. This will enable the historic and communal value of the font and cover to continue to be read within the building.

Disposal of the existing font

36. As part of this decision, I must be satisfied that the existing font will be disposed of appropriately. There is some mention in the papers before me of disposal by breaking up the font and burying it in the churchyard. None of the interested parties, including the petitioners, supports this approach. Instead, it is proposed that the font should either be sold together with its cover or relocated to the Roman Catholic church in West Grinstead for continued sacramental use, with the cover retained within St Thomas’ church. I take the view that the latter option is more appropriate.

37. Significant concerns have been raised, particularly but not exclusively by the Victorian Society, about the separation of the font from its cover and the harm that that would cause to the significance of the font. In order to avoid the need to separate the font and its cover, the petitioners contacted various appropriate local and national museums to see if they would accept them into their collections. This included the Royal Albert Memorial Museum in Exeter which houses a significant collection of the work of Harry Hems. Despite clear enthusiasm for the font, the RAMM (along with the other museums approached) has been forced by the size and scale of the font to refuse to accept it into their collection as they lack the space to store or display it.

⁸ Unlike the eucharist which is necessarily a repeatable sacrament.

⁹ Para 2.3.1 of HB (92) 36.

¹⁰ HB (92) 36 para 3.2

38. The decision in *Re St Michael and All Angels, Blackheath Park* [2016] ECC Swk 13 encourages a sequential approach to the disposal of a font in which the relocation to another church for continued sacramental use should be considered before relocation to museum or, subsequently, sale. This supports the preference of a move to West Grinstead rather than sale. I share the view of the DAC and CBC that the significance of this item will be best served by its continuing in sacramental use in West Grinstead rather than being sold, even if this means that it will be separated from its cover. The great height of the cover means that it is simply not possible for the West Grinstead church to accommodate it. Nevertheless, the age and style of the font and receiving church are in keeping with each other. Its intended location within the building is entirely appropriate. The local church authorities have, I am told, authorized the receipt of the font and information is to be provided in the receiving church about where the font has come from and explaining the commemorative inscription. Alongside the very real advantage of ensuring the font continues to be used for its intended purpose, the retention of the suspended font cover within St Thomas' church along with appropriate interpretive materials will go some way towards mitigating the harm that the loss of the font will cause to the significance of that building. Given the fact that the second option of selling both font and cover together in no way guarantees that the items will remain together into the future, I am satisfied that the relocation of the font to West Grinstead is the most appropriate method of disposal in this case.

Font cover

39. Before concluding this judgment, I turn to an aspect of this case which has caused me particular concern. Canon F1.1 clearly states that “[i]n 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*” (my emphasis). It is clear from the petitioners' plans that there is no cover proposed for the new font. Indeed, it is intended that the new font should remain open and containing water such that this water will be available at all times for those who enter the church to touch, a tangible sign of baptism. In order to meet the requirement of Canon F1.3 that “[t]he font bowl shall only be used for the water at the administration of Holy Baptism and for no other purpose whatsoever”, whilst the font is not in use for a baptism, the water will be held within a small pottery bowl created by a skilled local potter from within the congregation and placed within the font. The water will be renewed frequently and regularly. The DAC has also expressed particular concern about the lack of a cover in light of the requirements of the Canon.

40. And so I turn to the question of whether, in light of the terms of the Canon, I can authorize the introduction of a font which has no cover. I sought specific advice on this issue (amongst others) from the Church Buildings Council. On this issue the CBC provided the following advice:

“Canon F1 clearly states that a cover should be provided for the font to keep it clean. However, there are examples of uncovered fonts namely in Salisbury Cathedral, in Portsmouth Cathedral and in the Church of the Resurrection at Mirfield. In all of these cases the font was designed as a piece of sculpture as well as being a font and the sculptural element meant that a cover was not deemed to be desirable or practicable. I believe that special dispensation was

sought in some cases from the Bishop for these uncovered fonts. There are, therefore, exceptions to the Rule in Canon F1, in some special circumstances, but the normal rule is for a font cover to be provided. There can be practical issues which arise from having an uncovered font. When the font was first installed at Salisbury Cathedral for example visitors used it rather as a wishing well which meant that the vergers had to regularly go fishing for coins.”

41. I fully accept what is said about the existence of fonts without covers. Not all such fonts are modern or of sculptural design¹¹. I also accept that to introduce a cover in relation to some fonts might be problematic. For example, heritage considerations might militate against the introduction of a font cover in Hull Minster and the introduction of a cover for the font in Salisbury Cathedral would certainly rob the font of much of its beauty and the symbolism of the stillness expressed in its reflective surface and the life-giving movement of the water through its spouts.

42. I am indebted to Chancellor Petchey for his careful analysis of the history of Canon F1 in his judgment in *Re Holy Trinity, Wandsworth* (Southwark Consistory Court, 4 Sept 2012). It appears that there was no requirement for a font cover for many centuries, although font covers were clearly widely used throughout this time. The Canons of 1603 simply stated that “there shall be a font of stone in every church where baptism is to be ministered; the same to be set up in the ancient usual places.” It is unclear why the revision of the Canons in the 1950s and 60s introduced the requirement for a cover. The House of Bishops paper referred to above clearly contemplates circumstances where the form of the font will mean that the introduction of a cover is not practicable, stating that “[f]onts of this kind of design need no covers”¹².

43. I note the observation of the CBC that “special dispensation was sought in some cases from the Bishop”, but am unclear about the basis of such dispensation from the requirements of the Canon. Certainly the power to amend the Canons lies not with the House of Bishops but with General Synod¹³.

44. The theological basis for the requirement for a cover is unclear. Rather, the wording of the Canon suggests that the reason for the requirement is a practical one – namely “for the keeping clean thereof”. Even where covers exist it would seem that they do not always serve that purpose as covers are often kept permanently suspended above the font. Indeed, a number (though not all) of the photographs with which I have been provided in this case show the existing cover left suspended above the font in the church of St Thomas.

45. So can permission be granted for a font without a cover in these circumstances? Can I decide that the canonical words “with a cover” can be dispensed with on the basis of the various examples provided where they have not been applied. I do not think that I can go so far as to say that the provision of a font cover is obsolete. Many fonts up and down the country have and use covers – including the one currently in St Thomas’ church. I am mindful of the wording of Canon F1.2 which imposes requirements as to the location of a font, but includes the words “except there be a custom to contrary or the Ordinary otherwise directs”. No such words

¹¹ For example, the font in Hull Minster dates from the 14th century and has no cover.

¹² Para 2.4.1.

¹³ Synodical Government Measure 1969.

are included in Canon F1.1 which simply states that there “*shall be provided* a decent font with a cover”.

46. It will be apparent from the preceding paragraphs that I have struggled with whether I can approve a font without a cover in this case. The petitioners’ desire to have water present in the font as a tangible reminder to all who visit of their baptism echoes the very proximate example at the cathedral. There can be no question in this case that design of the font (which broadly takes the form of an inverted timber cone topped with a beaten copper bowl) means that a cover is not desirable or practicable because of its sculptural nature, even if such an exception can be said to exist as suggested in the advice of the CBC set out above. I am driven, though reluctantly, by the unambiguous and absolute wording of the Canon (in contrast to the wording of Canon F1.2) to the conclusion that a cover must be provided. It may be that, in this case, a cover can be designed which can be used either with or as a receptacle to hold water in the way that the petitioners wish, but I have concluded that I cannot approve a font with no cover at all. I do not think that this issue requires the refusal of the faculty sought – rather I will impose a condition on the faculty granted that provision is made for an appropriate cover for the font.

Conclusion

47. It will be apparent from the above that a faculty should be granted for the proposed works. There will be conditions upon that grant concerning:

- a. The provision of a cover for the new font of a design to be agreed with the DAC or approved by the Chancellor;
- b. The removal of the existing font to the Church of Our Lady of Consolation in West Grinstead;
- c. The retention of existing font cover; and
- d. A record of the existing font taken and stored with parish records together with the display of information about the destination of the font within the church.



Chancellor Ruth Arlow

30 January 2023