

**Neutral Citation Number: [2024] ECC She 6**

**Diocese of Sheffield  
In the Consistory Court**

Her Honour Judge Sarah Singleton KC  
*Chancellor*

**In the Matter of St Mary, Catcliffe - A private petition concerning a headstone**

**Judgment**

1. This judgment addresses a private petition for a faculty to permit the installation of a headstone in the churchyard of St Mary's Church in Catcliffe. The petition of 28<sup>th</sup> February 2024 followed the incumbent refusing permission under the rules. The proposed memorial does not comply with the Diocesan Churchyard Rules because it is book shaped and of polished black granite. The proposal includes a poppy design which I infer was to be in colour and not simply engraved in outline. Given the nature of the dispute which has resulted, I do not propose in this judgment to name the Petitioner or the other family members involved.
2. The memorial stone is intended to commemorate the Petitioner's paternal grandparents. Her grandfather died in May 2021 and her grandmother in October 2022. Their remains have been interred in the churchyard in the same plot. I understand that the incumbent and the PCC had already been obliged to resolve a dispute between family members about where in the churchyard the remains of the paternal grandmother should be buried because some members of the family had wanted to place them together with the remains of a daughter of the deceased who had died before them. The word "passed" is included to convey the dates of the deaths of the Petitioner's grandparents. The words "reunited again" are included.
3. The proposed memorial is rather crowded with engraved sentiments. It is not necessary, for the purpose of this judgment to set out all the proposed wording in full. On each side of the book shape on opposite notional pages are set out the names and dates of death of the two deceased. The memorial includes on its base slab, at either side, flower vases which were to include more sentiments. On the left the wording proposed is:-

Of all the gifts  
big and small, To have  
you in our lives  
was the greatest gift of all.  
Love always

And here the Christian names of two family members are included.

On the right the wording proposed is:-

Lots of love now  
and forever.  
You will never be  
forgotten and we  
will always love you  
Goodnight  
God Bless. Keep  
the stairwell warm  
until we meet again.

And here the Christian names of the Petitioner and her father are included.

Sitting between the flower vases is a heart shape upon which is proposed to be engraved:-

Always in our thoughts.  
Forever in our hearts.  
XXXX

Beneath the heart are to be the words:-

Lest we Forget

4. Public notice of the Petition was displayed at the site of the grave for the requisite period. It has elicited three objections from three other family members, a daughter and two other grandchildren of the deceased couple. They are distressed at the naming on the memorial of some but not all of the children and grandchildren of the deceased couple.

One of the objectors says:-

*The headstone is a lasting tribute for loved ones that can be seen for generations to come, it shouldn't be a tribute from just certain family members when we all love and miss them both so much too....*

*The headstone is to mark the resting place of two very special people in our lives...*

*The headstone should not be a point of contention between families.*

5. In addition to the Petition itself, the Petitioner has written two detailed letters to the Registry about events and family dynamics particularly during the last years of the lives of the deceased couple. I do not have and do not consider it necessary to have the accounts of the other family members including the objectors to the Petition of the events she describes in detail. I think it quite likely that their narratives would not coincide. I have considered whether it is necessary or proportionate to resolve the predictable and inevitable conflict of factual account. I have decided that it would be a wholly destructive and quite unnecessary exercise incompatible with the overriding objectives of this jurisdiction.
6. Churchyards and the memorials installed in them should be a place where all those bereaved can come to visit and remember those whom they have lost at the place where their remains have been interred. They should also be an oasis of peace, suitable for time spent in quiet reflection and contemplation for all visitors whether bereaved or not. Memorials and the wording on them cannot and should not be an arena for ongoing dispute.
7. In response to the objections of her aunt and cousins the Petitioner advances several arguments in support of her Petition that her planned memorial should be permitted:-
  - a) The Petitioner advances the fact that the incumbent's refusal of permission was not because of wordings of the engravings but because the proposed memorial is book shaped. I infer that she therefore would argue that the only basis that authorisation of the memorial should continue to be refused is its book shape but for which the other objections could not have been made.

I consider, however, once an incumbent has declined permission under their delegated authority as delineated in the Diocesan rules, that all issues are at large. The Chancellor can decide not to simply review what the incumbent has done as in an appeal but to consider the proposed memorial afresh. The combined effect of a decision of the incumbent to refuse permission and a Petition to permit the contested memorial is to reallocate the incumbent's delegated decision-making authority to the Chancellor. The Chancellor may, when appropriate, exercise their discretion afresh.

- b) The Petitioner advances the fact that she and the other named relatives are paying for the memorial without contribution from the objectors. The reasons for this lack of contribution are no doubt woven into the family dispute and I am not able or inclined to come to proper evidenced conclusions about them. In any event, however, the fact that someone is paying for a memorial does not mean that their proposals must be followed. The overarching objective for churchyards to serve the needs of all their visitors as sites of quiet reflection and remembrance outweigh any such consideration.
  - c) The Petitioner has been upset by the introduction at the grave of an ad hoc memorial from one of the objectors. That introduction was not lawful and the objector is invited to remove it. I exercise my jurisdiction to direct the incumbent to remove it if the objector has not done so on or before 30<sup>th</sup> September 2024.
8. I am troubled, in churchyard memorial matters, by a self-imposed discipline to restrict the requested decision to matters that are properly within the jurisdiction of the Chancellor and not to seek to deploy the lawful authority vested in this Court to regulate matters of taste. I would prefer it if the wording engraved on churchyard memorials were grammatical and tasteful. I do not think the use of the term “passed” instead of “died” or “passed away” is attractive or, in a linguistic sense, appropriate. I think the words “reunited again” to be a tautology in the sense they are used on this memorial and I would urge the Petitioner to reconsider and use “reunited” or “united again”. Overall I find this memorial overcrowded with sentiments and would wish a more minimalist design.
- However, I consider in this case that each of those aspects of this memorial can be left to the bereaved and the incumbent to navigate together in the context of the overarching objective for churchyards set out at the end of paragraph 7 above and do not propose to regulate the memorial to conform to what I would prefer as a matter of taste.
9. In all the circumstances, therefore, I propose to permit this memorial, in the shape of a book and largely as proposed subject to the following provisos:-
- i) Unless all the Christian names of each of the deceased’s children and grandchildren are to be included, no names of the bereaved family may be included. I agree with the objector that the memorial should be a lasting tribute to them for generations of all of the descendants of the deceased. The inclusion of the names of a selection of the bereaved cannot be permitted.
  - ii) The poppy design to be engraved into the memorial must be limited to an outline in the same colour as the rest of the engravings (whether gold or white) It must not be in colour. Coloured engravings are creeping into some churchyards. They should not be permitted.
10. I appreciate that the Petitioner will be disappointed by this outcome but I nevertheless hope that she and the objectors might take it as an opportunity to work together to create a fitting memorial for the family members they have lost. It may be that the objectors, if they are able, will consider offering some financial contribution to the cost of the memorial.

Sarah Singleton KC

Chancellor of the Diocese of Sheffield

13<sup>th</sup> August 2024