

Neutral Citation [2017] ECC Bla 4

In the Consistory Court of the Diocese of Blackburn

In the Matter of the Parish of St Mary the Virgin Eccleston, and

In the Matter of a Petition (No 80 of 2016) by Patrick Bernard Houston and Louise Elliot to erect a headstone

Judgment

1 Proceedings

By a petition dated 9th August 2016, Patrick Bernard Houston and Louise Elliott seek permission to erect a memorial over the grave of two family members, namely Geraldine Houston and Kathleen Houston. The application is resisted by the incumbent, wardens and PCC on the basis the proposal is outside the Churchyard Regulations. There are two subsidiary issues to consider. First, do the petitioners need to show something exceptional before being given permission for such a proposal? Second, is it open to the Diocesan Advisory Committee to change the advice it proffers to the parties and to me, and if so, in what circumstance? Consideration of these issues has made this judgment far longer than I would have wished.

2 Background

Kathleen was Patrick's mother, he being her only child. She died in 1989. Geraldine was his wife and the mother of their three children, Stephen, Louise (the other petitioner) and Simon. Geraldine died in June 2014.

- 3 The family originate from Northern Ireland, and more specifically, the Springfield Road area of Belfast, which is synonymous in the minds of many people with 'The Troubles'. Patrick and Geraldine relocated to the Eccleston area in or shortly before 1983 when work became available to him with a well-known manufacturing company. Kathleen joined them in 1984 and lived in the family home until her death 5 years later. The couple became involved with the local Working Men's Institute, and this played a large part in their social lives. Nevertheless the family continued to nourish their cultural identity, so their Irish heritage remained strong and a source of pride.
- 4 Following Geraldine's death in 2014, and her burial in the same grave as her mother-in-law, the family allowed time to elapse for the grave to settle, and they then sought permission for their preferred memorial from the parish priest, Fr. Andrew Brown. They had apparently chosen this from a catalogue or other documentation made available by Brent Stevenson Memorials, who are a well-known firm of monumental masons in the Blackburn diocese. Approval was not given, and it seems there were difficulties about a temporary memorial as well, although I do not intend to further enter into the details of the problems that arose about that. Whatever they were, they are in the past, and we are now concerned about a permanent memorial.

However, those earlier difficulties cannot have smoothed the path for what was sought later.

5 Proposed Design

The memorial is shown on a design from Brent Stevenson Memorials. The plinth is 3' wide and 1' 6" deep and made of speckled grey granite. The headstone itself is 3' high at its highest point, and 2' 10" wide. There is a Celtic cross on the left side, higher than the main part of the headstone itself, which bears the following inscription:

In Loving Memory of
A Beloved Mother
KATHLEEN HOUSTON
- Granny H -
1st Sept. 1906 -25th April 1989
And A Dearly Loved Wife
Mother & Grandmother
GERALDINE HOUSTON
- Gerry -
28th Oct. 1949 - 8th June 2014

- 6 The material for the main part of the memorial is to be all honed, slate grey granite and the lettering painted dove grey. The base will bear the inscription "*Roses Gaeilge in ghairdin mbe'arla*", in Gaelic script. In English, this translates as "*Irish Roses in an English Garden*", and someone 'without the Gaelic', but a little imagination, would I believe nonetheless gather the thrust of the inscription, even if mystified by the final word.
- 7 Apparently the temporary cross that was proposed was also in a Celtic format, and this was, according to the petitioners, unacceptable to the parish priest as it was not the more normal shape that can be seen elsewhere within the churchyard.
- 8 Originally the petitioners also asked for a particular 'blue' stone, which Fr. Brown also rejected. There are at least three other memorials made of this particular stone to my certain knowledge. I recall there was a consistory court hearing before me about the third one, two or three years ago. All three deceased commemorated by the three memorials were members of one family. I permitted the family to have the same stone as had been used for the two other family graves. In the light of Fr. Brown's objections to the choice of that particular type of stone, the petitioners have instead opted for the stone I have described above.
- 9 **The objections** raised to the proposed design that I have described, are as follows. The faculty form was endorsed to show that the Incumbent, Wardens and PCC did not support the application, with the words
"Not discussed by PCC as does not comply with Churchyard Regulations".
(In my view, those are the very circumstances when the PCC's opinion should be sought.)

Public notices were exhibited from 3 September to 3rd October, including one attached to a wooden cross erected temporarily at the grave.

On 28 September the incumbent, Fr Andrew Brown, and Mr Brynley Dixon and Gillian Jamieson, the Wardens, wrote to the Registrar on behalf of the PCC '*formally objecting to the petition on the previously stated grounds which are summarised below*'. (I have no minute of any later decision by the PCC as a body, but accept this letter was sent following such a discussion).

There is first a reference to the blue stone. I do not know when this part of the proposal was withdrawn (and I find some difficulty with the dates on various documents) but, as I say, it is not now pursued by the petitioners.

'The design is far from simple and the Celtic cross is dominant which would (draw attention to it in the churchyard. It would not blend in with other memorial stones (Reg 3.6.3 and 3.6.4).

The wording does not reflect a scriptural tribute which is what is preferred and recommended (Reg 3.7.3 and 3.7.6).'

Letters in the usual format inviting submission of Form 5 were sent to Fr Brown and the Wardens on 17 October, but no Forms were returned.

10 Memorials

Let me turn briefly to another matter, namely the basis on which memorials may be placed in a churchyard. The churchyard is and remains vested in the incumbent of the parish. Although parishioners have a right of burial in the churchyard of the parish (assuming it has not been closed and that there is still room), a right accorded also to those who have their names on the church electoral roll, there is no corresponding right to erect a memorial to the deceased person, however common that practice now is. **Permission is always required.** Such permission would primarily be given by the Chancellor, who has general responsibility for churches and churchyards. If that always had to be sought from the Chancellor, then the process would be long, far too heavy and cumbersome, and would require consultation with the Diocesan Advisory Committee and the exhibition of Public Notices setting out details of the proposal, and of course the payment of a faculty fee. It would probably be unworkable in practice. It would certainly be unnecessary, because the vast majority of applications are uncontroversial and give rise to no problems or opposition. So the practice of delegating authority to the parish priest to give permission in appropriate cases, has been adopted throughout the various dioceses of the Church of England over many years.

- 11 This is done by means of **Churchyard Regulations**. They are approved by the Chancellor and generally relate, subject to any exemption or amendment, to **all** the churchyards of the churches in the diocese. They are intended to assist clergy, funeral directors and monumental masons, together with the families of deceased persons, by setting out limits for memorials in relation to size, materials, design and other

details, ***within which the parish priest may give permission for the proposed memorial. If however the proposal falls outside those parameters, then the priest has no authority to allow it, and permission has to be sought from the Chancellor, as in this case.***

The simple process involves submission of the proposal including details of the design by the family to the parish priest, and, if approval is given, there are no fees to pay (for the approval itself), or other formalities, and undue delay is avoided.

- 12 Any application that has to be considered by the Chancellor, will therefore in all probability be for something '*outside*' the Regulations in one or more respects, otherwise it would be approved by the parish priest. (There may be marginal cases, or some aspect of the proposal such as the proposed inscription, where the parish priest has concerns, that lead to the application proceeding by way of a petition for a faculty, but the above statement generally holds good).
- 13 If the Chancellor gives permission, (and is therefore in all probability approving a proposal that lies '*outside*' the Regulations), he or she is *not* to be considered as thereby '*breaking*' the Regulations by giving permission. It is simply the original and basic means of obtaining the necessary permission.
- 14 Not every such petition will however be approved. The Chancellor will have regard to the features that put it outside the Regulations, which provide in practice what most families want. But on what basis are such applications to be approached, in the individual case? Some chancellors in considering such requests have held there is some special burden or responsibility laid on an applicant for something that is outside the parameters of the Regulations, so that some good reason for allowing such a proposal needs to be demonstrated.
- 15 **Authorities** Chancellor Stephen Eyre QC in *Church Lawford St Peter* [2016] ECC Cov 3 in April 2016, repeated some observations from his 2012 unreported decision in a case relating to *Newchapel St James* in the Lichfield diocese, setting out his understanding of the proper approach when asked to approve a memorial '*contrary*' to the Churchyard Regulations, as follows:
"21).permission for a memorial which does not accord with the Chancellor's Regulations will not be given lightly. A powerful reason must be shown before a faculty for such a memorial will be given. In Re St Mary: Kingswinford [2001] 1WLR 927 Chancellor Mynors summarised circumstances in which such faculty could be given thus (at paragraph 38):
" However at least some non-standard memorials will be approved This is likely to be for one of four reasons. The first is where a proposal is for a specially designed memorial which may be non-standard, but which is a fine work of art in its own right. Such proposals are indeed to be positively encouraged. The second is where a proposal relates to a category of memorial that may be suitable in some churchyards but not in others, so that it would be inappropriate to issue a general authorisation.The third situationis where it is of a type,

which may or may not be desirable in itself, of which there are so many examples in the churchyard concerned that it would be unconscionable to refuse consent for one more. The fourth reason for approval is where a stone might be aesthetically or otherwise unsatisfactory, but where there are compelling personal or other circumstances suggesting that a faculty should nonetheless be granted.”

16 At paragraph 22 of his judgment, Chancellor Eyre indicated that these were useful as examples of situations where a non-conforming memorial might be approved, but they were in his view, illustrations only. *‘There will be circumstances..... where a convincing and powerful reason of a kind different from those set out by Chancellor Mynors will be established and the grant of a faculty will be justified.’*

At paragraph 23 he indicated a “powerful reason” is required “as a matter of justice and fairness to those who have erected conforming memorials. There are many families and individuals whose personal preference would be to have a memorial to a departed loved one in a form going beyond the Chancellor’s Regulations. In the vast majority of cases such persons accept the approach laid down in the Regulations.....In doing so they put aside their personal preferences and accept a memorial in a form different from that which they would have chosen if given a free hand. In many instances this will involve acceptance of a memorial which they regard as second-best or otherwise unsatisfactory and such acceptance will often be combined with a feeling of unhappiness and distress. Such people would have a legitimate sense of grievance if others (perhaps more articulate or forceful or with more time, money or personal skills) were able easily to obtain faculties for non-conforming memorials. Fairness to those who have reluctantly complied with the Chancellor’s Regulations requires the Court to confine exceptions to cases which are truly exceptional.”

17 He goes on to stress the importance of individuals being able to rely on the appearance of the churchyard remaining similar as a matter of legitimate expectation and the need for judgement in the individual case in deciding whether a particular reason is ‘sufficiently exceptional’. He also discusses instances where there are already a number of non-conforming memorials. I note that his Regulations in Coventry diocese specifically require a ‘substantial reason’ to be shown to justify a non-conforming memorial.

18 There is this to be said for this approach: setting the bar at this high level, will tend to limit the number of applications to the Chancellor for approval of non-conforming memorials very considerably.

19 Other Chancellors take a different approach to Chancellor Eyre. I find the decision of Chancellor Hill QC in *Re St John the Baptist Adel etc* [2016] ECC Leeds 8 compelling. In approving two sets of

individually tailored Regulations for different churchyards, he trenchantly refused to allow his newly-introduced Regulations in the diocese of Leeds to be seen as '*normative*', which I take to mean, as what may be properly or appropriately introduced, or in some sense as a standard for what may be allowed. He specifically refused to adopt categories of exceptionality or something similar, as expressed in the various authorities to which he referred, when asked to approve something not within the terms of the Regulations.

20 Discussion of approaches to requests for memorials outside Regulations

I consider that Chancellor Eyre's approach exalts the Regulations to too high a position. Such applications are not '*contrary*' to the Regulations; they simply do not fall within the parameters laid down. The use of that word, with its implications of waywardness or opposition or something similar, sets the discussion off on a skewed basis. There is no reference by the Chancellor to the fundamental and important fact that the purpose of Regulations is to create a simple, straightforward and inexpensive method by which permission for a memorial may be given, without the formality and expense of a faculty application.

21 In order for the power to give permission to be delegated to the parish clergy, and to be applied fairly and consistently by different individuals in relation to different churchyards, the Regulations must be detailed, and draw lines, and thus they will seem perhaps over-strict to some. There is no magic for instance in dimensions of a certain size being laid down, as compared with a stone an inch larger in some direction, but if Regulations are to serve their primary purpose, then lines have to be drawn. The clergy must know whether the proposal before them is within their authority to grant. A direction that a memorial must not be 'too large' or 'unwieldy', would be impossible to administer fairly, and would give rise to differences of view between one priest and another, and in regard to one churchyard and another.

22 As the Regulations are designed primarily to define the scope of or circumstances in which permission for a memorial may be given by the parish clergy, inevitably the Chancellor will wish to ensure that nothing is permitted that will detract from the church building, many of which are listed as buildings of special artistic, architectural and historic merit requiring protection, as part of the national heritage, or be likely to create problems for or with other families with graves nearby, by reason of the size, design, material, or other features of the proposal. That I believe is the limit of good taste or design that can be read into Regulations.

23 Objections to a proposal outside the Regulations, often take the form of arguments that it is too large and extravagant, or too ornamental, or that it does not fit in with other memorials in the churchyard, or somehow 'shows off', and boasts of wealth or

extravagance. Those arguments will be weighed by the Chancellor in coming to a decision. He or she is not bound to approve a 'non-conforming' proposal. Judgement is required in considering the nature of the proposal, the force of objections made (if any), and all the relevant circumstances.

24 Regulations therefore tend to what may be seen as conservative, and lead to what is ordinary, monotonous or bland in the eyes of some. Because the Chancellor retains the power to authorise 'non-conforming' applications, other special or 'different' or craftsman-designed proposals may still be authorised. It is vital to grasp that the Regulations do not mark the outer limits of what may be authorised. They are not like Regulations setting out what behaviour is not allowed in a public park or the carriage of a train. They are essentially intended to allow something to happen which otherwise would not be possible, namely a means to provide an inexpensive and informal method of obtaining permission for a specific memorial to be erected.

25 I think most families are happy enough with what the Regulations allow, (although recent experience shows that the denial of photographic representations of the deceased can be a real disappointment). They are largely a matter of practicality rather than laying down artistic limits or what amounts to good taste, which is rather what the approach of Chancellor Eyre suggests. The image of numbers of families being dissatisfied by what they were told they could have, and of increased dissatisfaction if others obtain something more, does not resonate with my experience. Using dissatisfaction by some (despite their reluctant acceptance of the limits in the Regulations), as a justification for compelling adherence by others to the Regulations, save in exceptional cases, seems a rather unsatisfactory basis for being so restrictive. It is not to be assumed that anything 'outside' the Regulations somehow falls below an appropriate standard.

26 That does not mean that in giving approval to such a proposal, it is in every respect what the Chancellor would himself choose as a memorial for a member of his or her own family. The Chancellor does not have to 'like' the overall design. The memorial is being chosen by the family and is their way of remembering and honouring the deceased. It is 'their' memorial, not the Chancellor's.

27 It will be clear therefore that I too dissent from the view that some particular level of justification has to be shown for a proposal 'outside' the Regulations.

28 In further support of this wider approach, I note there is no statutory basis for creating Churchyard Regulations, from which we could discover their intended purpose(s). They are essentially a creation of the Chancellors themselves over the years. There is no reason to suppose that Chancellors as a body or individually have any particular expertise in judging what is good design or good taste, in the matter of memorials. I dare say that in most dioceses the DAC is consulted, and possibly other interested parties, including some

representative(s) of memorial masons in the area or nationally, before the final terms of the Regulations are adopted, but I repeat that Regulations relate primarily to the issue of the limits of the authority to be delegated, rather than wider questions of taste and acceptability.

29 Conclusion on this issue

It seems to me necessary only that the Chancellor considers a proposal for a memorial outside the Regulations to be suitable, having regard to the size, material, design and so on. In doing that, the Regulations provide a good starting point.

30 Position of DAC

There is a particular further difficulty that arises in this case. Because this application is proceeding by faculty, the chancellor is required to seek the advice of the Diocesan Advisory Committee, before coming to a decision. This is a statutory body made up of experienced clergy, including the archdeacons, architects and others with special knowledge of historic buildings and their problems. They have access to specialists with knowledge of bells, stained glass, furnishings and so on. Their role is particularly important where the proposals are for large reordering or repair schemes in historic buildings, but their advice must also be sought even in a case like this. What steps they take by way of consideration of the proposal before formulating their advice to me, are essentially a matter for the Committee. Essentially they will 'Recommend', 'Not Oppose', or 'Object'. In this case they have, to put it bluntly, changed their minds.

31 When originally the matter was considered by them, in December 2016, following a request by me when initially I saw the papers, the Minutes of their meeting said this:

'The Committee would have liked to have sight of a PCC resolution and an opinion from the Incumbent with regard to the memorial headstone.

The Committee agreed no objection to the proposed memorial headstone".

I had of course had the views of Fr Brown and the PCC available to me, and I took no steps to respond to the implicit request of the DAC to be provided with that information.

32 Following the January meeting of the Committee, the Venerable Mark Ireland, the Archdeacon of Blackburn, visited the churchyard with the parish priest. This visit came following a request from the incumbent, as noted at item 6 in the Minutes of 13 January 2017. I had already been made aware that the DAC had been asked by him to look again at their original advice, and had been asked not to rule on the application until that had taken place, and that has resulted in some delay before this judgment could be finalised.

33 In an email from the DAC secretary to the Registrar, and dated 25th January, subsequently made available to me, the following appears:

Archdeacon Mark visited Eccleston Churchyard last Monday after the DAC meeting on Friday. Please see his reply below.

“I visited Eccleston churchyard on Monday with the vicar. Having looked carefully at the proposed design and the surrounding gravestones I am persuaded that we should support the Reverend Andrew Brown in his objection to the faculty application.

The vicar has tried to apply the churchyard regulations issued by the Chancellor as fairly as he can in a situation where before his arrival there was considerable laxity in their application. Given that he was asked by my predecessor and by the DAC to tighten up the application of the regulations in the churchyard, and that this application fails to meet the regulations on three key points, and that the vicar has tried very hard (without success) to reach a pastoral accommodation with the family, I feel that the DAC should also object to their application.

If I had known that the vicar had objected to the application when it was previously discussed by the DAC I would have certainly supported his objection. “

I (NB this is a reference to the DAC secretary, not the Chancellor) have spoken to the DAC Chairman about this and he has said that it was clear at the last meeting that the Committee did not want to support this memorial in the first place but it was felt that there were so many gravestones outside regulations that it seemed that the DAC should not be seen as being especially difficult if the battle had been lost and nobody else was objecting so far as the Committee were aware, which was why the DAC said we would like to have the vicar and PCC' s views.

(Extract of minutes below and previously sent).

The Chairman thinks that everyone was clear what the outcome would be once the Archdeacon had spoken to the Vicar and explained.

Therefore, with the above **said “the DAC support the Archdeacon and the Vicar in objecting to the faculty application of the memorial headstone”**.

34 The DAC has thus moved from a position of not objecting, to one of opposition. I confess to some concerns about this. I am not going into the matter in detail, but the following questions arise.

a) Is it open to the DAC to alter its advice, and if so, on what basis may it do so?

Can it do so simply on the basis it feels that, on further reflection, its previous advice was mistaken, or must there be some new factor now arising in the situation that was not previously known about?

35 I have not known this situation arise before in 35 years as Chancellor. The DAC advice must be sought under the Faculty Jurisdiction Rules 2015 before a decision is made. It is clearly something that is important and will be relied on by those involved in

the proceedings. I have not of course heard argument about this, but unless I were to be told a particular decision was mistakenly recorded in the Minutes, then probably *different advice should only be tendered later, if some new factor is discovered*. Otherwise confusion and uncertainty will arise. As far as I can see, the only new factor is the attitude of Fr Brown being made clear to the DAC by the Archdeacon's visit. But that gives rise to a second question.

36 b) How far is the attitude of the incumbent relevant to the advice the DAC offer? It does not add to what I know now, (and in fact already knew) before I obtained the DAC's advice about his stance in regard to this application. But suppose it were a case where he simply said: '*the application is for something outside the Regulations, and is therefore something I cannot approve – it is a matter for the Chancellor. I do not feel sufficiently strongly about it to object myself; it is up to him.*' What are the DAC going to do in those circumstances without a 'steer' from the incumbent? Will they object simply because it is outside the Regulations? That would take me no further.

37 What I need on these occasions is not a repetition of the stance of the incumbent, but ***an independent evaluation by the DAC, through its representatives, of the artistic and other features of the application (for good or bad) in the context of the churchyard in question.*** The incumbent has ample other opportunity to make his views known, as he has in this case.

38 There seems to be a misunderstanding of the purpose of the Regulations in the Archdeacon's note, which is also held by the incumbent. I have tried to deal with this in the earlier paragraphs of this decision, but I confess to no great optimism that stating those purposes as clearly as I can on this occasion will have any greater success than on the many previous occasions when I have done so.

38 Archdeacon John Hawley was the previous Archdeacon of Blackburn. In the period before his retirement, he became increasingly concerned about those churchyards throughout the diocese where some clergy were failing to comply with the Regulations then existing, *by only approving those applications where they came within the limits laid down. Otherwise applicants needed to seek a faculty from the Chancellor.* In many churchyards, things had been allowed to degenerate into an 'anything goes' culture, and in others, the Regulations were applied very loosely. The Archdeacon therefore pressed for a revision of the former Regulations, which could be used as an opportunity for a wake-up call to all clergy to apply the new Regulations properly, and he took the initiative in undertaking that revision. In the event, with, I recall, some minor revisions by me, the new Regulations – the current ones - were approved by me.

39 But '*tightening up the Regulations*' as Archdeacon Mark puts it, should mean and should *only* mean that the incumbent approves applications that fall clearly within them, and should not be tempted to 'stretch' them. Any other applications must go to the Chancellor. It is as simple as that.

40 Objections to the petitioners' proposal

Fr Brown refers to and relies on the following Regulations in his objection:

3.6.3 The following are not permitted: curbs (sic), railings.....open books, bird baths, pictorial etchings, memorials in unusual shapes (such as a harp, heart or teddy bear),or photographs. If the incumbent feels that the design is not appropriate..... the applicant has the right to apply for a faculty.

3.6.4 Simple decorative carving may be allowed provided that the design is submitted to the incumbent, but in such cases the Incumbent may require an application to be made for a faculty.

He says: 'The design is far from simple and the Celtic cross is dominant which would draw attention to it in the churchyard. It would not blend in with other memorial stones'. His later comment of 12 February 2016 in red adds 'This is the same design as before so my objection remains'.

So this first objection is about a number of things: the positioning of the Celtic cross, which is to the left of the design, and is therefore to be considered an 'unusual shape' and 'far from simple', 'dominant' and 'would not blend in'. So there is also a complaint of asymmetry and also a dislike of a Celtic design with the circle of pierced stone intersecting the arms of the classic cross shape. Also the use of decorative carving on the cross itself in a way shown on the other actual instance of this design in the churchyard, at Annex C of the petitioners' submissions, is criticised.

41 Next he relies on the following Regulations in relation to the inscription:

Inscriptions

3.7.3

-) *The object of epitaphs is 'to identify the resting-place of the deceased, to honour the dead, to comfort the living and to inform posterity'.*
-) *They should therefore be simple and relevant.*
-) *Nick-names are not considered suitable and if a scripture text is used it is unnecessary to give the reference.*
-) *Quotations may be taken not only from the Bible; the Prayer Book, hymns, poetry and prose are all suitable sources so long as the quotation is consistent with Christian belief.*
-) *It should be borne in mind that not all phrases which express present grief will read well in say, thirty years' time.*

(NB I have split up this single paragraph into its constituent parts.)

3.7.6 Appropriate familial terms of endearment may be allowed at the discretion of the incumbent following consultation with the relevant Archdeacon.

Fr Brown says: 'The wording does not reflect a scriptural tribute which is what is preferred and recommended. His later comment in February 2016 adds 'The tribute has merely been translated into Irish language which is no clearer as a Christian tribute, so my objection remains.' 'Fundamentally this is the wrong design of memorial for our churchyard; we need a simpler tablet headstone with no explicit design integral to the overall shape or engraved into the headstone.'

42 Discussion

This is not a military cemetery where all gravestones are of a similar shape. Some variety of shape and design is to be expected and welcomed. The dimensions are within the limits set out in Regulations 3.5.1 and 3.5.2. The overall height is a full 12" below the maximum allowed.

There is nothing in the Regulations to require symmetry of shape, although many families opt for that. It should not be imposed. Not every asymmetrical stone would be acceptable. Asymmetry is not a virtue in itself, but neither is symmetry. The degree of 'unusualness' in this design will strike individuals differently. It is not one of those shapes that is popular for a while, before becoming passe', like a heart or open book, which look rather odd when frequently repeated and cease to have any singular quality about them.

Making the cross 'dominant', the supreme Christian symbol as it is, is hard to criticise. Other Celtic crosses appear already in the churchyard, as the photos supplied demonstrate, although there are not many compared with the simpler classic shape.

43 The Runic type of motif engraved into surface of the cross seems to me part and parcel of what is usual or expected with this design of cross, although not universal. In other words, there are plain Celtic crosses.

44 As to the inscription, only parts of 3.7.3 need to be addressed. This epitaph seems to me to fulfil the stated objects of an epitaph. It is surely simple and straightforward.

Full names are given, ie John Miller not 'Dusty Miller'. 'Granny H' is surely an acceptable familial term of endearment under 3.7.6. 'Gerry' is a diminutive of Geraldine, and is either a nickname or familial term of endearment, although the latter is primarily intended to cover descriptions like 'Gran' or 'Nanny' or 'Grandad' or things like that, rather than insisting on 'Grandmother' or 'Grandfather'. If it is a nickname, at least we do not have to guess what the full name is, and where that is given, surely the usual pet-name for the individual should not be disallowed. It is nick-names like 'Shorty' or 'Buzz' which cause problems.

45 I do not believe the Regulations give preference to Biblical quotations, let alone recommend such. The other suggested sources are not exhaustive, nor does an epitaph have to reflect someone else's words. The quotation (or wording) is to be 'consistent' with Christian belief; it does not have to be overtly supportive, but must not be undermining. The suggested wording here is not inconsistent with such belief, and the reference to Ireland does something to give an

indication of 'where' (the two deceased) 'lived', as suggested at the end of 3.7.2. It is rather more interesting and significant than the frequent indication on older memorials of local worthies along the lines, 'of Manor Hall, Bricktown' or something similar. While not recommending the use of a foreign language as such, its use does not strike me as unacceptable in this case.

46 I simply do not understand what Fr Brown means by 'a simple tablet headstone with no explicit design integral to the overall shape or engraved into the headstone'. If he wants to restrict memorials only to a flat surface with no decorative features, then he is going way beyond the limitations in the Regulations.

47 Fr Brown considered this memorial and inscription were not within the Regulations for this diocese. He is obviously anxious to uphold the Regulations for this churchyard conscientiously, which is to be applauded. However I cannot believe most clergy would have taken the view he has, not from lack of attention or conscientiousness on their part, but simply because it would not overall strike them that the proposal fell outside the Regulations. Obviously some features of the latter are more clear-cut than others. It is obvious if a proposal is for a memorial of a size outside the specific measurements laid down, or is of a stone of a kind not approved. Other things contain an element of judgement. Taking the view he did, he required the petitioners to seek a faculty.

48 The only comment I have about the inscription is the use of an '&' between 'Mother' and 'Grandmother'. That printing device is fine for the titles of commercial institutions like *Marks & Spencer*, but here it should simply be 'and'. I do not direct the petitioners to change it, but invite them to do so.

49 Conclusion

From what appears above, it will be apparent that it is open to me to approve the proposed memorial. It is not an appeal against Fr Brown's view that the memorial lies outside the Regulations. I am not bound to only allow something that is within the Regulations. The test I intend to apply, is to ask myself the simple question: ***In all the circumstances, is the proposed memorial suitable?*** It is for the petitioners to persuade me about that. I have no doubt the answer is 'Yes'. I therefore approve the petition and a faculty will issue.

Order accordingly.

John W. Bullimore
Chancellor
22nd February 2017.