



Faculty — Commemorative plaque — Exceptionality test — General rule that at least five years should have elapsed since the death before a petition for a commemorative plaque will be granted — Unopposed application by husband to install on the north wall of the nave of this Grade II listed medieval village church a plaque commemorating the contribution to the church and parish of his late wife (who died in May 2013 and was, for many years, a much-loved churchwarden) — DAC recommending the proposal for approval but not commenting as to whether the exceptionality test had been met — PCC sympathetic towards the petitioner and not objecting to the application but not believing the application to be exceptional — Factors to be taken into account when considering the exceptionality test — Role of the DAC — Relevance of the views of the PCC — Faculty refused*

Petition No: 11085

IN THE CONSISTORY COURT
OF THE DIOCESE OF OXFORD

Date: Sunday, 3 August 2025

Before:

THE WORSHIPFUL DAVID HODGE KC,
CHANCELLOR

In the matter of:

St John the Baptist, Fifield

THE PETITION OF:

Mr John William Palmer

This is an unopposed petition determined on the papers and without a hearing.

The following cases are referred to in the Judgment:

Dupuis v Parishioners of Ogbourne St George [1941] P 119

Re St Gwenfaen, Rhoscolyn (2015) 17 Ecc LJ 124

Re St Margaret's, Eartham [1981] 1 WLR 1129

JUDGMENT

Introduction and background

1. The church of St John the Baptist, Fifield is a Grade II* listed church in the Archdeaconry of Dorchester. The village lies in the West Oxfordshire Cotswolds, to the south-west of Chipping Norton, to the west of Charlbury, and to the north of Burford. The church is early 13th century, with an unusual, octagonal, mid-14th century west tower. George Wilkinson rebuilt the nave in 1840; and T.E. Collcutt restored the church in 1897, adding a nave vestry on the north side, and providing new fittings, including the pulpit and the pews.

2. By a faculty petition, dated 28 January 2025, Mr John William Palmer seeks to install a wall plaque in grey slate, 13 inches by 8 ¾ inches in size, on the left-hand side of the window on the north side of the nave, to commemorate his late wife, Mrs Tina Olivia Palmer. This plaque is said to be similar to two larger plaques on the opposite wall commemorating members of the Cameron family. The inscription proposed by the petitioner reads:

In loving memory of

TINA OLIVIA PALMER

1942 – 2023

For many years much loved

Churchwarden

& Parishioner

Dare nec computare

The latin phrase (translated as ‘*To give and not to count the cost*’) is an extract from a well-known prayer by the Basque Catholic priest and theologian, St Ignatius Loyola (1491-1556). Included with the petition are photographs depicting the proposed plaque engraved onto Welsh slate, its intended location on the north wall of the nave, and the two existing plaques commemorating

Keith and Anne Cameron on the wall to the east of the main door leading into the church on the south side. The petition is also accompanied by copies of several letters which are relied upon as evidencing the late Mrs Palmer's contribution to the life and work of her local community and the church over many years, including one written by the Reverend Anne Hartley, a self-supporting minister (with permission to officiate) serving in the Wychwood Benefice (of which this church forms part). There is also a copy of a eulogy delivered at Mrs Palmer's memorial service.

3. I do not propose to reproduce the contents of these documents in full, although I bear them firmly in mind. I would summarise their salient features as follows:

(1) When Mr and Mrs Palmer first moved to Fifield in October 1989, Mrs Palmer very quickly became involved in a range of village activities, particularly the church. She became the sole churchwarden. More than anyone else, she is said to deserve the credit for keeping the church alive through at least two incumbencies.

(2) The late Tina Palmer served for many years as a churchwarden. She was a stalwart supporter and church worker right up until her death. She would visit every newcomer to the village, welcoming them to the parish, and inviting them to become a member of the church congregation.

(3) Mrs Palmer was an active part of the surgery pool car service and regularly took patients to the various hospitals.

(4) Mrs Palmer was active on the church flowers programme, and undertook other duties, including cleaning the church, looking after its linen, and mending the frontals.

(5) Mrs Palmer regularly read in church, and she had the Bishop's dispensation to assist in administering the sacraments at church services.

(6) Mrs Palmer single-handedly organised the annual church fete until the PCC joined with two other village charities and it became a combined money-raising occasion. After all these events, she would deliver a hand-written thank you note to all who had contributed through their letter box the following morning.

(7) Mr Palmer organised the Fifield branch of the Mothers' Union until it merged with the Milton branch. In 2012, she was a founding member of the Friends of the church; and she served as its treasurer, latterly with her husband's help, until her death. She helped with one of the Warm Hubs, for which she made excellent soups.

(8) Through the annual programme of fundraising activities, Mrs Palmer helped to raise thousands of pounds for the church, either directly or in her role as treasurer of the Friends of the church.

The eulogy to Mrs Palmer (delivered by John Yaxley CBE) concludes:

For 34 years Tina was a leading player in the village and was loved and appreciated by all. She loyally and faithfully served this community and, in doing so, contributed to its betterment. Whatever she took on, over the years, she did with enthusiasm and commitment. She was truly a 'good and faithful servant' and we shall miss her greatly.

4. The Reverend Anne Hartley writes in support of the application for a memorial plaque to be erected in the church in memory of Tina Palmer as follows:

Tina Palmer dedicated herself to the church in Fifield in a way that I found exceptional.

She was not only a churchwarden, flower arranger, sacristan, chalice bearer and organiser of services and events. Her faith was rooted in service and the care of the church building, which she regarded as a beacon of light in the community where she lived. This meant that everyone was included, everyone was welcome, everyone was prayed for.

Her ability to find God in the small things was a constant reminder of His presence, even when life and people were difficult.

I knew Tina throughout the time she lived in Fifield from 1989- 2023. She was churchwarden there when I began training for ordination as an Ordained Local Minister in 2000. Tina was one of my most steadfast supporters and shared in my training as people in the benefice had been encouraged to do.

She attended the course on Baptism with me and brought a lot of experience to the discussions, having attended practically every baptism in Fifield Church throughout her time as churchwarden. We talked openly about our faith journeys and were able to share our insights and understanding as well as our doubts. Tina encouraged me to discern God's call in my life and I will always be grateful for that.

She had an exceptional gift for welcoming and making people feel at home in the church, which she had often singlehandedly cleaned, polished, decorated and prepared for the service.

Every Christening, wedding or funeral that I've taken in Fifield Church - she was there. Tina always looked immaculate, ready to give the best she had to God as a response to the gift He gave to us in his Son, Jesus Christ. She had a great desire to share this with whoever came through the door, welcoming them with genuine warmth and a smile.

She knew most people in the village and when she saw a need she had a great desire to satisfy it.

Like Anna in the temple (Luke 2.36-38) she thanked God every day for his blessings to her, and praised him in word and deed.

I felt privileged to have known her and endorse this application for a memorial to recognise her devoted service to Fifield Church.

5. A person described by Mr Palmer as the chairman of the Friends of the church, and a prominent member of the congregation, writes in a similar vein, as follows:

Tina Olivia Palmer moved to Fifield in October 1989 at a time when the management of the parish was at risk because of the lack of volunteers. Although she had no previous experience of church administration she agreed to become churchwarden. While PCC secretaries and treasurers came and went she remained at post for most of the next 30 years or so until illness forced her to retire in 2019.

In increasingly difficult times for many rural churches Tina kept the church presence alive and flourishing for three decades, supported and energised by her faith, quiet determination and

effectiveness. She willingly gave of herself, sometimes to the detriment of her own personal interests. She cared for people and, along with incumbents, provided pastoral care outside her remit as churchwarden. Her contribution to parish life and to her community was considerable and given unstintingly. She kept alive the Christian presence and gave more than she received, carrying out her duties above and beyond the call of duty.

Tina Palmer was licensed to administer the chalice at communion with authorisation from the Bishop and was a leading member of the Mothers' Union. She was a founding member of 'The Friends of St. John the Baptist' (in 2008), served as its Treasurer for 15 years, helping to raise many thousands of pounds, not least through her particular ability in organising successful fund raising events.

6. This proposal had clearly been under consideration for some months before the presentation of this petition. I have been presented with a certified extract from the minutes of a meeting of the Parochial Church Council (the **PCC**) which considered the proposal for a commemorative plaque on 8 August 2024. This reads:

This was causing members of the PCC great unhappiness. The reasons for a plaque did not seem to fulfil all the DAC guidelines - the family may have felt that Tina was 'exceptional', but PCC members expressed concern whether exceptionality had been demonstrated. The proposed design was acceptable, members of the PCC did not like the wording, but that could be amended. However, members remained very concerned at the hurt that rejection would cause to John Palmer and all Tina's family who believe her work was exceptional and there was no wish to cause any of them pain. It was agreed CH would speak to Sophie Hammond in the DAC office, and explain to her the ramifications and seek guidance,

Action CH to speak to Sophie Hammond as soon as possible.

'CH' is Catherine Hitchens, the churchwarden and PCC Secretary.

7. I have also been supplied with a copy of a note that the Reverend Anne Hartley has prepared concerning Mrs Tina Palmer. This reads as follows:

Tina Palmer was a remarkable person who lived her faith every minute of every day of her life. She served her church faithfully all the years of her life, before she was churchwarden of Fifield-with-Idbury, during all those years and, in the years after her retirement from that role, that faithful devotion continued.

In Tina's years as churchwarden, she served single-handed for some years, looking after the two churches, St John the Baptist Fifield, and St Nicholas Idbury, including arranging hymns and readers for services, cleaning the church, ensuring there was a flower rota, and always, at every service, being there to welcome everyone. When she was finally joined by a second churchwarden it was Tina who welcomed newcomers making them welcome, inviting them to church and other social events in this small village, seeking their help with regular tasks like delivering newsletters and ensuring they met other people and felt welcome. It was Tina who was the first to volunteer for events, whether fund raising or social. It was Tina who was first to visit when anyone was in trouble; Tina who was first to volunteer when there was an event to organise and Tina who was last on the scene after an event, ensuring that all was tidily put away and borrowed equipment returned to its rightful owners.

Whatever the activity in the villages, there was Tina: making cakes for cake stalls, soup for Food with Friends, helping make bunting to decorate the village, collecting bric-a-brac, bottles for bottle stalls, prizes for the raffle, working with the Fifield Stitches for hours on end helping to make the needlepoint wall hanging for the Parish Hall, helping to make the 'stained glass window' in needlepoint, which now hangs in Fifield Church, depicting the life of St John the Baptist, and in the last few weeks of her life she was there, with the other Stitches, making new kneelers to decorate the rear of Fifield Church and every Sunday when there was a service, there was Tina, welcoming, including, ensuring everyone had hymn and prayer books. She was sacristan for years, changing the church colours, and a Server of the Chalice at Holy Communion.

Tina was a founding member of the Friends of St John the Baptist, Fifield when it was set up by Ken Morrison to raise funds for those things needed at Fifield Church which the PCC could not afford, and she later took the role of Treasurer, throwing herself into fund raising with all her usual gusto. She was foremost in decorating Fifield church with beautiful floral displays for festivals, to the extent that a particular window in Fifield church is now known as 'Tina's Window'. Tina was a dedicated Mothers' Union member, attending every event in Milton-under-Wychwood, saving postage stamps for their mission work, and supporting fund raising and social events. It was Tina who single-handed, at the request of a previous vicar, mapped the churchyard and numbered all the graves. It was Tina who opened her house to the whole village for the Harvest Supper when the Parish Hall was closed to be restored and refurbished. It was Tina who opened her garden for village barbecues. It was Tina who was first on the scene when anyone needed help: visiting, supporting, helping.

Tina did all these things while continuing to cherish her family, look after John her husband and her two children Robert and Emma, take great pleasure in her grandchildren when they came along, run a bed-and-breakfast business with her husband, be a keen gardener, an enthusiastic painter, and make curtains and clothes as well as take in dressmaking alterations.

Most of all Tina set an example of loving: she loved her family, her church and her village.

8. When I first received this petition, I invited the Registry to alert the petitioner to the fact that a little over two weeks before the date of this petition, the Registry had issued written guidance on the installation of commemorative plaques within all the churches in this extensive diocese. A full copy of this Guidance appears as an annex to this judgment. I drew particular attention to paragraph 2, which clearly states that:

As a general rule, a faculty authorising the installation of any plaque or other memorial within a church commemorating an individual will not normally be granted until at least five years have elapsed since that person's death. The reason for this is to allow a reasonable period of time after the death to permit the family to grieve and to facilitate a more balanced assessment of the life and achievements of the deceased. This is not an inflexible approach and regard will always be had to the particular circumstances of the individual case.

I invited the Registry to ask the petitioner whether there were any particular circumstances in this case why the five-year rule should not be applied. I also directed the Registry to indicate to Mr Palmer that whilst I recognised, and appreciated, the considerable contribution that Mrs Palmer had made to the life of her church, her parish, and her community, my very preliminary, and

provisional, view was that the test of 'exceptionality' might be problematic in the present case. I stressed, however, that I had not come to any firm, or final, view.

9. The petitioner responded on 11 March 2025. He indicated that at the time of the application, he was not aware about the five year period. He appreciated the suggestion that the family were, perhaps, still too close to the time of his late wife's death in May 2023. He had asked the question of himself, and had discussed it with the family. However, they all felt that they had passed the emotional period of grieving and therefore wished the Registry to continue processing the application. Mr Palmer's letter continues:

You hint that the application may be unsuccessful but I am encouraged the Chancellor recognises and appreciates the considerable contribution my wife has made to not only the church but to the parish and to the community. We can only ask you to consider it against the background that for very many years she carried the responsibility and burden of being churchwarden. She did this with only minimal support not for one but two churches i.e. Fifield and Idbury.

In amplification of this, Mr Palmer attached further copies of the eulogy given at the funeral and also the note from the Reverend Anne Hartley.

10. On reading this communication from Mr Palmer, I directed the Registry to respond to him as follows:

In furtherance of the overriding objective in Part 1 of the Faculty Jurisdiction Rules 2015 (as amended) of dealing with this petition justly, cost-effectively, proportionately, expeditiously and fairly, the Chancellor has formed the provisional view (subject to any representations to the contrary) that it may be appropriate to determine this petition on consideration of written representations instead of by way of a hearing. Is Mr Palmer content for the Chancellor to proceed on the basis of written representations, rather than by way of a hearing. If not, please could Mr Palmer explain what might be gained by a hearing. If Mr Palmer is content to proceed by written representations, does he wish to add anything to all that he has already written? If so, he is to send any further representations upon which he might wish to rely in support of his petition to the Registry, and to serve copies upon the minister, the churchwardens, and the PCC, within the next 14 days. If no response is received from Mr Palmer within that period, the court will proceed to determine the petition on the papers which are then before it.

One matter which the court may wish to consider is granting a time-limited faculty permitting a memorial plaque for a specified number of years until Mrs Palmer's immediate family have passed on. Please invite Mr Palmer's comments on that course, and any suggestion he might wish to make about the appropriate number of years that the plaque might remain in the church.

11. Mr Palmer responded on 24 March, as follows:

Further to your letter dated 18 March which I read with interest. I appreciate the considerations of the Chancellor and I was unaware that a hearing was a possible way of making a representation. Nevertheless I concur with the Chancellor that full consideration is well handled in writing and there is, to my mind, no need for a hearing.

The second part of your letter however surprises me. I would have thought that once a plaque is positioned then there is no time limit faculty. This is illustrated by other memorial plaques

around the church and most latterly by that recently displayed adjacent to the church door. Surely it is not anticipated that these too may be removed after time? In the context of your letter is my wife's immediate family just myself or does it include our children?

Please be assured the establishment of this plaque is not primarily for my satisfaction and comfort but for the congregation, village and local community and for visitors. All of whom recognise the extraordinary service of a churchwarden of two churches and her true dedication. It would be a gesture for the Ecclesiastic authorities to allow it as an illustration of her personal efforts, sacrifices and commitment of faith.

Finally I would add that her memorial service in June 2023 was attended by over 120 people who more than filled the small Fifield Church.

Thank you for all your help and please convey the above to the Chancellor.

By email to the Registry timed at 11.16 am on 29 April 2025, Mr Palmer confirmed that this letter represents his written representations.

12. There was then an interval whilst the parish duly displayed notice of the petition, the parish considered their response to the petition, and the Diocesan Advisory Committee reviewed the application, and considered the terms of their Notification of Advice. I understand that the time for any objections to the proposal expired on 23 June 2025, and that no objections have been received.

13. In an email to the Registry dated 30 May 2025, the churchwarden (and PCC Secretary) stated that the Parochial Church Council had withdrawn its objections because the proposed wording of the memorial plaque had been amended so as now to read simply:

In loving memory of Tina Olivia Palmer

1942 - 2023

For many years a much loved Churchwarden

By an email dated 18 July 2025, the Registry were informed that the PCC have agreed upon the following form of words in response to Mr Palmer's petition:

The PCC are sympathetic towards the petitioner and would like to support him in his application, however, the official guidance clearly states that faculties for memorials in church are only granted in exceptional circumstances, and we do not believe this application to be exceptional. However, in consideration of village relationships, the PCC are willing to be guided by the Chancellor or those to whom he has given authority. Therefore, the PCC will not make any objection to the petition.

This amended proposed wording of the inscription differs slightly from that stated in the petition. The Registry have consulted Mr Palmer about this change, and he has confirmed that the proposed wording is in accordance with his faculty application. He does not know where the information about any change has come from. The Senior Church Buildings Officer has also confirmed that the DAC have heard nothing about any change of wording. That is why the wording of the proposal in the Notification of Advice follows the wording in the petition.

14. The Diocesan Advisory Committee's Notification of Advice is dated 23 July 2025. The proposal is described as follows:

Provision of a slate plaque, 13 x 8.75 inches in size, between the door and window in the north wall of the nave. Wording of plaque to be:

*In loving memory of
Tina Olivia Palmer
1942 – 2023
For many years much loved
Churchwarden & Parishioner
Dare nec computare*

The DAC's Notification of Advice **recommends** the works or proposals for approval by the court subject to the following provisos:

The Committee considered the proposed memorial appropriate on the basis of its design, materials, wording and the proposed location subject to the following provisos:

- *The proposed wording is to be revised as noted above.*
- *The base of the memorial is to be level with the sill of the adjacent window.*
- *All fixings are to be non-ferrous and made into plain plaster.*

The Committee did not comment as to whether the exceptionality test had been met.

In the opinion of the DAC the work proposed is not likely to affect either (i) the character of the church as a building of special architectural or historic interest, or (ii) the archaeological importance of the church, or (iii) any archaeological remains existing within the church or its curtilage.

The applicable law

15. No memorial or commemorative plaque may be erected in any church without a faculty. *Hill: Ecclesiastical Law* (4th edn., 2018) states (at paragraph 7.130) that such faculties should be 'sparingly conceded'. The authority cited for this is *Dupuis v Parishioners of Ogbourne St George* [1941] P 119. This was an appeal to the Court of Arches from the refusal by the consistory court of Salisbury to grant a faculty for the erection of a memorial tablet. In the course of his judgment (at p. 121), the Dean of the Arches (Sir Philip Wilbraham-Baker) stated that "a governing consideration in this case is that the granting of a faculty for the erection of a tablet in a church is never a matter of right, but is always one of privilege, and it is a privilege which should be sparingly conceded". However, the issue in that case was not one concerning 'exceptionality', but rather the propriety of the wording of the proposed inscription. The Dean regarded this as being commonly associated with the Roman Catholic doctrine of purgatory, and therefore as being likely to offend many members of

the Church of England. In view of that probability, the Dean held that there was no good reason to interfere with the exercise by the chancellor of his discretion to refuse the faculty.

16. A more relevant, and compelling, authority is *Re St Margaret's, Eartham* [1981] 1 WLR 1129, an appeal from the Chichester consistory court. There the Dean of the Arches (Sir John Owen) outlined the criteria to be considered on an application for a faculty authorising the erection of a memorial tablet. At p. 1133, the Dean emphasised that a faculty is always necessary before a memorial tablet is placed in a church. Such a faculty should only be granted in very exceptional cases. A case might be exceptional because of the character of the person to be commemorated, or their outstanding service to church, country or mankind; because the proposed memorial recorded some important aspect of local, national, or family history; or because it was a family tradition to erect a memorial, although this might be restricted to cases where future applications based on such a family connection were impossible. The burden of proof was on the petitioner to show that a case was exceptional; and, even if this were proved, a faculty would not be granted as a matter of course. Factors which might persuade a chancellor not to grant a faculty would include the character of the church, the number of existing memorials, the design of the proposed memorial, or any opposition to it in the parish, or by the parochial church council, the Diocesan Advisory Committee, or other interested bodies.

17. At pp 1133-1135 of the report, the Dean said this:

Neither the incumbent, nor the parochial church council, nor the Diocesan Advisory Committee has any power to grant a faculty. A faculty can initially only be granted or refused by the chancellor of the diocese. He is the person appointed to consider all the relevant and available evidence and argument and then to decide. He will, of course, consider the recommendations of the incumbent, the parochial church council, the Diocesan Advisory Committee and other interested bodies before applying the law and making his decision.

How should he come to this decision? The law requires him to exercise a judicial discretion and in so doing to bear in mind: (i) faculties for memorials cannot be freely or extensively granted for, if they were, the walls of a church might soon become so crowded as seriously to detract from the church's appearance. (ii) A faculty for a memorial should be regarded as a special privilege reserved for very exceptional cases: see In re St. Nicholas, Brockenhurst [1978] Fam. 157, a decision of Phillips Ch. with which I fully agree. The reasoning of that case requires the chancellor to ask himself the questions (a) is this case so exceptional that the special privilege of a faculty could properly be granted, and (b), if so, are the circumstances such that a faculty should be granted? (iii) Factors which may show exceptionality are for example the character of, or outstanding service to church, country or to mankind by the person to be commemorated by the memorial, a desire to record by the memorial some important or significant aspect of local or national history and some family history or tradition of such memorials especially, but not necessarily, if any future application based on the family connection would be impossible. (iv) The burden of showing that the case is exceptional and that a faculty should be granted is on the petitioner. The chancellor will need clear evidence and, of necessity, will need to rely greatly on the submissions of the incumbent, the parochial church council and the Diocesan Advisory Committee. Whatever the grounds of exceptionality claimed, in future they should be stated in the petition for the benefit of the chancellor, and those supporting the petition should also explain why the case is considered exceptional and why it is claimed that the special privilege of

a faculty should be granted. (v) Even when exceptionality to an extent which could justify a faculty is shown, such a faculty will not be granted as a matter of course as petitioners should be warned by incumbents and registrars. Factors which may persuade a chancellor not to grant a faculty despite the exceptional nature of the case would include for example the character of the church, the number of memorials already in the church, the inappropriate design of the proposed memorial tablet and any lack of support or, a fortiori, opposition in the parish, the parochial church council, the Diocesan Advisory Committee or other interested bodies.

No doubt if the grounds of exceptionality were the character or service to the local church and community of the person to be commemorated a chancellor would find it difficult to reject the joint opinion of the incumbent, the parochial church council and the Diocesan Advisory Committee, provided that he could be sure that the answers given by these bodies were only given after consideration of the questions which I have set out above.

In this case, the chancellor was given information of the views of the incumbent, the parochial church council and the Diocesan Advisory Committee, but he could not be sure that the right questions had been asked before their support was tendered. I am in no better position.

However, I am satisfied that Mrs. Hawkins together with Mr. Hawkins has given quite exceptional and outstanding service to the village and church of Eartham. As examples of their beneficent actions I cite their bringing water and electricity into the village, setting up an endowment fund to provide for the maintenance of Halnaker Mill, a local landmark, restoring and endowing the village hall, paying for repairs to the church over many years, providing heating for the church and providing considerable other financial support for the church.

I am also satisfied that the provision of a memorial to Annie Hawkins, who with her husband at one time lived at Eartham House, will be in accordance with a tradition of memorials to the occupants of Eartham House, extending over some 200 years, the last 75 of which have seen members of Mr. Hawkins's family occupying the house. Mr. and Mrs. Hawkins have no descendants, Eartham House is now a school and there is no apparent possibility of a similar future family application.

In view of my findings set out above, I am quite satisfied that this case is so exceptional that the special privilege of a faculty permitting the memorial tablet could be granted.

I am told and accept that the incumbent, the parochial church council, the village and the Diocesan Advisory Committee all favour and support the petition. Although I do not know whether they asked the appropriate questions before giving their support, it is clear that such support should be a factor in this case even if only to convince me that whilst the chancellor apparently considered the church to be already overcrowded with memorial tablets, the incumbent, the parochial church council and the Diocesan Advisory Committee do not appear to have any such reservations.

On the evidence and the arguments addressed to me I have been convinced that in this case the chancellor made an erroneous evaluation of the facts taken as a whole and it was upon this evaluation that he exercised his discretion. I have also come to the clear decision that not only could a faculty have been granted but it should have been granted. Accordingly I allow this appeal.

18. More recent guidance is to be found in the case of *Re St Gwenfaen, Rhoscolyn* (2015) 17 Ecc LJ 124, decided in the Bangor Diocesan Court by Chancellor Doe on 27 June 2014. The case concerned a petition to introduce a memorial plaque commemorating the life of the petitioner's late mother to replace an existing memorial plaque on the church organ. The petitioner's mother had lived in the parish, and served the church and the community there, for a period of forty years until her death. She had played significant roles as church organist, local teacher, fundraiser and community benefactor. She had played a principal role in saving the church from closure and in bringing the church hall back into use. The PCC, which had a policy against new memorial plaques, supported the petition by a majority, although it had unanimously rejected a previous petition in similar form. The vicar, the DAC, the area dean, the archdeacon, and a former incumbent all opposed the petition.

19. Chancellor Doe reviewed the case law relating to the introduction of memorial plaques and considered the existing policies and norms. He acknowledged that a faculty for a memorial plaque would only be granted in an exceptional case. He identified the following factors as relevant to the consideration of the issue of exceptionality:

- (1) An association between the person commemorated and the church should be established; the presence of other family plaques would not be determinative; and care must be taken not to give the impression of privilege or superiority.
- (2) Sufficient time should elapse after death to allow perspective to be put on the life, character and service of the deceased, so as to enable careful, mature and objective assessment of these.
- (3) If the person's character or contribution was already marked in some way then the plaque might be unnecessary.
- (4) The petitioner should engage with the church authorities to explore alternative means of commemoration, such as by way of gifts based on the actual and genuine needs of the church.
- (5) There must be clear evidence of the very special, or outstanding, contribution of the deceased to the church, community, country or humankind. Simple assertions without supporting evidence would be of little or no value. For exceptionality, it must be established that the service of the person goes substantially above and beyond that expected by the Church; it should withstand the test of time; and it should be of meaning to future generations, and not simply contemporaries of the person to be commemorated.
- (6) Although some comparison of service is necessary, it should be undertaken with caution, and avoid giving the impression that some of the faithful are of greater value than others.
- (7) The chancellor needs to rely on the counsels of the church, including the PCC, the DAC, clergy and parishioners. Substantial consensus of opinion is desirable. Decisions should ensure consistency, although each case should be decided on its merits. The DAC is competent to advise on exceptionality; and due weight should also be given to the views of the clergy, given their day-to-day contact with the faithful. A PCC should not make controversial decisions in an interregnum without the advice of the senior clergy who are responsible for the supervision of the interregnum.

(8) Given the primary purpose of a church as a place of worship and mission, it is relevant whether a plaque would serve as an inspiration, deepening the faith of others, or as a focus for disunity and resentment.

(9) It is relevant whether the church already has an excess of plaques so as to cause '*clutter*'.

(10) The plaque must be an artistic adornment, and in keeping with the church's character; and the words should make sufficient link to the character and service for which the person is to be commemorated.

20. In that case, Chancellor Doe found that the petitioner's mother was adequately commemorated elsewhere in the church; and that her contributions, although they were considerable and significant, had not been very special or outstanding such as to go substantially above and beyond the faithful discipleship expected by the Church of all of its members. He therefore refused to grant the faculty.

21. I would endorse, and gratefully adopt, Chancellor Doe's statement of the factors to which the court should have regard when considering the issue of exceptionality. I should, however, make three observations, all of which relate to the seventh of the factors identified by Chancellor Doe.

22. The first is a minor reservation, and concerns the role of the DAC. Both s. 37 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, and paragraph 22 of the Oxford DAC Constitution, describe the general function of the DAC in terms of acting as an advisory body on matters affecting places of worship in the diocese and, in particular, the giving of advice on matters relating to the grant of faculties. However, and unsurprisingly, nothing in the required '*skillsets*' identified at paragraph 6 of the DAC's constitution would seem to me particularly to qualify any of its members to advise on issues of '*exceptionality*'. It is therefore unsurprising that in their Notification of Advice in this case, the DAC expressly record that: "*The Committee did not comment as to whether the exceptionality test had been met.*" DAC members are eminently well-qualified to advise the chancellor as to whether the installation of a commemorative plaque is likely to affect the character of the church as a building of special architectural or historic interest. (It is unlikely ever to affect the archaeological importance of the church, or any archaeological remains existing within the church or its curtilage.) As chancellor, I greatly value the advice of the DAC on such matters. In formulating such advice, the DAC is likely to wish to view photographs of the interior of the church. These will provide an indication of the number of memorials already in the church, and enable it to assess the proposed location of the commemorative plaque in the general context of the church interior. This will assist the DAC in advising in connection with the ninth and tenth of the factors identified by Chancellor Doe: in identifying whether the church already has an excess of plaques, so as to create a risk of '*clutter*'; and in assessing whether or not the plaque is likely to be an artistic adornment, in keeping with the church's character. These are matters clearly falling within the expertise of DAC members, and entirely properly the subject of their advice to the chancellor. However, matters going to the exceptionality of the life, the character, and the contribution to the church and the local community of the person proposed to be commemorated are essentially matters to be evaluated, and determined by the chancellor, on the basis of the evidence presented to him.

23. My second observation relates to any views expressed by the PCC. I would sound a note of caution in relation to expressions of support from the PCC. As the Dean observed in *Dupuis v Parishioners of Ogbourne St George* 1941 P 119 at 121: “... it is difficult for the parochial church council of a small country parish to stand out on a matter of this kind, even if they wish to. Too much weight must not, therefore, be given to the resolution of the council.” One may have to delve more deeply behind any PCC resolution which expresses positive support for the installation of a memorial plaque. In the present case, the PCC have not allowed their natural sympathy for the petitioner, whom they clearly know well, and wish to support, to cloud their objective assessment of the merits of his understandable wish to commemorate the considerable contribution that, during her lifetime, his wife has made to the life and work of the church and the village over the many years since the family moved to this village. But the very terms in which they have felt the need to express themselves (as recorded at paragraph 13 above) demonstrate the temptations, and the dangers, to which PCC members may find themselves exposed: Sympathy towards a petitioner, and the natural wish to support them in their application, needing to be weighed against official guidance clearly stating that faculties for memorials in a church are only to be granted in exceptional circumstances, against a background of not believing the application to be ‘exceptional’, and resulting in a decision not to object to the petition, and a willingness to be guided by the chancellor, in deference to “village relationships”.

24. My third observation relates to the identity of the petitioner. The court may consider it of some relevance that a petition has been initiated, and presented, by the parish rather than the family of the person whom it is proposed to commemorate. This may be of relevance to a number of factors. First, it provides objective evidence of a perceived connection between that person and the church (factor 1). Secondly, it may point to a more careful and objective assessment of the life, character, and service of the deceased, relative to others, than might be the case with a petition presented by the deceased’s family (factors 2, 5, 6 and 7). It may tend to indicate that the person’s character or contribution is not already marked in some other way (factor 3). It may also tend to show that the church authorities consider that there is no more appropriate, alternative means of commemorating the deceased (factor 4).

Analysis and conclusions

25. It is against this evidential, and legal, backdrop that I proceed to determine this faculty petition. Since it is not formally opposed, and for pastoral and practical reasons, and noting also that Mr Palmer is content with this course, I am satisfied that it is expedient, in the interests of justice, and in furtherance of the overriding objective of the Faculty Jurisdiction Rules, for me to determine this petition without a hearing, and on the basis of the papers. Doing so will save expense, and will enable the court to deal with the case proportionately, expeditiously and fairly.

26. I propose to consider the several factors identified by the court in *Re St Gwenfaen*.

27. Factor (1) points in favour of the petition. There was clearly a close, and longstanding, association between the late Tina Palmer and the church of St John the Baptist, Fifield.

28. Factor (2) points the other way. Very recent, formal, published diocesan guidance, echoing the second of the factors identified by Chancellor Dow, emphasise that, as a general rule, a faculty authorising the installation of any commemorative plaque, or other memorial, within a church, will not normally be granted until at least five years have elapsed since the

person's death. The reason for this is to allow a reasonable period of time after the death to permit the family to grieve, but also to facilitate a more balanced assessment of the life and achievements of the deceased. The late Mrs Palmer only died in May 2023. Having considered this aspect of the case, and discussed it with his family, Mr Palmer reports that they all feel that they have passed the emotional period of grieving, and therefore wish the Registry to continue processing the application. I acknowledge, and recognise, that this *'five-year rule'* is not an inflexible approach; regard will always be had to the particular circumstances of the individual case. However, the petitioner has put forward no objective grounds, in terms of the need to install the plaque imminently, rather than after another three years. His assessment that the family have passed the emotional period of grieving is entirely subjective. In my judgment, little more than two years is insufficient time to allow any informed perspective to be applied to the late Tina Palmer's life, character and service, so as to enable any careful, mature and objective assessment of these matters.

29. As regards factors (3) and (4), there is no evidence that Mrs Palmer's character and contribution to the church and the village are already marked in some way so as to render the proposed plaque unnecessary (beyond this judgment, which will stand as a permanent testament to her fine qualities and her service to her church and her local community). Conversely, there is no evidence that the petitioner has engaged with the church authorities to explore any alternative means of commemorating his late wife, such as by the gift of a memorial bench, or a tree, to be placed, or planted, in the churchyard, or any monetary contribution to the needs of the church of the parish.

30. I pass, for the moment, over factors (5), (6), and (7), which may conveniently be taken together, to the remaining three factors. There is no evidence that the proposed plaque would serve as a focus for any disunity or resentment within the church community. Rather, it would record the late Mrs Palmer's service, over many years, as a much-loved churchwarden. The proposed inscription (whichever version is adopted) makes a sufficient link to the character and service for which Mrs Palmer is to be commemorated. I know nothing about the background to, or the reasons for, the installation of the two similar (but smaller) plaques commemorating Keith and Anne Cameron. I am in no position to judge whether their installation was appropriate. However, the proposed plaque commemorating the late Mrs Palmer is in keeping with the plaques commemorating those two individuals. There is no evidence that this church already has an excess of plaques so as to cause *'clutter'*. In light of the DAC's advice, I accept that this plaque will be an artistic adornment, which will be in keeping with the church's character.

31. I turn then to consider what is probably the most important of all the various factors which the court needs to consider: whether there is clear evidence of Mrs Palmer's very special contribution to the church or her community. On the evidence, that contribution was clearly both considerable, and sustained, over more than three decades. To establish *'exceptionality'*, however, it must be established that Mrs Palmer's service went substantially above and beyond that which is normally expected by the Church. As Chancellor Doe observed, it must be capable of withstanding the test of time; and it should be of meaning to future generations, and not simply to contemporaries of the person to be commemorated. Whilst I appreciate that my conclusion will be disappointing, and even distressing, to Mr Palmer and the members of his family, I fear that I do not find that Mrs Palmer's contribution to the life of her church, and her village, considerable, and praise-worthy, though this was, succeeds in attaining this very high

threshold. I find that Mrs Palmer's contributions, although considerable, and significant, have not been sufficiently special, or outstanding, so as to go substantially above and beyond the faithful discipleship which the Church, aspires to, and hopes for, from all of its members. In arriving at this conclusion, I bear in mind all that has been written in support, and praise, of Mrs Palmer, particularly in her eulogy, and by the Reverend Anne Hartley and the chairman of the Friends of the church. However, I must set against these, the assessment of the PCC that this application is not '*exceptional*'. It may be that '*exceptionality*' is most readily evidenced by some form of external recognition, in the form of some national, or civic, or national church, or diocesan, honour or award. But I am satisfied that it has not been demonstrated in the case of the late Mrs Palmer.

32. I had speculated about the possibility of granting a time-limited faculty, permitting a memorial plaque for a specified number of years, until Mrs Palmer's immediate family should have passed on. Mr Palmer's response to this suggestion, when it was put to him, was to question whether such a time-limited faculty was possible. I have been unable to find any precedent for such a course; but, in principle, I can see no obstacle in its way. In a suitable case, it might afford some comfort to the bereaved, whilst avoiding the permanent '*cluttering up*' of the walls of the church, so that, following its removal, there would still be room left for others to be commemorated in the future. However, Mr Palmer has made it clear that the installation of this plaque is not intended primarily for his own satisfaction or comfort, but rather for the congregation, the village and the local community, and for visitors. In light of this, it would be inappropriate for me to take this time-limited solution any further.

33. For these reasons, I refuse to grant the faculty that Mr Palmer seeks. I recognise that when visiting other churches, Mr Palmer may view their lavish memorials, erected in past centuries, to those otherwise long since forgotten, with a sense of wonder, and possibly resentment, at how they came to be there when I have refused to allow him to raise a memorial to his own late wife. But time, and attitudes, have moved on. The church is now rightly concerned to avoid giving any impression that some of the faithful – and, inevitably, the wealthier of them – are of any greater value than others. I recognise also that my refusal will come as a bitter blow to Mr Palmer. It gives me no satisfaction to have to deliver this bad news to him. However, I hope that Mr Palmer may take some comfort from the fact that, based upon all that I have read about his late wife, had she been asked whether she would wish to be commemorated in a plaque in her parish church, I think that she might well have answered: '*No*'. She would probably have then gone on to explain her refusal by quoting the later words from the prayer of St Ignatius Loyola which Mr Palmer had chosen (in Latin) as part of the inscription to be included on her proposed commemorative plaque: "*... to labour and not to ask for any reward, save that of knowing that I do your will*".

34. The petitioner must pay the costs of this application; but, in the usual way, I charge no fee for this written judgment.

David R. Hodge

The Worshipful Chancellor Hodge KC

The Seventh Sunday After Trinity

3 August 2025

Annex

Oxford Diocesan Registry Guidance Note on the Installation of Commemorative Plaques Within Churches

1. From time to time the Diocesan Advisory Committee (the **DAC**) and the Diocesan Registry receive requests for advice from individuals seeking to install a plaque or other memorial within a church to commemorate a loved one whom they consider to be worthy of recognition for the services they had performed for the church or the parish during their lifetime. This Note sets out the general practice adopted by the Diocese of Oxford in such cases. It should be borne firmly in mind that neither the DAC nor the Registry have the authority to permit such an installation. A faculty is always required; and it is only the Chancellor of the Diocese (or their deputy) who have the authority to grant such a faculty.
2. As a general rule, a faculty authorising the installation of any plaque or other memorial within a church commemorating an individual will not normally be granted until at least five years have elapsed since that person's death. The reason for this is to allow a reasonable period of time after the death to permit the family to grieve and to facilitate a more balanced assessment of the life and achievements of the deceased. This is not an inflexible approach and regard will always be had to the particular circumstances of the individual case.
3. Irrespective of the time that has elapsed since a person's death, in accordance with long-established case law authority, a test of 'exceptionality' in relation to the character or service of the person to be commemorated is always applied before the court will grant a faculty authorising the installation of any plaque or other memorial within a church commemorating an individual: see *St Margaret's, Eartham* [1981] 1 WLR 1129. The reasons for this are that there is insufficient room within a church building to commemorate every worthy individual and to prevent the walls of the church becoming so crowded as seriously to detract from the church's appearance and significance. A faculty for a commemorative plaque or other memorial is always to be regarded as an especial privilege reserved for very exceptional cases.
4. It should be noted that the test of exceptionality does not apply where what is sought to be introduced into a church is not a memorial or plaque commemorating a person but rather an artefact, such as a stained glass window, which is intended to adorn and beautify the church, and become part of its fabric, even though it may, in addition, incidentally commemorate a particular individual, such as the donor or a deceased member of the donor's family.
5. Before incurring the time and expense of presenting a faculty petition in such a case, it is always sensible to approach the Diocesan Registry with all the evidence relied upon in support of a case of exceptionality in order to canvass the preliminary, and provisional, views of the Chancellor as to whether the test of exceptionality may be satisfied. Subject to those views, the advice of the DAC should be sought as to the suitability of the materials and design of the proposed plaque or memorial for its proposed location within the particular church building.

9th January 2025