

Roman Catholic diocesan authorities which indicated that consecration of ground had no theological significance or standing in Roman Catholic canon law. There was no objection to the family's proposals as long as the ashes were kept in a dignified manner. After referring to *Re Blagdon Cemetery*,¹ the chancellor decided that as the family did not know that the relevant land was consecrated there had been a mistake which justified making an exception to the norm of permanence of Christian burial. Given the lack of objection by the Roman Catholic authorities to the exhumation the chancellor saw no reason to distinguish between a Roman Catholic and those of other or no faith.² Whilst indicating that he found such special circumstances to exist, the chancellor stated that he would not have been prepared to grant a faculty which would permit the storage of the cremated remains at the widow's home. In light of the chancellor's concerns, the widow agreed to the re-interment of the remains in the grounds of her Roman Catholic parish church and on that basis a faculty was granted. The chancellor emphasised the need for greater clarity about the significance of burial in consecrated ground and took steps to ensure that incumbents, municipal cemetery managers and undertakers were reminded of this. [RA]

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Re St Andrew, Dacre

Carlisle Consistory Court: Tattersall Ch, May 2010

Memorial – heart-shaped – pastoral concerns

The petitioners, a widower and the priest in charge of the parish, sought a faculty to erect a heart-shaped black granite memorial to the former's late wife in the churchyard. The proposed inscription was uncontroversial, but the design of the proposed memorial was contrary to the churchyard regulations. The DAC declined to recommend the proposal but the PCC had given its approval by a 6-5 majority in a secret ballot. The churchyard surrounding the Grade 1 listed parish church contained memorials of a number of styles and materials, but none heart-shaped. The chancellor weighed the general assumption that heart-shaped memorials are not acceptable in a churchyard against the pastoral needs and concerns of the petitioners, not least the claim of the widower that his pastoral needs and those of his family required that the faculty be granted. In conclusion, the chancellor held that to allow such a memorial would in all likelihood create a precedent and, in weighing the pastoral concerns, that

¹ [2002] Fam 299.

² The chancellor referred to the humanist case of *Re Crawley Green Road Cemetery* [2001] Fam 308 and the orthodox Jewish case of *Re Durrington Cemetery* [2001] Fam 33.

- i. a memorial in a churchyard is not intended to be a judgment on the worthiness of the deceased or to reflect how loved or appreciated he or she was by family or others. If it were otherwise, those who wished to show their love and appreciation of the deceased would inevitably seek permission for more elaborate and grandiose memorials;
- ii. the deceased's desire that she had a heart-shaped memorial (and equally an applicant's own assessment of what is a worthy memorial to a loved one) cannot weigh heavily in the determination as to whether such a memorial should be permitted. If it were otherwise, there could be no effective system of regulation of memorials in churchyards;
- iii. a memorial cannot be justified simply because it is said that it will meet the pastoral needs of the deceased's family.

The application was refused, but the petitioners were given the opportunity to submit an application for a memorial with a heart etched onto a standard-shape stone at the suggestion of the DAC. [WA]

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Re St Mary the Virgin, Ashford

Canterbury Commissary Court: Walker Com Gen, June 2010

Reordering – government funding – ‘adverse effect’

A faculty was granted for a major reordering of the interior of the church, to include the replacement of the dais and seating in the nave, the upgrading of the heating, lighting, kitchen and lavatory facilities, improvement of disabled access, internal redecoration and the relocation of the font and pulpit. At a late stage the petitioners made an additional application for the installation of a ground source heat pump and rainwater harvesting tank, with the approval of the planning authority. Funding for the proposed project had been made available through the government's Growth Area Fund, with the support of Ashford Borough Council and the agency Ashford's Future, both of which bodies were petitioners along with the incumbent. The DAC noted that the proposed works would affect the character of the building, but recommended the scheme. The Victorian Society and an individual parishioner formally opposed the application, which was heard in open court. The commissary general applied the *Bishopsgate* questions, as they have developed, and as summarised by Hill Ch in *Re St Mary, Newick* (2009) 11 Ecc LJ 127, an approach commended by the Court of Arches in *Re St Peter, Draycott* (2009) 11 Ecc LJ 365. He found that the petitioners had overwhelmingly shown that the proposed works were necessary. He was only just convinced that they would not adversely affect the character