

In the matter of Plumpton with East Chiltington cum Novington

Judgment

1. These conjoined petitions concern a number of graves in two separate churchyards within the united benefice of Plumpton with East Chiltington cum Novington. As I understand the position, a parishioner raised with the Bishop of Chichester concerns about the state of one of the churchyards. The Bishop asked the Archdeacon of Brighton & Lewes to investigate, who noted several breaches of the Churchyard Regulations. He informed the Registrar who referred the matter to me. I indicated that unless a petition for a confirmatory faculty were lodged, the Archdeacon should apply for a restoration order.
2. The Rector and Churchwardens (acting with the concurrence of the Parochial Church Council) duly sought a confirmatory faculty in respect of several grave markers and other items which have been introduced without lawful authority, in that either (i) they did not come within the delegated authority contained in the Churchyard Regulations then current which the incumbent purported to exercise or (ii) they have appeared at the grave without any permission at all, actual or purported. For convenience, the Churchyard Regulations are included as an Appendix to this judgment.

Procedural matters

3. Public notice led to one letter of objection, from a Mr Paul Baker, the individual who had originally brought the matter to the attention of the Bishop. He has not sought to become a Party Opponent and I therefore take his correspondence into account together with a letter in response dated 28 June 2018 from the Rector on behalf of the petitioners.
4. The legal ownership of a headstone vests in the person who paid for its erection during that person's lifetime, and thereafter in the heir-at-law of the person whose remains are interred in the grave. It was necessary, therefore, that special notice of the petitions was given to the family of the deceased in each of the affected graves.
5. At my direction, in addition to the general public notice which was exhibited at the entrance to each churchyard, a notice (in a form approved by me) was placed on each of the relevant headstones, and special notice (by way of a letter from the registry) was sent to the immediate family in each case where contact details were known. I am satisfied that every reasonable effort has been made to bring these proceedings to the attention of all those concerned, and, in addition, that those people have been made aware of the power of the Court, should it so decide, to refuse the petition and compel the removal of some or all of the unlawful items.

6. Many of the family members have responded. I deal with those individual responses in the discussion of each of the specific graves below. Whilst several have argued for the retention of certain items with which the Court is concerned, none has petitioned for a confirmatory faculty in their own right or asked to be joined as a party to these proceedings. I make no criticism of them for that. The faculty jurisdiction appears complex to those not well-versed in ecclesiastical law. I have made every effort to take all opinions and observations into account. Applying the overriding objective in r 1.1 of the Faculty Jurisdiction Rules 2015, I have not directed the joinder of any of those correspondents and I have endeavoured to deal with this procedurally complex matter in a manner which is proportionate and which deals with the dispute fairly and expeditiously without incurring unnecessary expense. However, I draw attention to the Court's power to set aside or vary a faculty, a matter to which I shall return at the conclusion of this judgment.
7. I visited each of the two churchyards on the morning of Friday 9 November 2018. This was kindly facilitated by Dr Emma Arbuthnot, the DAC secretary, who organised the logistics and drove me to the *loci in quo*. She made no contribution to the evidence before the Court and played no part in my decision.

Factual background

8. These proceedings have been necessitated by what I find to be culpable neglect on the part of the incumbent who in recent years seems to have fallen short of his responsibilities by failing properly to exercise the authority delegated to him under the Churchyard Regulations. These regulations serve an invaluable pastoral purpose in providing a simple procedure whereby parochial clergy are authorised to permit the introduction of certain headstones and other churchyard memorials on condition that they come within certain designated categories. This saves the bereaved the time and expense of a seeking a faculty, which can be burdensome and distressing in the rawness of grief.
9. However, where parochial clergy purport to authorise the introduction of memorials for which they do not have authority, significant pastoral harm can result. It affects not merely those whose memorials or other additions may be required to be removed, but others who have dutifully complied with the Churchyard Regulations, but have to observe the lawlessness of others.
10. A cleric who fails to adhere to the diocesan Churchyard Regulations exposes him or herself to censure in the Consistory Court and may be ordered to pay the costs of faculty proceedings and/or of remedial action required in the churchyard. In addition, such neglect of duty may give rise to a complaint under the Clergy Discipline Measure 2003.

The petitioners' case

11. The generality of the petitioners' case is to be found in a letter addressed to me as chancellor, dated 3 April 2018 signed by the Reverend Godfrey Broster, Rector. It begins: 'In making our application we sincerely apologise for stepping outside your regulations concerning Churchyards'. Mr Broster continues, 'I know that [the grave markers in East Chilton] are outside your regulations, for that I apologise, but as

they are not permanent structures I let them lie.’ The letter concludes ‘I do appreciate that all these are outside the regulations and apologise for allowing them to be. I would be grateful if you would look kindly on the application and give me your ruling.’

The objector’s representations

12. Mr Baker has set out his views by email. Whilst they arise from the situation in East Chiltington, some of them concern points of principle which are equally applicable in Plumpton Green. I mean no discourtesy to him as I draw them together and summarise them as follows.
13. Mr Baker’s mother was buried in East Chiltington churchyard in March 2014, and the graves of other family members are also to be found there. He recalls that two proposals for his mother’s headstone were rejected by Mr Broster as they did not comply with the Churchyard Regulations. His family chose another one which did comply and was approved. At a later time, Mr Baker was advised by Mr Broster that artificial flowers were not permitted and he dutifully ceased placing silk flowers on his mother’s grave.
14. He states that since the Spring of 2017 the Churchyard Regulations have been ignored. He suggests that the rector is ‘over-writing’ them. There are numerous graves which do not conform. He finds it hard to understand why the Rector has acceded to these applications. He states that the offending graves have totally destroyed the character of a traditional rural churchyard. He fears that the flood gates have opened and that soon the churchyard will resemble a theme park. He is mindful that the rector, churchwardens and PCC are merely temporary custodians and that the Churchyard Regulations should be honoured by all. He further states that the steps necessary to rectify the breaches are largely cosmetic in nature and not disproportionate or unduly burdensome.

The individual cases

15. I propose taking the cases before the court separately as different consideration apply.

Petition No 0800: All Saints Plumpton Green

16. The churchyard of All Saints, Plumpton Green extends to the rear of the church and its adjacent hall. It is generally well-tended. The three particular graves which are the subject of Petition 800 lie close to one another at its furthest extremity.

Helen and Edward Gillett (2007, 2016)

17. The grave of Helen and Edward Gillett has been surrounded by low-level metal railings. Chippings seem to have been spread on the grave and a variety of floral tributes placed on it. At the time of my visit – following some heavy rain – they looked untidy and uncared for. The plants were dead or dying.
18. Mr Broster’s letter states:

'Gillett's grave marker appeared as soon as she was buried. The family appears to be of gypsy origin hence the number of ornaments. They tend to the grave every week and have been informed that I have made an application for this retrospective faculty.'

19. There has been no response from any family member in respect of this grave. There is no request for the retention of the metal railings, chippings and various floral and other mementoes.

Robert James Kilby (2006)

20. What has been introduced at this grave is described as 'a traditional Sussex bedstead grave'. I confess that in nearly twenty years as Chancellor of the Diocese of Chichester, I have never come across such a description, nor seen such a item.
21. The grave is surrounded on all four sides by low level metal railings. It has upright metal posts at each corner, and semi-circular metal structures at the head and foot. Some product (like woodchips) has been placed on the grave and it has also been planted.

22. Mr Broster's letter states:

'Kilby's grave is a modern version of the traditional Sussex bedstead grave surround. We have the remains of wooden versions at St Michael's Plumpton and there are a number at Hamsey Church. I have to admit that I suggested this to the family as a fitting tribute to a Sussex Man for that too I apologise for going outside your regulations.'

23. Mrs Cindy Kilby, the widow of Mr Kilby wrote in an email to the Court on 7 August 2018.

'I have to inform you that I did seek permission from the church before a Sussex Bedstead memorial was erected on my husband's grave. I have a letter dated 20 July 2007 giving consent and a copy was sent to G W Day & Co at East Chiltington who made the memorial. A fee of £143.00 was paid for this permission. The letter was signed by the incumbent, the Revd G D Broster. I would like therefore to know what faculty nos 800 and 801 refer to. Without this information how do I know what unauthorised items are being referred to. What is it that Mr Paul Baker is objecting to? Perhaps it should be the state of the graveyard which looks like a set aside field.'

24. The registrar has indicated that £143.00 was the then current prescribed fee under the Parochial Fees Order 2006 in respect of a monument. Mrs Kilby produces a letter dated 20 July 2007 from Mr Broster which makes reference to an enclosure being his purported authorisation for the memorial.

Sheila Creasey (2017)

25. This grave has raised honed granite kerbstones running around the perimeter of the grave, including behind the headstone itself. The grave has been planted.

26. Mr Broster's letter states:

'... the stone mason asked me if I would consider a raised step which would be filled with earth, as a raised garden, and the Creasey's gardener found it difficult to kneel in sodden clay to weed and tend to the plants. This was to help him keep the grave beautiful and tidy.'

27. A letter from the widower of Sheila Creasey, Mr Terry Creasy, dated 11 August 2018 reads:

'I ordered my wife's headstone in March 2017 and it was duly erected. In the meantime after several visits to the grave by myself and other members of the family it soon became obvious that it was in a "wet area" it was not nice to walk or kneel in mud, also in very close proximity is a very large clump of blackberries, stinging nettles and tall wild grasses (and two very young oak trees which we presumed had been planted by squirrels) we would not have liked these to be encroaching on the grave. Therefore I spoke with Rev G Broster about having a kerb put around the grave to keep the marauding weeds etc at bay. It was to be in Karin grey granite, honed and with no inscription, a nice plain unobstrusive kerb, which would allow the family to plant inside the kerb seasonal bulbs and plants. Fortunately this was again agreed with Rev Broster and arrangements made to have the kerb put in place.

I therefore support the parish's application that the whole memorial should remain in place. [...] Sheila attended the local school for several years, her father was one of the leaders of the local youth club, also standard bearer for the British Legion. Sheila's name is on the shingles on the church roof when funds for repairs were needed. Sheila's parents were married in All Saints, and she is now at rest among several of her friends.'

28. Mr Creasey encloses copies of two applications on pro-forma documents prepared by R A Brooks & Son, Funeral Directors, one for the upright headstone and the other for the kerbing. The form includes certain declarations which are to be signed by the applicant(s) and by the monumental mason. The second declaration reads:

I/we have read the General Directions of the Chancellor of the Diocese concerning Memorials in Churchyards and claim that you have power under those directions to permit the introduction of the proposed monument into the churchyard.'

29. That declaration was demonstrably false as kerbs are expressly excluded from the delegated authority given to parochial clergy under the Churchyard Regulations. I take a very dim view of monumental masons and applicants who make false representations. However I note that on this form, in the space allocated for signature of applicants what appears is a squiggle and the wording 'pp Mr T Creasey'. The squiggle is, to my eye, identical to that appearing in the space for the signature of the monumental mason. My impression is that both signatures were applied by a

representative of R A Brooks & Son and that Mr Creasey may have been unaware that a false representation had been made in his name and on his behalf. My further concern is that these squiggles and the use of the initials signifying *per procuracionem* are replicated on the form used in respect of the headstone some four months earlier. It leads me to suspect that it was the routine practice of RA Brooks & Son to make serious and important declarations on behalf of their clients. If that was and remains their practice, it must cease with immediate effect. These are serious matters, which can have significant consequences. Monumental masons must ensure that applicants sign applications and appreciate the content of what they are signing.

Petition No 0801: East Chiltington Churchyard

30. Again, I take each grave in turn. The petitioners' case in relation to the graves at East Chiltington churchyard is not entirely clear. Mr Broster's letter takes the graves collectively. He refers to low level box hedges which he says were planted relatively soon after the burial in each instance: Fleming, Ritchner-Fleming, Tadion and Burberry. He says that the purpose of these hedges was to help mourners maintain the graves properly. In particular, the Burberry family live somewhere in Kent and can only visit the grave occasionally: the surround was designed to keep the flowering plant tidy so that the gardener could mow around the grave. Mr Broster says that nobody has complained – with the exception of Mr Baker – and some have said that they enhance the look of the churchyard.
31. Mr Broster suggests that Mr Baker has admitted to embarking on a personal vendetta against him. In relation to Mr Baker's specific complaint about the grave markers, Mr Broster says this in his letter addressed to me, as chancellor:

'I know that they are outside your regulations, for that I apologise, but as they were not permanent structures I let them be.'

32. In relation to three other graves (Walter and two which are unmarked), Mr Broster says that these relate to people connected with Mr Baker's own family. Mr Broster suggests that he seems to have found himself embroiled in a family feud. He suggests that he has received telephone messages from 'an hysterical woman' which relate, he believes, to the unmarked graves. I note in passing that Mr Broster ought to be able to identify the so-called unmarked graves from the burial register and churchyard plan. That he cannot do so is suggestive of further neglect of duty on his part.

Raymond Walter (2010) & Joyce Walter (2016)

33. This grave has an uneven and irregular plastic surround spreading some distance beyond the width of the headstone itself, which has been back-filled with grey and white stone chippings and with potted plants.
34. A letter from Mr and Mrs F Manville dated 15 August 2018 states the grave of Mr and Mrs R Walter is that of the mother and step-father of one of them. It states that the edging and border were put in place prior to the headstone being sourced. They express surprise that this low key identification has caused so much unrest and apologise for any inconvenience. Their letter concludes:

‘We fully support the application to have this remain but would also agree and comply to remove the borders and stones if that is what is required.’

Brian Burberry (2002)

35. This grave has low level fencing along the sides and at the foot within which plants have been placed. There have been no representations received from anyone connected with this grave.

Franzi Ritchner-Fleming (2007) & Gordon Fleming (2010)

36. A low box hedge has been planted surrounding a memorial tablet which marks the interment of cremated remains in the first instance, and a full interment in the second.
37. An email from Mr Justin Fleming dated 4 September 2018 confirms that these are the graves of his late wife and father respectively. He says that he had the box hedges planted in order to give some sense of order to the grave, without which it would be impossible to stop the ingress of weeds and the control the grass.
38. While he acknowledges that the hedges are the exception rather than the rule in this churchyard, Mr Fleming asks for the box hedges to be permitted to remain.

Dr J Tadion (2005)

39. Here a box hedge has been planted surrounding the place of interment of the cremated remains of Dr J Tadion, with various plants put inside. An email from Sally Albemarle dated 3 August 2018 indicates this is her father’s grave and that she was unaware of the restrictions imposed by the Churchyard Regulations as they were never brought to her attention by Mr Broster. She concludes:

‘I would of course prefer to keep things as they are, but if it is a problem and needs to be removed and just let grass grow to the edge of the grave stone, I will not object either.’

Two unmarked graves

40. These two unmarked graves have been surrounded on all four sides by low level fencing and there has been extensive planting over the graves combined with the deposit of various mementoes. No representations have been received in relation to either of these graves.

Discussion

41. This case illustrates the difficulties caused by a failure on the part of an incumbent when the delegated authority under the Churchyard Regulations is not followed. I trust this judgment will stand as a salutary warning for other clergy in the diocese tempted to ignore the Regulations or turn a blind eye to them.
42. I take East Chiltington Churchyard first as the issues here are rather more straight forward and, to the extent that family members have engaged with the court process, there is a measure of understanding and a preparedness, albeit reluctant, on the part of the majority to accept that items may be required to be removed.

43. Whilst I note that box hedges are not expressly prohibited in the terms of the Churchyard Regulations, they are not appropriate in churchyards and looked singularly out of place when I visited. Trees and shrubs are the responsibility of the PCC which is charged with the care and maintenance of the churchyard. Whilst I note the PCC supports the petition to permit the retention of all the items in East Chiltonton Churchyard, including these low level box hedges, they are singularly inappropriate and I suspect the PCC's support is largely out of a misplaced sense of loyalty to the rector. The desire to offer some form of protection to the grave is understandable on the part of the families concerned, but carving up God's acre with shrubbery of the type generally found in a domestic kitchen garden is not acceptable. Sometimes families believe that they in some way own the deceased's grave. While burial rights can be acquired, and whilst the legal title in headstones and other memorials vest in the heir-at-law, the grave itself continues to be part of the benefice which vests in the incumbent, subject to the duty of maintenance which lies on the PCC.
44. Shrubs are, to my mind, different from memorials and headstones. They are living matter which can grow and wither. I do not consider that the six year limitation period, discussed below, has any meaningful operation to plants, trees and shrubs. The proper course therefore is for the box hedges to be removed and I allow the families six weeks so that they can be grubbed out. This longer than usual period is to make allowance for the forthcoming Christmas and New Year break. In the event that the hedges are not removed within that period, then I require the PCC to take steps to remove them and I direct that the Archdeacon ensures that this is carried through.
45. In relation to the fences, chippings and mementoes, these are expressly prohibited under the Churchyard Regulations and must be removed. As with the box hedges I will also allow the families six weeks to remove them of their own volition, at the end of which the PCC is to do so. The fences and mementoes are to be securely kept in such manner as may be approved by the Archdeacon for a further three months. In the event that they are not claimed during that time, they may be disposed of in a seemly manner.
46. Turning then to All Saints, Plumpton Green, the situation is somewhat different in two respects. First, the Kilby and Creasy grave markers and related items were introduced with the apparent authority of the incumbent. Secondly, the Gillett memorial seems to date from 2007 and the Kilby memorial from 2006.
47. I am mindful that this Court's jurisdiction to make a restoration order exists solely in respect of unlawful acts perpetrated in the six years immediately prior to an application being made: Ecclesiastical Jurisdiction and Care of Churches Measure 2018, s 70(5). There is no suggestion here that there has been deliberate concealment. Since the Court is not in a position to compel the removal of the Gillett and Kilby memorials, the proper course is for them to remain. However, I do not propose to grant a confirmatory faculty for their retention. They will remain unauthorized so that it is clearly understood that their presence sets no precedent. To

the extent that chippings have been placed on these graves, these are to be removed within six weeks and the graves are to be returned to turf.

48. The Creasey memorial is of more recent origin and cannot claim six years' existence. The memorial itself is unobjectionable, but the raised kerbs certainly are not. Not only are they in flagrant contravention of the Churchyard Regulations, they are a visual blight on this part of the churchyard.
49. In fairness to the Creasey family, however, who are not a party to these proceedings, I propose to allow them three months within which to petition for a retrospective faculty in respect of the raised kerbs. I would anticipate joining both the stone masons and Mr Broster as parties to those proceedings and would hear evidence and argument as to how and why the unlawful kerbs were introduced in the first place and why they should be retained notwithstanding Mr Broster had no authority to accede to the application for their introduction which contained the false declarations. It may be appropriate (I currently have an open mind on the issue) for a future petition to be determined by the Deputy Chancellor.
50. Unless the raised kerbs are removed within three months, or a petition is lodged for their retention within the same period, the PCC shall secure their removal at the direction of the archdeacon. It seems to me, although I have not heard submissions on the matter, that the costs of removal should be borne by R A Brooks and Sons, but this is something between them and the Creasey family, at least until such time as separate faculty proceedings have commenced and the Court has jurisdiction to hear and determine such matters.
51. Finally, I remind all concerned of the provisions of r 20.3 of the Faculty Jurisdiction Rules 2015 under which the Court may set aside or amend a faculty. To the extent that any person affected by this decision may consider that their views have not been heard, or that their rights have been affected, without an opportunity to make representations to the Court, they are entitled to invite the Court to invoke this provision.
52. A faculty may therefore pass the seal in the following terms in respect of East Chiltington Churchyard, petition 0801:
 - i. Requiring those responsible for the graves of (1) Raymond and Joyce Walter; (2) Brian Burberry; (3) Franzi Ritchner-Fleming; (4) Gordon Fleming; (5) Dr J Tadian; and (6) two unmarked graves identified in the papers lodged with the petition, to remove from those graves all unauthorized items and plantings including but not limited to box hedges, fences, edgings, chippings, mementoes etc.
 - ii. Such items are to be removed on or before 4 pm on Monday 21 January 2019.
 - iii. In the event that any of the items are not removed by the time and date specified, the same are to be removed from the graves by or on behalf of the PCC at the direction of the Archdeacon of Brighton and Lewes. All such

items are to be retained for three months and if not claimed during that time, they may be disposed of by the PCC in a seemly manner.

53. Further, a faculty may be passed in the following terms in respect of All Saints, Plumpton, petition 0800:
- i. Requiring Mr Terry Creasey to take all steps necessary to remove the raised granite kerbs unlawfully erected around the grave of Sheila Creasey on or before 4 pm on 10 March 2019.
 - ii. The foregoing requirement will be suspended in the event that prior to 4 pm on 10 March 2019 a petition is lodged in the registry seeking a faculty for the retention of the kerbs. Such petition will fall to be determined on its merits.
 - iii. Requiring the removal of any chippings which may be present on the graves of (1) Helen and Edward Gillett and (2) Robert James Kilby and their return to turf. In the event that any chippings are present at 4 pm on 21 January 2019, they must be removed by the PCC at the direction of the Archdeacon of Brighton and Lewes.
54. The cost of the petition, to include a correspondence fee for the registrar are to be borne by the petitioners. Ordinarily all petitioners would be jointly and severally liable for such costs, which would be paid from the funds of the PCC. I will allow the PCC a period of 21 days, should it wish, to make representations that some or all of the costs should be paid personally by the First Petitioner, the Reverend Godfrey Broster.
55. I give to all persons affected by this judgment liberty to apply in respect of the implementation of the terms of the two faculties which have been authorized.

The Worshipful Mark Hill QC
Chancellor

10 December 2018

APPENDIX: CHURCHYARD REGULATIONS

Incumbents and priests-in-charge are temporary custodians not merely of the church building but, where there is one, of its burial ground. Responsibility for its care and maintenance rests with the PCC. Churchyards are an important feature of both rural and urban communities: an historic record of successive generations, a home for funerary monuments of architectural and aesthetic excellence, a setting for the church itself (many of which are listed buildings), and a place for reflection and prayer. It should be borne in mind that churchyards are different in their nature from municipal cemeteries. In addition, the upkeep of a churchyard is a considerable burden upon the limited resources of PCC funds.

Parishioners, those named on the electoral roll, and those dying within the parish all have a legal right of burial in the parochial burial ground. This right is not restricted to the baptised nor to members of the worshipping community. Thus the clergy are brought into direct contact with relatives of deceased parishioners in circumstances of extreme distress and often in a highly charged environment. Whilst this provides a valuable opportunity for ministry and outreach it can also create pastoral difficulties.

It is essential that the bereaved understand the meaning and consequences of burial in consecrated ground. Two particular features arise:

First, the nature of the rite of burial is to say 'farewell' to the deceased and to commend them to the mercy and love of God in Christ to await the transformation of resurrection. There is accordingly a theological finality to the burial of all interments, including those of cremated remains, in ground consecrated according to the rites of the Church of England. The prospect of exhumation at some future date and the relocation of remains must be ruled out.

Secondly, the bereaved must understand that by seeking a burial in consecrated ground, they are submitting to the jurisdiction of the consistory court which regulates the type of headstone or other marker which may be erected. This jurisdiction exists for reasons which are in part theological and in part aesthetic, since what may be unobjectionable in a municipal cemetery might be considered inappropriate (or even offensive) in an historic churchyard. It is the responsibility of the clergy to bring these matters to the attention of the bereaved at the earliest opportunity, and to inform them of these Regulations, so that their decision to seek an interment in consecrated ground must be fully informed. A failure to do so, however traumatic the pastoral situation, is a dereliction of duty and may prove more damaging in the long term. Many parishes find it helpful to provide a handout containing this information which can be taken away and read by the bereaved, and the chancellor commends this practice.

These Regulations are designed to encourage best practice and to eliminate bad practice. It is unlawful for a monument to be introduced into a churchyard without permission. Generally such permission derives from the chancellor in the form of a faculty. However, for administrative convenience and to minimise expense, the chancellor delegates to the incumbent the authority to permit the introduction of a monument provided it is of a type which complies with the detailed provisions contained in these Regulations. The written application which accompanies these Regulations should be used in all cases (see Appendix E). During any vacancy, and in the absence of a priest-in-charge, the authority is exercised by the rural dean.

Applications for memorials should generally not be made until six months have passed since the interment. Not merely does this allow the ground to settle, but the passage of time permits a more reflective decision to be made than is often the case in the naturally emotional state of the early stages of grief. All close family members need to be consulted and a consensus achieved. The incumbent can offer help at this time in making suggestions to the bereaved of the types of memorial which might be introduced by reference to photographs or by pointing out examples in the churchyard itself. If this conversation precedes a visit to the stonemason it should avoid the difficulty and disappointment engendered by the selection of an inappropriate design. Although the grave itself is the property of the incumbent, any memorial will belong to the heir-at-law of the person commemorated and that person carries the duty to maintain it and the legal liability for its safety.

A headstone is a public statement about the person who is being commemorated. Making the right choice of stone, design and inscription is important not only to the relatives or friends who are going to provide the memorial, but also to the wider community because of the effect which the headstone may have upon the appearance of the churchyard. Attractive, well-conceived designs by skilled and imaginative craftsmen should be encouraged. In the search for a wider range of designs than those usually seen, reference should be made to the *Churchyards Handbook*, the booklet *Memorials by Artists* and other resources which can be made available by the DAC. Sculpture or other statuary is not discouraged but must be authorised by faculty.

Also to be encouraged are fulsome inscriptions which give a flavour of the life of the person commemorated rather than blandly recording a name and dates. Epitaphs should honour the dead, comfort the living and inform posterity. They will be read long after the bereaved have themselves passed away. A memorial stone is not the right place for a statement about how members of the family feel about the deceased nor how they would address him or her were they still alive. Passages of scripture, which have a timeless quality, are to be preferred.

HEADSTONES

(i) Size

No more than 4ft nor less than 2ft 6in high (1200mm, 750mm);

No more than 3ft nor less than 1ft 8in wide (900mm, 500mm);

No more than 6in nor less than 3in thick (150mm, 75mm), unless slate is to be used in which case a thickness of 2in (50mm) is permitted;

In the case of infant burials, headstones must be no less than 2ft x 1ft 3in x 2in (600mm x 375mm x 50mm).

A base forming an integral part of the design of a headstone may be included, provided it does not project more than 2in (50mm) beyond the headstone in any direction and provided that it is fixed on a foundation slab of an approved material which itself is fixed flush with the ground and extending 3in to 5in (75mm to 125mm) all round so that a mower may freely pass over it. Integral sockets for flower vases are NOT permitted in head stone bases.

(ii) Materials

The following stone is permitted:

Limestone:	Portland Purbeck or Horsham Derbyshire Hopton Wood	Hornton Nabresina Caen/Normandy
Sandstone: York		
Slate:	Blue/Black (Cornish) Grey/Blue (Welsh)	Green (Westmoreland)
Granite:	Light to medium grey	

(iii) Position

No memorial may be erected within 5 yards (4.57 metres) of the outer wall of the church building save by authority of a faculty.

(iv) Appearance

Polished stone or mirror finish is not permitted. Coloured lettering is not permitted save as follows:

- Nabresina limestone may have the lettering picked out in contrasting matt;
- Slate may have the lettering picked out in off-white matt;
- Granite may have the lettering picked out in off white matt.

(v) Inscriptions

Incumbents should require an accurate design of the proposed inscription before approving an application. Photographs or representations of objects or motifs such as a child's toy are not permitted nor the use of 'pet names'. Bronze or ceramic inserts are not to be used. Badges, crests or emblems may be used provided they are seemly and appropriate for the deceased. Any representation will need to be designed so that it may be accurately cut by a skilled craftsman. Masons' or carpenters' names, signs or marks may be inscribed on any monument provided their position and appearance are unobtrusive having regard to the monument as a whole.

(vi) Fixture

Regard must be had to health and safety concerns, and to current industry standards for the fixing of monuments safely and securely.

HORIZONTAL LEDGERS

(i) Size

Either flush with the turf or raised not more than 9in (225mm) above a base, extending not less than 3in (75mm) all round and itself flush with the turf; inclusive measurements not more than 7ft (2100 mm) by 3ft (900mm).

CROSSES

An incumbent may NOT consent to the introduction of a cross, for crosses have been too freely used in burial grounds in the past. Such monuments require a high standard of design. However, the incumbent may authorise the temporary introduction of a simple wooden cross to mark a recent burial. A brass plaque bearing the name and dates of the deceased may be affixed to the cross. Such cross must be removed upon the erection of a stone memorial or after a period of 18 months, whichever be the sooner.

PROHIBITIONS

For the avoidance of doubt, the following are not permitted:

- i. kerbs, railings, fencing or chippings;
- ii. integral sockets in the base of a headstone for a flower vase;
- iii. memorials in the shape of vases, hearts, open books;
- iv. memorials incorporating photographs or portraits;
- v. mementoes, windmills, toys or little animals;
- vi. the use of 'pet names'
- vii. artificial flowers.

See also paragraphs 6.2, 6.3, 6.7, 6.10, 6.11, 6.12, 6.13.

NOTES

The Incumbent has no authority to permit the erection of a memorial which does not comply with these Regulations. Any memorial which does not comply with these Regulations (whether or not the incumbent has purported to give his authority) may be removed by order of

the consistory court.

A faculty may be sought for the erection of a memorial which does not comply with these Regulations. Such petitions are actively encouraged. Each case will be considered on its individual merits and the views and policies of the Incumbent and PCC will be taken into account. The opinion of the DAC will also be sought.

Parishes are encouraged to consider adopting by faculty their own Regulations for use in a particular churchyard. Such Regulations must take into account local practice, tradition and custom and the particular environmental, architectural and aesthetic considerations of the church and its setting.

THE WORSHIPFUL MARK HILL QC
Chancellor of the Diocese of Chichester

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