

RE SAVIOUR RINGLEY STONECLOUGH

JUDGMENT

delivered on 19 October 2018

PRELIMINARY NOTE

This judgment was originally issued on 16 October 2018.

Immediately following its issue the court received emails from Mrs Bibby, Revd Carol Pharoah and Howarths Memorials stating that there were inaccuracies in paras 5 and 12 of such judgment and referring to further information relating to the discussions between Mrs Bibby and/or Howarths Memorials and Rev Pharaoh relating to what was proposed to be included on the proposed memorial and Revd Pharaoh's views as to its suitability. It is unfortunate that the court did not initially have before it all the relevant information and that such further information was not originally produced by or referred to by the Petitioners.

This revised and re-dated judgment corrects such inaccuracies and relies on all information now put before the court. However, it endeavours to retain the existing format and numbering of the original judgment.

Introduction

1. By their Petition dated 5 September 2018 Natasha Bibby and Benjamin Bibby [the Petitioners], the parents of a baby Kai-Jay who was born stillborn on 23 September 2014, seek a faculty to install on his grave at St Saviour Ringley, Stoneclough a heart shaped blue pearl granite stone memorial measuring 27 inches [height] by 21 inches [width] by 3 inches [depth].
2. St Saviour Ringley is a Grade II listed church. The large graveyard at the front of the church is closed and has been grassed over. That part at the side of and at the rear of the church remains open and used for burials.
3. It is proposed that the inscription on the memorial should read:

Our beautiful Baby Boy
KAI-JAY BIBBY
Born Sleeping 23rd September 2014
A Darling Son and Big Brother
We Miss You More Each Day
Love You Always
“Sleep Tight Little Man”
XXX

4. Surrounding such inscription and along the edge of the heart shape are stars and under such inscription is a heart. Both the stars and the heart are etched into the memorial.

5. Although it was originally envisaged that the memorial would also contain hand and footprints, I had understood that it was no longer proposed to include them. However, on receiving my judgment the Petitioners say that this is inaccurate and that the drawing which did not incorporate the handprints and footprints was merely an alternative design which had been submitted to Revd Carol Pharaoh, the Team Vicar of St Saviour. I will deal with these matters below.

6. I note that on the application to the incumbent dated 18 October 2017 for permission to introduce a memorial there is also a reference to wooden kerb edgings `to be fitted as others in this section of the churchyard`. I do not know whether this part of the application is pursued but I have assumed that it is not.

7. It is proposed that the inscription on the base for the memorial should read:

I Carried You Every Second
Of Your Life
I Will Love You Every Second
Of Mine

8. Revd Pharaoh declined to consent to such a memorial because she did not have delegated authority pursuant to the Diocesan Churchyard Regulations [`the Regulations`] to approve the same and in such circumstances the Petitioners were advised that they should apply for a faculty.

Written representations

9. Since I considered that determination of the Petition on consideration of written representations was expedient, the Diocesan Registrar invited the Petitioners to agree in writing to such a course. They were also invited to make any other submissions they wished in support of their application.

10. The Petitioners have consented to the determination of the Petition on consideration of written representations but they made no further written submissions, save those set out in para 15 below, except that Mrs Bibby stated that in relation to the Petition the situation had reached the point where her husband would no longer visit Kai`s grave without a headstone in place.

Background facts

11. In a conversation with Mrs Myers at the Diocesan Registry on 23 March 2018 Mrs Bibby stated that the heart shaped memorial had initially been agreed by Revd Pharaoh as there were other similar heart shaped memorial in the churchyard and that it was on that basis that she had ordered and paid for the stone.

12. Although in a further conversation with Mrs Myers on 27 March 2018 Revd Pharaoh had stated that the original design for the memorial was of a teddy-bear shape which she had refused and that Mrs Bibby had then appointed a different stonemason who had suggested a heart-shape, subsequent to the issue of this judgment Revd Pharaoh agrees that she must have been mistaken in saying this and that she must have confused Mrs Bibby with another applicant to erect a memorial. In fact it appears from the emails referred to below that Revd Pharaoh was mistakenly referring to the presence of an etched image of teddy bear[s] at the bottom of the memorial rather than the fact that the memorial was of a teddy bear shape.

12a. Subsequent to the issue of the judgment Mrs Bibby and Howarths Memorials [`Howarths`] have produced various emails.

12b. Contact between Howarths and Revd Pharaoh seems to have begun on 17 March 2015 when Howarths sent Revd Pharaoh drawings of the proposed memorial which was substantially as described above save that in particular there were no stars around the circumference of the memorial, the phrase `born an angel` was included and there were no kisses.

12c. In her email sent to Howarths on 1 April 2015 Revd Pharaoh stated:

`... in terms of the stone shape we are OK with the heart shape as we already have 2 this shape. I`m happy with the wording. I`m not so struck with the teddy or teddies. According to church rule guideline, pictures allowed are flowers, birds, church symbols – ie crosses, angels, doves. They can have the hand and footprints. They can have the chippings as long as they are contained within a wooden perimeter embedded to soil height. (No stone kerb stones please in this part of the churchyard.)`

12d. It appears that subsequently the Petitioners removed the teddy bear[s] from the memorial. Such had been suggested by Howarths and on reflection the Petitioners did not like them.

12e. This email discussion took place *before* the introduction of the Regulations on 1 July 2016. However, para 7 of the preceding Regulations then in force expressly stated that `any stone in the shape of a heart` was prohibited except by faculty.

12f. For reasons unknown to me there seems to have been no further communication with Revd Pharaoh until 30 November 2017, by which time the Regulations had come into force, when Revd Pharaoh indicated that as the proposed memorial was not standard there were a few things she would have to check. Her substantive reply was on 15 December 2017 in which she stated:

Further to my last email unfortunately the remit of my authorisation doesn't enable me to authorise the monument for baby Kai-Jay.

The options are;

Natasha can apply to the Chancellor of the Manchester Diocese for permission to have this memorial. There could be a cost involved in this and there is no guarantee that permission will be granted following this. ...

If the application was changed in the following ways I could authorise it.

The lettering must be all one colour – white, silver or gold. (The star motive would have to be the same colour.)

The hand and foot prints need to be removed.

The kisses XXX would have to be removed.

There's a problem with the phrase `born an angel` as it is not compatible with Christian belief.

I shouldn't really authorise heart shaped memorial either but as there are already two others in the graveyard I might be able to get away with this one.

Do pass on my telephone number to Natasha if it helps.`

12g. That email was forwarded by Howarths to the Petitioners. Although they were agreeable to the lettering being in one colour and for the phrase `born an angel` to be changed to `born sleeping`, they decided to apply for a faculty because they wished to retain the hand and footprints and kisses. Had they not done so, it seems likely that Revd Pharaoh would have approved the proposed memorial.

13. It thus appears that whilst in April 2015 Revd Pharaoh would have been willing to authorise a heart shaped memorial, in December 2017 she recognised that, although she should *not* authorise such a heart shaped memorial, it might be possible for her to do so, albeit that such was outwith her delegated authority. In fact both the Regulations and their predecessor Regulations each made it clear that such heart shaped memorial were not within the delegated authority given by the Regulations to incumbents to approve memorials. I do not know, but very strongly suspect, that Revd Pharaoh was endeavouring to be as generous as she could be to assist the Petitioners but, as set out above, ultimately they decided to apply for a faculty because of the other features of the memorial which they wished to incorporate but Revd Pharaoh had no authority to approve.

14. In any event it matters not whether Revd Pharaoh was willing to approve a heart shaped memorial because no incumbent has delegated authority pursuant to the Regulations to permit such a memorial.

15. In an email addressed to the secretary of the Diocesan Advisory Committee [‘the DAC’] the Petitioners set out their reasons why they had requested this particular heart-shaped memorial. They stated:

‘The reason we wish to have the phrase “sleep tight little man xxx” is because that is the last thing we said to our son the last time we saw him and it will stay in our hearts forever. It is personal to us as his parents and we feel that in general the phrase is something that is commonly said from parents to their children when they are little and this something which will give us comfort when visiting his grave. The 3 kisses are from his parents and his little sister, as he was only a baby we feel the kisses are appropriate as they symbolise the love we have for him.

The shape of the stone we have chosen is a heart shape. We wish to have this shape as a heart is a symbol of love. Also, we did not think that there would be an issue with the shape, as there are other heart shaped memorials in the churchyard, which I have attached pictures to this email.

I have also attached pictures of where the grave is situated. Kai’s memorial would not be on a footpath or walkway, so people would only see it if they purposely went to visit a grave on the back row. It is right at the back of the churchyard, quite a distance from the church, surrounded by families graves, which include Jordan Lee Bibby - Kai’s uncle, Anne Goodier - Kai’s great aunt, Charles and Sonia Garner - Kai’s great grandparents.’

16. The attached photographs showed three heart-shaped memorials in the churchyard. I will refer to this below.

17. The Public Notice was displayed appropriately and for the requisite period. There were no objections in response thereto.

18. The Parochial Church Council considered the application and agreed to the same with one abstention.

19. The DAC did not object to the proposed memorial.

The status of the Diocesan Churchyard Regulations.

20. Para 5.1 of Appendix B of the Regulations expressly states that an incumbent does not have delegated authority to permit a memorial in the shape of a heart and para 2.2.5 of the Regulations state:

‘Incumbents have no discretion to allow the erection of a memorial which does not comply with the detailed provisions contained in Appendix B. Any purported permission given by the Incumbent not within his/her powers is void and of no effect.’

21. Moreover, para 2.2.18 of the Regulations states that:

‘The mere fact that another memorial has been erected in breach of these Regulations is not a good reason for allowing another such item that does not comply with these Regulations. Similarly, an Incumbent is not bound by decisions of previous Incumbents which contravene these Regulations.’

22. However, Note 3 to Appendix B states that a faculty may be sought for a faculty for a memorial which does not comply with the Regulations.

23. In considering whether a faculty should be granted for such a memorial I am satisfied that I must take into account the importance, effect and purpose of churchyards and of memorials in them.

24. I entirely agree with Eyre Ch when in *Re St James, Newchapel* [Lichfield] he stated:

‘16. Churchyards are consecrated to God, Father, Son and Holy Spirit. Accordingly, they must be treated and cared for in a manner consistent with that consecrated status. Churchyards fulfil important spiritual roles. They provide appropriate settings for Christian places of worship and as such send out a message of the Church’s commitment to worshipping God in the beauty of holiness. They contain memorials to departed Christians demonstrating the Church’s continuing love for them and its belief in the communion of saints. In addition they are places of solace and relief for those who mourn. It is notable also that many people find

comfort in knowing that their mortal remains will be interred in a particular churchyard and in a particular setting. That comfort derives in part from a confidence that the character of that setting will be preserved.’

25. It thus necessarily follows that this court has an important responsibility to ensure that what is placed in our churchyards is both fitting and appropriate and the Regulations are important in fulfilling such responsibility.

26. In recent judgments delivered by Consistory courts there has been some debate about the approach to be taken in principle when considering an application for a faculty which is not permitted by Diocesan Churchyard Regulations.

The different approaches

27. The first approach is to require a substantial reason to be shown before a faculty will be granted for a memorial because it falls outside the scope of the Regulations and cannot be authorised by an incumbent. This approach was adopted by Mynors Ch in *Re St Mary Kingswinford* [2001] 1 WLR 927, Holden Ch in *Re Christ Church Harwood* [2002] 1 WLR 2055 [where my predecessor found that there were strong grounds to justify the exceptional grant of a faculty for a memorial incorporating a photographic image of the deceased which was outwith the then Diocesan Regulations] and Eyre Ch in *St James, Newchapel* and in *St Peter, Church Lawford* [2016] Ecc Cov 3.

28. In *Re St Mary Kingswinford* Mynors Ch stated in relation to the circumstances in which a faculty could be given for a memorial which did not comply with Diocesan Regulations:

‘38. However, at least some non-standard memorials will be approved. This is likely to be for one of four reasons. The first is where a proposal is for a specially designed memorial which may be non-standard, but which is a fine work of art in its own right. Such proposals are indeed to be positively encouraged. The second is where a proposal relates to a category of memorial that may be suitable in some churchyards but not in others, so that it would be inappropriate to issue a general authorisation. There are after all some variations between churchyards in different parts of the diocese and such regional variations are not to be either ignored or suppressed. The third situation where a non-standard memorial may be allowed is where it is of a type, which may or may not be desirable in itself, of which there are so many examples in the churchyard concerned that it would be unconscionable to refuse consent for one more. The fourth reason for approval is where a stone might be aesthetically or otherwise unsatisfactory, but where there are compelling personal or other circumstances suggesting that a faculty should nevertheless be granted.’

29. In *Re St James, Newchapel* Eyre Ch emphasised that, whilst these were useful examples where a faculty might be granted for a memorial which did comply with Diocesan Churchyard Regulations, these are but examples because [per Holden Ch in *Christ Church Harwood*] it is not possible to definitively identify in advance all matters which are capable of constituting a sufficiently exceptional reason to justify the granting of a faculty and [per Eyre Ch in *St James Newchapel*] there will be circumstances which fall within Mynor Ch's examples in *Re St Mary Kingswinford* where it will nevertheless be appropriate to refuse a faculty and there will be circumstances which fall outwith such examples where there will be an exceptional reason for granting a faculty.

30. I entirely agree that whilst the examples given by Mynors Ch in *Re St Mary Kingswinford* should be regarded as a useful means of evaluating the facts of the individual case, they are not to be regarded as a judicial straightjacket.

31. On this approach permission for a memorial which does not accord with the Diocesan Regulations will not be given lightly and [per Eyre Ch in *St James, Newchapel*] 'a powerful reason must be shown before a faculty for such a memorial will be given', particularly because this represents 'a matter of justice and fairness to those who have erected conforming memorials' because families who put aside their personal preferences and accept a memorial different from that which they would have chosen if given a free hand 'would have a legitimate sense of grievance if others ... were able easily to obtain faculties for non-conforming memorials'. Thus 'fairness to those who have reluctantly complied with the Chancellor's Regulations requires the Court to confine exceptions to cases which are truly exceptional.'

32. The second approach is to accept that no burden is imposed on a petitioner save that of demonstrating that on the particular facts of the case a faculty should be granted. This approach was adopted by McGregor Ch in *St John's Churchyard, Whitchurch Hill* [Oxford], Hill Ch in *St John the Baptist, Adel* [2016] Ecc Lee 8 and Bullimore Ch in *St Mary the Virgin, Eccleston* [2017] Ecc Bla 4. In that latter decision Bullimore Ch expressly dissented from the view that 'some particular level of justification has to be shown for a proposal 'outside' the Regulations', largely because Diocesan Regulations relate primarily to the issue of the limits of the Chancellor's delegated authority, rather than to wider questions of taste and acceptability and that it was only necessary to regard the Diocesan Regulations as a good starting point from which to determine whether a proposed memorial was suitable.

33. In *St Mary Prestwich* [2016] Ecc Man 1, in considering whether to permit kerbstones around a grave when such were not permitted by the Regulations, I adopted the first approach.

34. I am aware of other decisions of consistory courts: see
- 34.1. the requirement for `exceptionality` by Turner Ch in *Christ Church, Timperley* [Chester] and *St Hilary, Wallasey* [Chester] and Collier Ch in *St Helen, Welton* [2017] Ecc Yor 2;
- 34.2. the requirement for `some good reason` by Briden Ch in *St Laudus, Mabe* [Truro] and Ormondroyd Ch in *All Saints`, Bransgore with Thorney Hill* [2017] Ecc Win 2 and Eyre Ch in *St Leonard Birdingbury* [2018] Ecc Cov 1; and
- 34.3. the requirement for `a powerful reason` by Gallagher Ch in *St Paul, Rusthall* [2016] Ecc Roc 2.

35. I note that in *St Leonard Birdingbury* Eyre Ch rejected the approach of Bullimore Ch in *St Mary the Virgin, Eccleston* that Diocesan Churchyard Regulations were `largely a matter of practicality` and that they relate `primarily to the issue of the limits of the authority to be delegated, rather than wider questions of taste and acceptability` and stated:

`53. ... In my judgment that characterisation of churchyard regulations understates the role they can play as expressing a collective understanding (I would go so far as to say a collective wisdom) with regard to the memorials which are likely in most instances to be either acceptable or unacceptable, appropriate or inappropriate in churchyards of a diocese. Much will depend on the contents of the particular regulations and on the nature and extent of the consultation involved in their formulation. It is clearly necessary that those chancellors who seek to treat their churchyard regulations as setting down a standard of what will be normally acceptable should ensure that there has been extensive consultation and careful consideration of the terms of any proposed regulations. However, where that has been done then it is legitimate and in my view appropriate that the regulations can be seen not, of course, as laying down the sole standard of good taste but as representing a considered collective understanding as to what is generally acceptable and appropriate. In those circumstances it is appropriate that a good or substantial reason should be required before a memorial falling outside the scope of such regulations be permitted.`

36. I entirely agree with that analysis.

37. Moreover, although in *St Andrew, Witchford* [2016] ECC Ely 2 Leonard Ch refused a faculty on the basis that there was a need for exceptionality or the like, it is clear that his decision was founded on the basis that his discretion whether to grant a faculty was to be exercised with considerable caution and was to be heavily influenced by the Diocesan Regulations.

38. I bear in mind that the Manchester Diocesan Churchyard Regulations issued by me in 2016 expressly record:

‘These Regulations are issued by the Chancellor of the Diocese after consultation with the Archdeacons and representatives of the Diocesan Advisory Committee [‘DAC’] and with the approval of the Bishop of Manchester.’

39. Having reflected on the judgments referred to above and noting that there was extensive consultation before the Regulations were issued, I am satisfied that I should apply a test of whether the Petitioners have shown a good and substantial reason why I should approve this proposed memorial which constitutes a departure from the stance adopted in the Regulations.

Conclusions

40. Given that I have adjudged that the determination of this Petition on consideration of written representations was expedient and that the Petitioners have consented to my doing so, I now determine this Petition on the basis of their written representations.

40a. I confirm that since receiving the further information set out in the Preliminary Note I have considered afresh whether I should grant the faculty sought and that my conclusions remain as set out below.

41. I have visited the churchyard twice. On the first occasion I met Revd Pharaoh because I needed to locate Kai’s grave and on the second occasion I visited alone.

42. In addition to the description set out in para 2 above I should record that that part of the churchyard which remains open contains very many old graves and that some of the memorials on such graves are in a somewhat delicate condition. The graveyard overall is well maintained and cared for and is a real credit to those who are responsible for its upkeep, although I have to add that in respect of some graves there are innumerable items which ought not to be there, for example a photograph of the deceased, solar lights, lanterns, angels and other objects.

43. Kai’s grave is at the far end of the rear churchyard, in a section close to the school playground. That is the area where the most recent burials seem to have taken place. On my first visit there was a large balloon shaped as a number 4 attached to a vase of flowers on Kai’s grave. Although I recognise that this no doubt reflected that, had he lived, Kai would have celebrated his fourth birthday on 23rd September 2018, by the time of my second visit, some two weeks after such birthday, it had been removed and replaced by a bunch of fresh flowers. Even recognising the

sensitivity of the situation I need to say that balloons are not permitted on any grave, even on a temporary basis.

44. The Petitioners have referred to the adjacent grave of Jordan Lee Bibby, Kai's uncle. I have to say that many inappropriate items had been left on this grave, including four bottles of beer, three cans of cider, a greetings card of some description and two solar lights at the edge of the memorial. The grave had kerb edgings and the interior of the grave was filled with white chippings. I do not believe that such kerbs and chippings were authorised by faculty and the Regulations do not give an incumbent delegated authority to permit the kerbs or chippings. However, for the purposes of determining *this* Petition, I wholly ignore these matters.

45. The other grave adjacent to that of Kai is that of Paige Carol Ann Sharpe, a girl born stillborn on 5 May 2005. The simple rectangular-shaped memorial on that grave may be contrasted to what is proposed for Kai's grave, namely a heart shaped blue pearl granite stone memorial with stars etched on the circumference of the heart shape.

46. The central issue which I am required to address is whether I should grant a faculty for a heart-shaped memorial.

47. On my second visit to the churchyard I walked around the churchyard to see if I could discover any other examples of heart-shaped memorials. I found three such memorials. One was that of Anne Goodier, Kasi's great aunt, who died in 2011. It was close by. The others were the graves of Marilyn Iddon and Gordon Tebay and who died in 1994 and 2001 respectively. They were some distance away. On my first visit to the churchyard Revd Pharaoh told me, and I have no reason to doubt the accuracy of what she said, that it was the former Priest in Charge or Team Vicar of St Saviour Ringley, and not her, who had authorised such memorials.

48. Neither the current Regulations issued by myself, nor those issued by my predecessor, Holden Ch, enabled an incumbent, acting under delegated authority, to approve without a faculty a heart-shaped memorial.

49. The Churchyards Handbook [4th Edition] states in respect of the shape of memorials:

'Shapes that may be common in municipal cemeteries, such as a heart or open book, have been discouraged by Church authorities as alien to the churchyard setting and as liable to be trivialised by repetition'

These two distinct reasons are why the Regulations, and many other similar Regulations in other Dioceses, discourage the erection of heart-shaped memorials and why they are very seldom permitted.

50. So it was that in *Re Peter Small Deceased* [27 October 2005] I refused to grant a faculty for a heart-shaped memorial. I stated:

`33. As a matter of principle I endorse the views set out in the Churchyards Handbook. I do not consider that a heart-shaped memorial is appropriate in a churchyard and moreover I think that to allow the erection of such a memorial is likely to lead to their repetition which I consider would have an adverse impact on the character of the churchyard. Historically such heart-shaped memorials have been discouraged and I think that in ordinary circumstances it is right that they should continue to be discouraged.`

51. Accordingly I thus ask myself whether I am satisfied that the Petitioners have shown a good and substantial reason why I should approve what constitutes a departure from the stance adopted in the Regulations.

52. I have considered the reasons advanced by the Petitioners for this heart-shaped memorial, namely that the heart is a symbol of love, that they did not believe that there would be any issue with the shape of the proposed memorial and that there are other heart shaped memorials in the churchyard.

53. Whilst I accept that the heart is a symbol of love, I do not believe that this is a good and substantial reason which would justify my granting a faculty for something which is not sanctioned by the Regulations.

54. Whilst the Petitioners may have genuinely believed that there would have been no issue with the shape of the proposed memorial, I think that the language used by Revd Pharaoh in December 2017 [namely that she ought not to authorise the heart shaped memorial but `might be able to get away with this`] should have put the Petitioners on notice that if they pursued an application for a faculty all might not be straightforward.

55. As to the presence of *other* heart shaped memorials in the churchyard I remind myself of para 2.2.18 of the Regulations referred to above and note that such must have been erected by a wrongful exercise by a previous incumbent of his presumed delegated authority. Moreover, given the limited number of such heart-shaped memorials in the churchyard, I do not believe that they should dictate, expressly contrary to para 2.2.18, that I should authorise this proposed heart-shaped memorial.

56. Further it seems to me that to grant the faculty sought would be unfair to those who have erected memorials which conform with the Regulations and who, but for the Regulations, would have preferred to have erected a memorial which did not conform to the Regulations.

57. In all the circumstances I am not satisfied that the Petitioners have shown a good and substantial reason why I should approve what constitutes a departure from the stance adopted in the Regulations and it thus necessarily follows that the Petitioners' application is dismissed.

58. I have considered how whether this Petition would have been determined differently had I adopted the alternative approach set out in para 32 above, namely that no burden is imposed on the Petitioners save that of demonstrating that on the particular facts of the case a faculty should be granted: see *St John's Churchyard, Whitchurch Hill, St John the Baptist, Adel* and *St Mary the Virgin, Eccleston*.

59. Had I adopted that approach I would have concluded, in the exercise of my discretion, that I was not persuaded on the facts of this case that it was appropriate to grant a faculty on the facts of this case. My reasoning may be summarised briefly thus. Firstly, as said in *Small*, heart-shaped memorials have been historically discouraged and such memorials are liable to be trivialised by repetition. Secondly, I would have had to have borne in mind that it was highly likely that others had previously not erected heart-shaped memorials because the Regulations did not permit them. Thirdly, I do not think that the presence of three other heart-shaped memorials, erected in breach of the Regulations assists the Petitioners, particularly because of para 2.2.18 of the Regulations.

60. It thus follows that whatever approach I had adopted when considering an application for a memorial which did not comply with the Regulations, I would have declined to grant the faculty sought and would have dismissed the Petitioners' Petition.

61. There will be no order in relation to the costs of this Petition, given that both the Diocesan Registrar and myself have already waived the payment of any fees.

62. If the Petitioners wish to erect a memorial *which conforms to the Regulations* I am content with the wording of the inscription set out in para 3 above on the memorial and the inscription set out in para 7 above on the base.

63. However, for the avoidance of any doubt, I would not allow the stars on the edge of any such memorial or a heart referred to in para 4 above, nor the hand or footprints referred to in para 5 above, nor the kerb edgings referred to in para 6

above as such are also not within the delegated authority of an incumbent to authorise: see *St Mary Prestwich* above.

64. It seems to me that the stars, heart, hand and footprints would over-sentimentalise the memorial in a way which is undesirable and unnecessary and would be inappropriate in this particular churchyard. Further, I have never previously come across a case where it has ever been sought or permitted to include handprints or footprints on a memorial.

65. As to the kerb edgings I refer to and adopt the reasons for my refusing a similar application in *St Mary Prestwich*.

GEOFFREY TATTERSALL QC

Chancellor of the Diocese of Manchester