

In the Consistory Court of the Diocese of Norwich

Re Syderstone, St Mary

(1) Mrs Pauline Walden  
(2) Miss Caroline Walden

Petitioners

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## Judgment

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1. Pauline Walden is the widow of John Walden who died in January 2018. His remains are buried in the churchyard of Syderstone, St Mary. Caroline Walden is Mr Walden's daughter. On 4 March 2019 they petitioned for a faculty permitting the introduction of a memorial headstone at the grave of Mr Walden, the incumbent of Syderstone, the Revd Wylie, having refused their application.
2. Although there is a right of burial for parishioners (and certain others) in a churchyard, there is no right to erect a memorial. The jurisdiction to permit memorials lies with the Consistory Court. For reasons of practicality (there are more than 650 churches in this Diocese, most of which have churchyards) authority to permit certain types of memorial has been delegated to the incumbent of each parish through the Diocesan Churchyard Regulations 2016. That delegation allows, but does not require, an incumbent to permit memorials of what might be termed a relatively 'standard' design. Memorials which fall outside those described in the Churchyard Regulations may still be permitted, but require the authority of a faculty from this Court. Equally, those memorials which may be permitted by the incumbent under the Churchyard Regulations, but for which an individual incumbent has refused permission, may still be permitted by faculty where appropriate.
3. Subject to one issue of contention which will become clear below, the headstone for which permission is sought is in a form which may be

permitted by the incumbent of a parish under the current Diocesan Churchyard Regulations. That does not mean that the incumbent *must* permit the memorial, merely that he *may* do so if he deems it appropriate. Having had regard to the situation of this benefice, the Revd Wylie has refused permission in this case.

4. The issue of contention relates to the proposed inscription. Mrs and Miss Walden seek permission for the following inscription:

IN LOVING MEMORY OF  
A DEAR HUSBAND, DAD  
AND GRANDAD  
JOHN WALDEN  
DIED 28<sup>TH</sup> JANUARY 2018  
AGED 65 YEARS  
ALWAYS IN OUR HEARTS

When the Walden family approached the incumbent after the interment seeking permission for the proposed memorial they were told that local churchyard policy meant that the words “Dad” and “Grandad” were not allowed, but could be replaced by the words “Father” and “Grandfather”. The family were unhappy with the suggested amendment and, after various unsuccessful efforts to resolve the situation, this application was made to the Court.

5. As far as the 2016 Regulations are concerned, the relevant paragraph is paragraph 10.4 which (so far as relevant here) reads:

“Inscriptions ... on memorials should be simple, dignified and reverent and should have a clear Christian or traditional funerary symbolism or reflect the life and work of the deceased ... Epitaphs should honour the dead, comfort the living and inform posterity. They will be read long after the bereaved themselves have passed away and as such are not the right place for passing sentiments about how the family feel about the deceased. Instead biblical or well-known hymnal words which give a flavour of the life of the deceased are to be encouraged.”

6. When the matter first came to my attention in January 2019 it was suggested that the incumbent may have refused permission for the proposed inscription in the belief that the use of the terms “Dad” and “Grandad” fell outside the terms of the Diocesan Regulations (presumably on the basis that they fell foul of the phrase “simple, dignified and reverent”) such that he was not able to permit the inscription. I was content at that stage to indicate that the use of “Dad” and “Grandad” would not fall foul of the limits set down in the current Churchyard Regulations, such that the incumbent was perfectly entitled to permit such an inscription if he wished under his delegated authority.

7. It subsequently transpired that the incumbent's rejection of the family's application was based not (or at least not solely) upon the Diocesan Regulations, but rather upon a policy which had been adopted by all of the PCCs in this benefice. I have not been provided with a copy of any PCC minutes at which this policy was discussed and adopted, but I have been provided with a copy of the policy document itself. Its brevity means that it is worth setting it out in its entirety:

"The following regulations are for the churchyards of the Creakes Benefice...in addition to the Diocesan Regulations 2016.

1. The list of relationships will be limited to a maximum of four.
2. The following relationships are the only ones permitted:

Father	Mother
Son	Daughter
Partner	Friend
Grandfather	Grandmother
Brother	Sister
Great Grandfather	Great Grandmother
Uncle	Aunt

3. Diminutives of Christian names are permitted in brackets (e.g. Thomas (Tom) Smith) but nicknames are not permitted.

Reviewed and Revised  
30<sup>th</sup> November 2018"

8. The context and timing of the adoption of this policy is not entirely clear from the papers before me, although reference is made to other applications which had been received using phrases such as "Popsicle" in the place of the word "Father" which had given rise to concern. The date of the document suggests that it has been reviewed and revised since the Walden family's application was made. Reference in a letter from the Churchwardens (dated 22 March 2019) to a verbal agreement that only more formal wording would be permitted after the 2016 Diocesan Regulations were introduced suggests that there was no formal written policy at that time, although I am prepared to accept from the use of the word "revised" that there was a written policy prior to November 2018.
9. When I first received the petition in this case I directed that incumbent, PCC and Churchwardens should be given the opportunity

to express their views in this matter. That resulted in the letter from the Churchwardens referred to above. Public Notices were displayed which resulted in no objections. The Diocesan Advisory Committee's advice was sought and a recommendation to approve the proposed inscription was given.

10. And so I turn to the question of whether permission should be granted for the use of the words "Dad" and "Grandad" on Mr Walden's headstone.

11. First I must consider the question of the PCC's policy. As is shown in a number of decisions of the Consistory Courts, due weight must be given to policies properly adopted by the PCC. As Chancellor Bullimore said in *Re Standish, St Wilfrid* [2017] ECC Bla 2:

"... the Chancellor will have regard to [a clear and reasonably adopted] policy, provided it is reasonable and is a proper exercise of the PCC's judgement."

12. Policies should be clearly formulated and adopted. They should be reasonable in substance and should be published in some appropriate way. There was no clearly established way of publishing this local policy. Nevertheless, in this case such matters were clearly discussed at a meeting between the Revd Wylie and the Walden family on 12 February 2018 - i.e. between Mr Walden's death and the interment. At that meeting the Walden family were given copies of the Diocesan Regulations and of the Chancellor's General Guidance on Churchyard Matters published by the Diocese. They were not given a copy of the PCC policy referred to above, although the Revd Wylie says that "he would have explained the Benefice policy at the same time". By contrast, the petitioners say that they were unaware that there would be any difficulty with their proposal prior to their application for permission to install a headstone. Their recollection of the February 2018 meeting is that the Revd Wylie explained that "he didn't want too many relatives on a headstone" and that they responded by indicating that "all [we] will have on our stone would be husband, dad and grandad". They say that the Revd Wylie did not indicate that they couldn't use those words.

13. I am bound to observe that it is far from clear from the face of the written policy that it would not permit of the use of the words "Dad" and "Grandad" on an inscription. The policy talks of relationships being "limited to a maximum of four" and sets out a limited number of relationships being "the only ones permitted". I confess that when I first read that document I found the phraseology rather ambiguous and took it to mean that only a limited number of relationships could be acknowledged on memorials. I did not read it to mean that those relationships would only be acknowledged through the use of the words set out on the face of the policy. That understanding of the

policy accords with the petitioners' recollection of the meeting in February 2018. I am concerned that the policy as currently formulated (and presumably adopted) cannot be said to be clear. I am surprised that a copy of the policy (if it existed in written form at that stage) was not given to the family at that meeting along with the other documentation. I cannot be satisfied that it was clearly communicated to the petitioners.

14. The other question I must ask myself in deciding whether to uphold the policy in this case is whether it was reasonable in its substance. It seems to me that another way of saying that a policy is "reasonable" is to say that there is good reason for it. There was significant correspondence between the parish and the petitioners and the Registry in the run up to this application providing the opportunity to give reasons for the policy. In the course of proceedings I gave the parish a further opportunity to explain why the words "Dad" and "Grandad" should not be permitted. I have carefully reviewed the information provided by the parish and cannot see that a good reason is given for the existence of the policy. If the reason is that it is necessary to accord with the requirements of the Diocesan Regulations that inscriptions must be "simple, dignified and reverent", I have already indicated that I do not think that the use of words "Dad" and "Grandad" fall outside that description. If a wider justification exists upon which it might be possible to find that the policy has good reason, it has not been provided to me.
15. I can see (without making a finding) that the use of nicknames such as "Popsicle" might be questioned, both as lacking appropriate dignity or reverence and as not speaking meaningfully to future generations, but the same cannot be said of the words "Dad" and "Grandad", which are commonly used by most families in this country. Indeed, the common nature of the usage of those terms is reflected in how commonly they are seen on memorials both in this churchyard and others up and down the country.
16. I am told that no inscription using less formal language to describe family relationships has been permitted since the arrival of the Revd Wylie in the parish, save for on one occasion in 2018 where "dad, grandad and great-grandad" was permitted to match an existing inscription on the same memorial. Putting to one side the 2018 inscription, the petitioners have produced photographs of 15 further inscriptions on memorials in this churchyard which use the words "Dad" or "Grandad" - or more often both. They produce 12 examples which show use of female equivalents such as "Mum" or "Nan". These include relatively recent memorials dated 2012, 2014 and 2015.
17. And so I must consider whether it would be appropriate to use the words "Dad" and "Grandad" on this memorial. The petitioners say that they had only ever known Mr Walden by these names, and that to

use the more formal phrases suggested feels wrong to them. The sense is that it would provide a barrier to their grieving. It is clearly causing them some significant distress, particularly in light of the various examples within in the churchyard, close in both time and location, where the more familiar words are used. They are clear that if they had known about this policy at the time of the interment, they would have considered burying Mr Walden's remains elsewhere. Instead, they were given (and clearly studied) the Diocesan Regulations and, quite fairly, observe that they "see nothing [there] that objects to the words Dad and Grandad". Those Regulations, coupled with the myriad other memorials which contain these and equivalent phrases within the churchyard, reasonably encouraged the Walden family to suppose that there would be no difficulty in using those terms in their case.

18. I am quite satisfied that there is nothing in the use of the terms "Dad" and "Grandad" on a memorial which lacks appropriate dignity or reverence. I note that, despite the public notices and some local press attention, local feeling has not produced any objection to the proposals beyond that of the incumbent and Churchwardens based on the policy referred to above. In fact, the petitioners produced a public petition of some two hundred names apparently supporting the use of the desired phrases on headstones, suggesting some general local support for this approach, although I have not been able to attach any weight to that petition as it cannot be known what information was given to the signatories at the time of signing.

19. I am of the view that, given the lack of fundamental objection to what is proposed and the relatively widespread use of the sort of terms proposed within this churchyard, to refuse this petition would not be fair. I have seen nothing discernably different in relation to this churchyard which would mean that words commonly permitted in other churchyards in the Diocese should not be used here. To the extent that the PCC's policy choices were made out of a misunderstanding the terms of the Diocesan Regulations, I would encourage this and all PCCs to contact the Registry for clarification where in any case it is felt that the terms of the Diocesan Churchyard Regulations are unclear. Such clarification can be (and, in this case, was) swiftly obtained.

20. I hope that the PCC can understand the basis for this decision. If a local policy is to be adopted, then it must be clearly formulated, appropriately published and objectively justified. I fear that this case had significant pastoral implications within the parish and I trust that this decision will provide the clarity needed to avoid future recurrences of these difficulties.