

IN THE CONSISTORY COURT OF THE DIOCESE OF BRISTOL

In re Redland parish Church and in re the interment of the late Joan Tandey

JUDGMENT

1. The Churchyard of Redland Parish Church was closed to all burials in 1979.
2. Joan Tandey died in May 2017 and her funeral took place on 10 May 2017. Her ashes were interred in the closed Churchyard on 18 August 2018. That interment was unlawful.
3. There is some evidence that the parish were investigating the possibility of creating a garden of remembrance in the closed churchyard for the interment of ashes. The dates are vague in the documents I have been sent, but no decision had been taken to progress matters by August 2018. The first proper step towards creating a garden of remembrance was by a DAC visit in January 2019. An email dated 21 November 2018 sent by the then incumbent, Revd Rod Symmons mentions discussions 'some years ago' at a triennial inspection about the creation of a garden of remembrance and that discussions had been held 'earlier in the year'. In that same email he mentions the interment of Joan Tandey's ashes, granted for 'pastoral reasons' by the former Archdeacon, the Ven Christine Froude. In fact the ashes were interred in a part of the Churchyard that was not considered as a suitable area for the creation of the garden of remembrance.
4. A note of a discussion between the Ven Christine Froude and Canon Michael Johnson, then associate Archdeacon that took place on 4th March 2021 reveals that she had advised that an incumbent 'had discretion' to inter ashes in his churchyard. The pastoral reasons are again mentioned. I can see no evidence however that she was told that the Churchyard was closed, and her advice runs entirely contrary to that being mentioned. It should be pointed out that the former Archdeacon was enormously experienced and more than familiar with almost every aspect of Ecclesiastical Law. I cannot reconcile her advice that the incumbent had discretion to inter ashes with the fact that to do so in a closed churchyard would be unlawful. I cannot believe that she would have made such a fundamental error. Her advice is not consistent with her being informed that the churchyard was closed for interments.
5. The PCC have now decided not to introduce a garden of remembrance.
6. There is now an application for a confirmatory faculty for the interment of Joan Tandey's ashes and the introduction of a memorial.

7. At some stage last year I was contacted by the associate Archdeacon by telephone about this situation. I made it clear that I could not authorise the introduction of a memorial until the position of the interred ashes could be clarified. The associate Archdeacon emphasised the pastoral issues at stake, although he did not specify what they were.
8. It seems to me that any pastoral issues here have been exacerbated by the behaviour of the previous incumbent in offering a solution and obtaining permission from the then Archdeacon either by giving her the impression that the Churchyard was still open or neglecting to correct her erroneous belief that it was still open.
9. There have been very serious failings here by the previous incumbent and the petitioners in not obtaining lawful permission for this interment. It is within my powers to order the exhumation of those ashes.
10. I am not going to make that order for the same pastoral reasons that have guided the whole of this sorry business. Wherever fault lies in this case it is not with Joan Tandey's widower or any member of her family.
11. I grant a confirmatory faculty for the interment of Joan Tandey's ashes and grant a faculty for the introduction of a memorial. I make it a condition of this faculty that the memorial conforms to the Churchyard Regulations.
12. It is clear that the petitioners appreciate the gravity of these errors and have made it clear that they are both going to pay the fee for the petition and also for the memorial stone. They will also have to pay for the Registry's costs in this matter.

18th August 2021

Justin Gau,
Chancellor of the Diocese of Bristol