

Neutral Citation Number: [2023] Ely 5

In the Consistory Court of the Diocese of Ely

In the Matter of a Faculty Petition

The Church of St Mary's Church Denver
In the Ouse Valley Benefice

Sandra Florido

Petitioner

Renewed Application

1. I have received a letter from Sandra Jayne Riches-Florido dated 28th July 2023 with various enclosures. Her letter is in response to my decision dated 21st June 2023. She expresses thorough disappointment at my decision which was not what she and her family were hoping for. She believes that the situation has gone further than it needed to go and it has caused distress to her and to the family whilst they wait for permission to place the headstone on her mother's grave. I fully understand her disappointment and her distress.
2. Her first complaint is as to why I will not permit green granite to be used as the material for the headstone. She notes that Westmoreland Green Slate is permitted under the Regulations and that there are other memorials in the churchyard of various different stones.
3. The purpose of conformity and a desire to have stones which are the same or close to the same colour as the church around which the churchyard lies is to create uniformity. The list of a number of different stones and slate which can be used allows for some flexibility. An English churchyard where the Regulations have been followed can be a place of beauty and tranquillity. Where headstones are placed in a churchyard of differing colours and designs, it materially affects the whole, not only for the present generation's enjoyment but for generations to come. I have a duty to maintain the conformity of the churchyards within the diocese.
4. I know that there are many memorials in the churchyard which have been erected contrary to the Churchyard Regulations largely, if not exclusively, because previous incumbents have not informed the relations of the departed that they need to apply for a faculty. I have the

power to inspect any churchyard and to require any headstones which do not conform with the Regulations, and for which no faculty was applied for or granted, to be removed. The obvious distress which this would cause means that such a course is rarely adopted in any diocese and I have never done so in this diocese. I could only foresee doing it if such a headstone was placed in a churchyard after I had refused to grant a faculty.

5. That does result in the issue which has arisen in the churchyard at St Mary's where previous incumbents have not understood the need to obtain faculties in respect of headstones which do not conform with the Regulations. I am sure that Ms Riches-Florido would agree that it would be very distressing for any family to be faced with a notice to remove a headstone which may have been there for some time.
6. I also judge that it would be wrong to allow a faculty for a headstone which did not conform with the Regulations just because the Regulations have been breached by others. That would be unfair to those who have abided by the Regulations.
7. Ms Riches-Florido suggests that the Regulations have changed in the same "cemetery". I can assure her that they have not. I pointed out in my original decision that the Regulations which I approved in 2017 were no different in material respects to those which were approved by my predecessor in 2004 and that the conformity of churchyards before 2003 indicate that the Regulations, if there were any, did not allow for the coloured stone or polished stone that she would wish to use. The 2017 amendments were to create further clarity in what was permitted and in some respects to allow greater flexibility. Further, I am unaware of any Regulations in any other diocese that allows green polished granite to be used.
8. Although I understand Ms Riches-Florido's point in respect of Green Westmoreland Slate, there is a substantial difference between that and the stone that she wishes to use. First, there is a difference in colour and, second, the green granite she wishes to use is polished. The reflective quality of the polished granite would be at odds with the matt stones within the churchyard.
9. It follows that, having considered her arguments, I am not prepared to change my decision on the type of stone. It has not been suggested so far that there are other memorials to close members of the same family already in the churchyard where green polished granite has been used. If that were the case, I should be told as that may provide an exceptional circumstance for allow its use on a further memorial.

10. As to the etching of a rose, she suggests that that is a symbol of earthly love. I accept that a rose may be a sign of love and passion, or love and romance but it is not specifically associated with Christian love. In any event I have in my first judgment indicated that I will grant a faculty for the etching of a rose to appear on the headstone. Although the Regulations only permit a black, white or uncoloured etching, I will extend that permission to allow the rose to be coloured as in the drawing with which I have been provided. This, I hope, will provide some comfort to Ms Riches-Florido and her family.
11. Once Ms Riches-Florido has provided the final wording for the memorial and has chosen a stone for the memorial which falls within the Regulations we will be able to move forward and grant a faculty.
12. Ms Riches-Florido is entitled to appeal my decision to the Court of Arches if she so wishes. She can ask for advice from the Registry as to what that might involve administratively and financially

His Honour Judge Leonard QC
Chancellor of the Diocese of Ely
24th August 2023