

## CASE NOTES

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Barrister, Deputy Chancellor of the Dioceses of Chichester and Norwich

AND WILL ADAM

Rector of Girton, Ely Diocesan Ecumenical Officer

### **Re St Michael and All Angels, Sandhurst**

Oxford Consistory Court: Bursell Ch, March 2009

*Headstone – churchyard regulations – reservation of gravespaces*

The petitioners applied for a faculty for the erection of a headstone over the grave of their young son and the reservation of gravespaces for themselves on either side of that grave. The memorial did not comply with the diocesan churchyard regulations in a number of respects, including the size, material and shape of the headstone, the inclusion of kerbs and the use of an etched photograph and coloured paint. Neither the PCC nor the DAC supported the petition. A number of other headstones within the churchyard had been erected in breach of the regulations, but none to the same degree as that proposed. There had been serious delay in dealing with the deceased's headstone. The chancellor granted a faculty for the reservation of the two gravespaces but refused permission for the erection of the headstone, setting out acceptable parameters for an alternative headstone. In so doing the chancellor indicated that the reservation and any future permission for a headstone would be conditional upon no unauthorised items or memorials being placed on the grave or the two reserved gravespaces. [RA]

doi:10.1017/S0956618X09990603

### **Re Field (deceased)**

Sheffield Consistory Court: McClean Ch, May 2009

*Exhumation – re-burial – domestic garden*

The petitioner sought permission to exhume the body of his late wife for its re-burial in his back garden. He had been incorrectly advised at the time of the original burial that such burial would require both planning permission and a prohibitively expensive zinc-lined coffin. The chancellor refused to grant a faculty, observing that the future of the intended burial site was necessarily uncertain such that the

‘principles of security and safe custody’ of human remains were threatened and that the purpose of the re-burial of the remains was to satisfy the emotional needs of the deceased’s daughter at this stage of the bereavement process. [RA]

doi:10.1017/S0956618X09990615

### **Re Holy Innocents, Southwater**

Chichester Consistory Court: Hill Ch, June 2009

*Faculty – interregnum*

In granting a faculty for a modest re-ordering the chancellor rejected the submission in certain letters of objection that such works should not be commissioned during an interregnum. The chancellor observed that twenty-first century constraints on clergy deployment and the empowerment of the laity in collaborative leadership meant that it could not be expected that the life, witness and ministry of a parish should go into abeyance merely because the benefice was temporarily vacant. [RA]

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### **Re St Mary, Westham**

Chichester Consistory Court: Hill Ch, June 2009

*Faculty – planning permission – re-litigation*

Planning permission had been granted for the erection of a storage shed in the old churchyard. In granting a faculty for such work the chancellor found that objections in relation to noise, materials and visual amenity were genuinely planning matters such that it would be inappropriate for them to be re-litigated in the consistory court. [RA]

doi:10.1017/S0956618X09990639

### **Jivraj v Hashwani**

Commercial Court: David Steel J, June 2009

*Ismaili community – arbitrator – discrimination*

The parties were members of the small Ismaili community, a branch of Shia Islam. When starting a business venture in 1981 they entered a joint venture