

IN THE CONSISTORY COURT OF THE DIOCESE OF COVENTRY

Church of St John the Baptist, Baginton
Re James Alan Oliver (deceased).

**Private Petition for permission to erect
a non-conforming memorial in Churchyard
C6773/2021**

JUDGMENT

1. By an application dated 20th December 2019 both Keith Hurley and Geoffrey Oliver make petition for the installation of a headstone that would commemorate their Uncle, James Alan “Jim” Oliver
2. Jim Oliver sadly died in November 2018, aged 87 years, and was laid to rest in the Churchyard of St John the Baptist, Baginton in December of that same year. The family (his nephews) wish now to install an upright headstone on his grave to mark his resting place and to honour his long life. They are well aware that the proposed memorial would fall outside the current Coventry Diocese Churchyard regulations, but would still like permission to install the memorial they think most fitting for their Uncle.

3. The proposed headstone would be of an arched shape in what appears to be dark grey granite, mainly honed, but with the obverse face, surrounded by an honed inset edging, polished. The stone would stand atop a plinth with a single flower holder to the centre. The proposed inscription to commemorate Jim Oliver would be (in Times New Roman font coloured gold) “IN LOVING MEMORY OF/ A favourite uncle/ James Alan Oliver/ ‘Jim’/Will be sadly missed/ 31st January 1931 - 25th November 2018”. It is also proposed to have engraved upon the upper centre of the headstone a modest sized image of a motorcyclist in helmet and goggles (rather than visor) upon a drop-handled racing motorcycle bearing the number ‘60’ (which I anticipate was Jim Oliver’s racing number when he competed at events, including the Isle of Man TT).

4. The proposed headstone is outside the Churchyard regulations. The current churchyard regulations for the diocese, issued on All Souls Day 2020, prohibit an incumbent from authorising polished memorials and that was also the policy stated in the previous regulations. It is also of note that earlier regulations prohibited the authorisation of headstones in non-local stones such as marble and granite, from which the existing headstone used in photographs as an exemplar for the proposed memorial, appears to have been made. The proposed memorial is in a stone type approved under the churchyard regulations (granite is permitted provided it is not black), but the memorial would fall outside the regulations owing to the desire to have a polished obverse and gold lettering

but the requested engraved image may be permissible, depending upon one issue I shall raise below.

The current regulations have this guidance concerning carved images:-

“Care has to be taken in permitting symbols to be included on a memorial. Nonetheless, well-designed symbols can be visually delightful; can make a positive contribution to the churchyard; and can provide a fitting record of an aspect of the life of person who has died.

The incumbent may permit a plain cross not exceeding 152mm (6”) in height or an image of a dove not exceeding 152mm (6”) in length or a single floral symbol extending up to the length of any one side and for no more than 20% of the width of the top of the memorial. With the agreement of the Archdeacon the incumbent may permit the use of two of such images on the same memorial.

With the agreement of the Archdeacon the incumbent may permit the inclusion of a symbol which has a particular relevance to the life of the deceased. Such symbols will include: items relating to the deceased person’s occupation (such as a sheaf of wheat or a farm animal for a farmer, an instrument for a musician, or a wheel for a potter); the symbol of a patron saint; the tool or symbol of a particular trade, occupation, hobby, or pursuit; professional insignia; a regimental, school, or college badge or motto; a family crest or motto; and similar items. Where it is proposed to use a badge or the equivalent confirmation should be obtained that the relevant body or organisation is content for its badge to be used on the memorial. Such symbols should be incised or carved in relief and should be of such a size as not to ensure the

symbol does not dominate the memorial. With the agreement of the Archdeacon the incumbent may permit the use of two of such images on the same memorial.”

5 The proposal for the installation of this memorial was considered by the members of the Parochial Church Council of St John the Baptist, Baginton, on 4th August 2021. The attending members unanimously voted in favour of the petition.

6. At the meeting on 9th December 2021 the Diocesan Advisory Committee determined to issue a Does Not Recommend notification of advice certificate. The reason why a certificate of approval was not issued was stated to be because *“The memorial could not be recommended because of the type of stone (polished granite), the type of lettering (gold and should not be italicised), no other stones in the proposed area were of a similar type and the use of a photograph is in contrevention (sic) of the Churchyard regulations.”*

There appears to have been a misunderstanding by the members of the Diocesan Advisory Committee, because the petition does not seek italicised lettering and the proposed image is to be engraved, not a photograph. Geoffrey Oliver did send a representation of the proposed headstone with a superimposed representation of the pencil sketch from which the engraving would be taken, but the petition is clear that an engraved image is sought. The issue may be, rather than it was thought a photograph would be used that the churchyard

regulations state “Memorials may not bear photographs or portraits (whether ceramic, engraved, or painted) of the deceased. Nor should they bear embossed symbols.”

7. The public notice has been displayed both inside and outside the church for a period of 28 days and no objection has arisen from that.
8. The Petitioners have clearly been made aware of the Churchyard regulations as they have provided photographic evidence of other headstones within the Churchyard with polished surfaces and gilt lettering.
9. I have considered the application with care. I am mindful that the elected representatives of the parish were unanimously in favour of the proposal. Of course, I also have had concern that the considerable expertise of the membership of the Diocesan Advisory Committee was opposed to this particular memorial. The main areas of contention can be dealt with in this way. I am satisfied from the photographs supplied by the petitioners that there already exist in the Churchyard a number of polished stone memorials, many with gilded lettering. The regulations would permit an incumbent to authorise a memorial with polished face if there already exist six other such memorials in the area or row where the grave is set. Here the other polished memorials are not immediately contiguous with the grave of Jim Oliver, but the existence of other such memorials shows that this headstone would not ‘stick out like a sore

thumb' among the memorials in the churchyard. I have seen no request by the petitioners to use italicised Times New Roman lettering and so the faculty will only be granted for non-italicised Times New Roman lettering. It could be argued that the proposed engraved image of a goggled, helmeted motorcyclist was 'an image of the deceased', which would not be permitted under the churchyard regulations. However, I very much doubt anyone could look at the pencil-sketch from which the engraving would be taken and say 'that is Jim Oliver'. It is rather a recognition of the fact that the deceased, when younger, often engaged in motorcycle racing (and I have been provided with a photograph showing the considerable number of trophies Jim Oliver won in his chosen sport). That is an issue that the churchyard regulations would seem to encourage when selecting an appropriate image to commemorate the life of Jim Oliver. In those circumstances I am satisfied that the proposed engraved image should be permitted.

Although it will not be a condition of the faculty the Petitioners are strongly advised to consider colouring the lettering in white or - in the circumstances of this matter - in silver, which will be more in keeping with the appearance of the engraved image that will be permitted.

Subject to the following conditions, let a faculty be issued :-

Conditions

- (a) The Petitioner shall within one calendar month of installation formally notify the Churchwarden(s) of the Parish in writing that the works have been completed, so that details of the memorial can be entered in the church log book;
- (b) The petitioner shall supply to the Churchwarden(s) of the Parish a copy of the final design of the new headstone and the photographs enclosed with the petition so they can be retained with the parish records;
- (c) The petitioner shall ensure that the monumental mason complies with the current British Standard concerning the erection and stability of the memorial;
- (d) The requested wording may be included upon the headstone and the lettering must be in the Times New Roman font. No italicisation of lettering will be permitted ;
- (e) The requested engraved image may be included on the headstone and may be painted, if desired, in white or silver ;
- (f) The Petitioners are permitted to change the colouring of the lettering to white or silver without seeking further permission from the court;

Glyn Ross Samuel
Chancellor
15th March 2022