

IN THE CONSISTORY COURT OF THE DIOCESE OF ST EDMUNDSBURY AND IPSWICH

And

IN RE CLAYDON AND BARHAM; ST MARY AND ST PETER

JUDGMENT

1. The petitioners, Russell and Ian Taylor, apply for the re-introduction of a graveyard memorial to their father Frederick William Taylor. They pray for the re-introduction of it as it was installed without notice or permission 'in early 2020' (to quote from the petition) and was, quite lawfully, removed during the Covid 19 lockdown.
2. Subsequent to its removal the petitioners wrote to express their dismay that the memorial had been removed. They pointed out that it had been designed by the 'eminent architect Russell Taylor' and that it should be 'considered a privilege' to have this memorial in the Churchyard. As an aside, it should be remembered that the erection of a memorial is a 'privilege' granted by the Chancellor and not the petitioners (see Churchyard rules). I also note that, if the petitioners or the stone masons had been wise enough to follow very standard procedures, then this whole unpleasant business might have been avoided.
3. The memorial is unusual in design it is described as:

A small cylindrical memorial stone in the centre of the grave...

...The memorial is Portland stone with the name and dates carved around the circumference, and a Maltese cross on the top surface. It was designed by Russell Taylor (one of the petitioners) and carved by Universal Stone.

The grave already has a memorial to Rita Taylor, and the petitioners support their petition in the following way:

Why:

The grave is shared with Fred Taylor's wife, Rita Taylor (died 25th May 2003), and her memorial stone is a design particular to her, reflecting her life and interests. It was designed by Russell Taylor and carved by Dick Reid, the last piece of stonework by the celebrated York-based carver. It is not appropriate to commemorate Fred Taylor on a memorial particular to Rita Taylor.

Justification:

Just as the memorial for Rita Taylor is particular to her, the memorial for Fred Taylor is particular to him. He served in the Royal Navy for 17 years, before, during and after World War II, and the Maltese cross symbolising the affection he developed for the Island as a result of his service. His ships visited before the War and then during the height of the conflict on Malta convey his ship was torpedoed and sunk. He was later made a freeman of Valetta. It could also be said that the shape of the memorial recalls a capstan.

4. The PCC were opposed to the re-introduction of the memorial on the following grounds:

The memorial doesn't comply with:

section 1a) as it is neither
minimum of 762mm in height
minimum of 375mm in width

section 1b)

it is not of traditional monolith or lawn style and we are unable to satisfactorily determine if it meets standard BS8415

section 7

we are unable to determine if the Maltese cross requires approval as per the requirement on crosses and crucifixes and request this is considered

The design would impede on the safe and required maintenance of the Churchyard as a significant obstacle for those who maintain the grounds to have to work around

5. The petitioners' response, in a combative style not usually associated with the Consistory Court, described these objections as 'feeble in the extreme' and detail:

1. The PCC says the memorial does not meet the minimum size standards. True, but, of course, they would not accept it if it were larger! Size is not the reason for their opposition.

2. BS 8415: The BS concerns structural safety. The proposed memorial will not topple over.

Since it was removed it has been standing, unfixed, on the floor in the church porch. Clearly, whoever placed it there has no concerns about it toppling over.

3. The Maltese Cross is symbolic of Malta (as explained in the initial submission) it cannot cause offence.

4. Before the memorial was installed (and then removed) there was a stone flower container in the same position. It was in place for 17 years and caused no problems for the maintenance of the grounds. The same maintenance regime that was followed for the last 17 years can continue, without change, with the proposed memorial in position.

6. I repeat that, had the usual procedures been followed, none of these matters would have had to be dealt with, particularly in the terms that they have been.

7. The petitioners go on to point out that:

In the background of the photos submitted with our Faculty application one can see 15 memorials of which 13 do not comply with the Churchyard Rules being black marble (part II.4 – Materials) with white coloured lettering (part II.6- Inscriptions). 87% of the memorials in this snapshot view – surely, typical of the Churchyard as whole – do not comply with the Churchyard Rules. Why have they been allowed to remain? No Facultys have been granted for any.

8. I do not accept that simply because there has been a breach of the rules in the past I should grant permission for this memorial now. It is clear, however, that there has been a wholesale flouting of the Churchyard rules in this Churchyard which is deeply regrettable and means that the weight I give the objections set out by the PCC is lessened.
9. In my view (although aesthetic considerations are not necessarily determinative) the memorial proposed is attractive and complements the original memorial in place.
10. In summary, it is plain that the proposed memorial does not conform to the traditional lawn or monolith style, but I also observe that many of the memorials that do conform to that rule in the Churchyard breach several other rules. I am content that the Maltese Cross is entirely appropriate in a Churchyard. I note that the memorial replaces an item forbidden by the rules (a flower container) that was not objected to or removed by the PCC and which plainly did not impede the maintenance of the Churchyard.
11. Accordingly, I am content to exercise my discretion to allow this memorial.

31st August 2021

Justin Gau,
Chancellor.