

Neutral Citation Number: [2018] ECC Bir 2

IN THE CONSISTORY COURT OF BIRMINGHAM

IN THE MATTER OF MARGARET JANE MOORE DECEASED

1. This is a Petition by Alan Moore, the husband of the late Margaret Jane Moore who was interred in the graveyard at St Nicholas Elmdon on the 5 June 2018.
2. The Petitioner seeks permission in respect of the cremated remains of the deceased with the words "Cherished Wife, Mom and Grandma". Those words are not controversial. What is controversial is that the Petitioner wishes to include as a divider a pattern of a rose coloured gold, red and green. That is not permitted by the Churchyard Regulations (2006).
3. There has been a considerable amount of correspondence in this matter and eventually the Petitioner, through his daughter, sought help from his MP who in turn wrote to the Bishop of Birmingham.
4. It is of course the case, as the Petitioner points out, that many of the requirements of the Churchyard Regulations have been breached. I am aware however that the former Registrar of the Diocese issued under the authority of the former Chancellor a general licence although that specifically indicated that neither silver nor gold lettering should be used.
5. In the particular circumstances of this case I am satisfied that the Petitioner has to a certain extent been misled by what has gone before. I have discussed the matter with the Bishop of Birmingham and have come to the conclusion that in this particular instance I am prepared to allow gold lettering on the gravestone and to allow the image of a rose to be placed as a "divider" but upon the condition that the colour of the rose shall be gold.
6. From the photographs that the Petitioner has submitted to me, it seems to me that such a memorial stone would not present a significant contrast to those already in place and thus I am prepared to grant a Faculty in those terms even though the lettering falls outside the Churchyard Regulations and the general licence for the churchyard issued on the 1 November 2012.

Dated this 4 day of September 2018

J M H Powell QC, Chancellor