

charitable intent of one significant recent bequest made to help build up the church that served the Chinese community, which was now part of ANiC. Thus the charitable intent of the bequest would be best met by its application to the ANiC congregation. Reference was made in the judgment to the *Principles of Canon Law Common to the Churches of the Anglican Communion* published by the Anglican Communion Office in 2008. [WA]

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### **Re St Margaret, Mapledurham**

Oxford Consistory Court: Bursell Ch, December 2009

*Reservation of gravespace*

In June 2009 the petitioner sought the reservation of a double depth gravespace for the interment of the mortal remains of himself and his wife, both of whom were in their eighties. The PCC and incumbent did not support the petition as the churchyard had only two remaining spaces, enough for approximately two more years of burials. In 2005 the previous incumbent had signed a document purporting to give the petitioner and his wife the right ‘in perpetuity’ to be buried in the churchyard whilst it remained an open churchyard. The petitioner and his wife had believed that the document gave them the right to burial in the churchyard. In refusing the petition the chancellor noted that the letter did no more than record the right that the petitioner and his wife (as parishioners) had to burial in the churchyard whilst it remained open. He balanced the very real disappointment of the petitioner and his wife against the rights of other parishioners to burial in the churchyard, rejecting as irrelevant the petitioner’s submission that the reservation of a gravespace would expedite the closure of the churchyard, as desired by the PCC. [RA]

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### **Re Worby, deceased**

Bradford Consistory Court: Walford Ch, January 2010

*Exhumation – special circumstances*

The chancellor granted a faculty for the exhumation of the cremated remains of the deceased for the purposes of their reinterment with the cremated remains of his two sons. The sons had been tragically killed, at the respective ages of 25 and 21, six years after the death of the deceased. The chancellor found that there were

special circumstances which warranted an exhumation in this case, namely the premature death of the two brothers in such tragic and unexpected circumstances and the fact that a restriction on the number of cremated remains in plots in the cemetery in which the deceased was buried had prevented the family members being buried together, which could not reasonably have been foreseen at the time of the interment of the deceased's remains. [RA]

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### **Re St Andrew, Sutton-in-the-Isle**

Ely Consistory Court: Gage Ch, January 2010

*Memorial – churchyard regulations*

The petitioners applied for a faculty for the erection of a memorial to their parents, consisting of a heart-shaped black polished granite stone with motifs of roses, a praying angel and (on the back) a picture of their parent's house. To this would be added kerbs with vases in each corner and white granite chip-pings within the kerbs. They also sought to erect a smaller version on the grave of their sister, but with motifs of roses and a fairy girl. The proposal fell well outside the churchyard regulations, and was not supported by the PCC (11 members voting against it and one abstaining) or the DAC. The petitioners argued that there were many breaches of the regulations, in design, materials and kerbs within the churchyard already, and pointed out that the churchyard was nearly full and that the position of their parents' grave was such that the kerbs would not prove to be a trip hazard. The chancellor noted the numerous breaches of the regulations. He granted a faculty for the erection of the heart-shaped granite stones, without the picture of the house (which he considered to be of no Christian significance) and without the kerbs. His stated reasoning for not allowing the kerbs was that they would prove to be a long-term drain on maintenance resources, rather than that they would be a potential hazard. [WA]

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### **Re St Mary and St Hugh, Harlow**

Chelmsford Consistory Court: Pulman Ch, January 2010

*Re-ordering – statement of significance – café church*

The petitioners sought to reorder the parish church, including the removal of the font and pews (retaining some pews in the south aisle) and installing a