

PARISH OF CHENIES AND LITTLE CHALFONT
ST. GEORGE'S, AMERSHAM COMMON ST. MICHAEL'S, CHENIES

Rev. R. M. V. STAPLETON,
Chorleywood 4433.

CHENIES RECTORY,
RICKMANSWORTH,
HERTS.

5th June, 1980

Dear Villager,

You will probably have received a communication from the Chenies Village Society about Chenies Burial Ground. This document does tend to suggest that I have appropriated the village churchyard for my garden. There is a glaring error in the opening paragraph; the land in question was not conveyed to the village as stated, but to the Benefice, and in the "question and answer" section, in my opinion only seven of the twelve questions have been correctly answered - which is hardly a pass mark.

However, the Village Society is no doubt acting from the highest of motives, so I am not worried about the mildly libellous element of their enquiry but will confine myself to clarifying the main issue, which hinges on the legal aspect of the Conveyance of the land in question. (Actually, I clarified this in a letter to Mr. Smee, Secretary of the Parish Council, on 7th February 1980 which, if unearthed from the "protracted correspondence" of the Village Society archives would have saved considerable confusion and unnecessary effort).

The facts are these. On 13th January 1967 a parcel of land was conveyed from the trustees of the Bedford Estates to the Benefice of Chenies. To enable each party to get what it wanted - the Benefice a site for a Rectory and the Bedford Estates a site for their own burial ground - this transaction took place in pursuance to the Churchyard Act 1867. Unfortunately, the legalistic gobbledigook of the Conveyance has fooled some do-it-yourself-lawyers into believing that the Conveyance carries the legal responsibility on the part of the Benefice to turn the Rectory garden into a graveyard.

Early this year Chenies Parish Council tried to urge me to do just that. As they refused to believe my explanation, I wrote to the Official Solicitor of the Church Commissioners for a ruling on the legal obligations of the Benefice. I received this reply:

"Church Commissioners,
1 Millbank,
London SW1P 3JZ

Our Reference: BGH/GB/MISC

3rd January 1980

Please address your reply to the
Official Solicitor.

Dear Mr. Stapleton,

Chenies

Thank you for your letter of the 18 December enclosing a copy of the Conveyance of the churchyard addition. This enabled me to reply more fully to your letter of the 29 November last.

/...

"In my view, the Parish Council cannot compel you to use the land which was acquired in 1967 as an addition to the churchyard. As you say, the responsibility for providing land for public burial grounds lies with the Local Authority. ...

Yours sincerely

(Signed)

Barry G. Hall "

As I and my successors are responsible to the Benefice for the management of the Rectory site I do not intend to extend the Churchyard.

Of course, anyone is entitled to do battle with the Church Commissioners Legal Department if they think they have a good case, though even in the unlikely event of this being successful there would be two more insuperable hurdles to cross. (1) Land conveyed in pursuant to the Consecration of Churchyards Act 1867 may not be used as a burial ground if within 100 yards of a human dwelling. (2) Owing to the excessive cost of maintaining Churchyards the policy in at least the Oxford Diocese is for the Bishop to refuse to consecrate additions to churchyards. The last two Bishops of Oxford have not consecrated any additions and I cannot see how any legal or other pressure can force a Bishop to perform a spiritual function contrary to his will.

The responsibility of providing burial grounds lies with the Local Authority. A way out of the dilemma may well be for the Parish Council to purchase a site for a burial ground in Chenies if it is felt that the burial facilities in Chorleywood and Amersham are inadequate.

With best wishes,

Yours sincerely,

Bob Stapleton

Bob Stapleton

3rd January 1980

Our Reference: BGH/GS/MISD

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