

Re St Peter and St Paul, Long Compton

Coventry Consistory Court: Samuel Dep Ch, May 2012

Churchyard – garden of remembrance – inscriptions

A faculty had been granted for an additional garden of remembrance and permitting the laying of stones recording names and dates of birth and death. Subsequent emailed requests were made to the deputy chancellor and bishop to amend the faculty to include the inscription of brief words of endearment. That request was not put before the Diocesan Advisory Committee as had been directed. Unaware of the earlier directions, the chancellor had granted a faculty for additional wording on one stone. Further, the incumbent had illegally permitted the laying of another stone with additional wording in difficult pastoral circumstances. That stone contained the use of a nickname. The deputy chancellor observed that although the use of nicknames would ordinarily be inappropriate, they were to be distinguished from names by which someone was known by the community at large. In determining the application for an amendment to the original faculty, the deputy chancellor had regard to the facts that the older garden of remembrance included stones with lengthy inscriptions, that neither garden of remembrance was delineated from surrounding headstones and that the two existing stones in the new garden of remembrance contained additional inscriptions. In the light of these factors, and to mitigate difficult pastoral issues, the amendment to the faculty was granted and a dispensation given for the memorial stone that had been illegally laid. Conditions were imposed as to any additional wording, with permission to seek the consent of the archdeacon or chancellor for alternatives. [Catherine Shelley]

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Re Plumstead Cemetery

Southwark Consistory Court: Petchey Ch, May 2012

Exhumation – family grave

The petitioner sought permission to exhume the remains of her late husband from a grave in the consecrated part of Plumstead Cemetery and to re-inter them in the consecrated part of Rye Cemetery in East Sussex. He had been killed in a road accident in 2004. At the time of his death it had been his intention to move, with the petitioner and their two sons, to East Sussex. In 2006 the petitioner moved to East Sussex, where she had now established a permanent home near Rye. The remains of one of her uncles were already buried in the consecrated part of Rye Cemetery. The remains of another uncle would be buried there in due course. Another uncle and aunt owned the adjacent grave. The

petitioner's parents had reserved a grave opposite those graves and the petitioner had reserved the grave adjacent to that, intending that her husband should be re-interred there, followed, in due course, by her own remains. All the close relatives of her husband supported the petition. The chancellor considered *Re Blagdon Cemetery* [2002] Fam 299 and noted the principle enunciated there that permission to exhume remains from consecrated ground was to be granted only exceptionally. He gave particular consideration to what the Court of Arches had said about encouraging the establishment of family graves. Having reviewed a number of first-instance decisions concerning family graves following *Blagdon*, the chancellor held that the consolidation or creation of a family grave was not of itself a sufficient reason justifying exhumation, but that it was a relevant matter. Only if there were reasons why the remains had not been interred in a family grave at the time of burial, or there were other factors justifying a departure from the norm of permanence, would the fact that a proposed exhumation involved removal to a family grave count as an additional factor in favour of a petition. Applying that principle to the facts of the present petition, the sudden and tragic death of the petitioner's husband without having expressed any view about where he wished to be buried, and the fact that he and the petitioner were intending to move at the time, provided an explanation as to why a family grave had not been established in 2004. Those matters, taken together with the benefits arising from the creation of a family grave, were sufficient to justify exhumation. A faculty was granted accordingly. [Alexander McGregor]

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