

Re St Mary the Virgin, South Hayling

Portsmouth Consistory Court: Waller Ch, 24 July 2014

Extension – graves

The petition sought the construction of an octagonal extension on the north side of the Grade II* listed church and related works, in order to provide vestry, meeting, refreshment and toilet facilities. The proposed works included the removal of headstones and kerbs from several graves over which the extension would lie. It was proposed that the stones would be relocated or replaced with substitute memorials. Several families objected in writing to the plans and one sought to become party to the proceedings. Although the formal objection was withdrawn following agreement to relocation of the memorials and placing of engraved plaques on the building, the chancellor felt that a full judgment was appropriate in view of the opposition expressed. It was held that the need for the extension and new facilities was established and was in keeping with the building and its appearance. No alternative location could be found for the extension, which therefore necessitated building over the graves. A faculty was granted for the works but subject to a condition that exhumation and re-interment should be offered to any family whose graves were affected. The faculty also provided for relocation or replacement of grave markers as agreed with the families affected. [Catherine Shelley]

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Re Putney Vale Cemetery

Southwark Consistory Court: Petchey Ch, 6 August 2014

Exhumation – mistake – Buddhist beliefs

The petitioner and his family were all Buddhists. Following the interment of the remains of three members of his family in consecrated ground, the petitioner was advised that their interment had not been in accordance with Buddhist tradition and that this was considered to affect adversely the spirits of the deceased. The steps required to comply with Buddhist beliefs required the exhumation of the remains and their subsequent re-interment in unconsecrated ground. One set of remains would need to be cremated prior to re-interment. The chancellor granted a faculty for the exhumation of the remains on the basis that doing so would allow the petitioner to rectify a mistake. The fact that the relevant Buddhist beliefs were inconsistent with Christian belief did not mean that they were to be disregarded for the purpose of establishing that a mistake had been made at the time of the original interments. [Alexander McGregor]

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