

Re Gravesend Cemetery

Rochester Consistory Court: Gallagher Ch, 25 January 2017

[2017] ECC Roc 1

Exhumation – family grave – special reasons

A faculty was sought for the exhumation of the remains of the petitioner's father for their cremation and re-interment with the remains of his mother in a family grave in the village of their birth in Senerchia, Italy. The deceased was Roman Catholic and always maintained a strong sense of identity with his Italian roots. The remains had been buried in 1992. After a hearing, applying the decision of the Court of Arches in *Re Blagdon Cemetery* [2002] Fam 299, the chancellor found that special circumstances existed justifying a faculty for the exhumation. In particular, there had been two significant changes of circumstances since the interment: first, the Roman Catholic Church has become more accepting of cremation as a means of the disposal of remains; and second, the expansion of the local cemetery in Senerchia made the extension of the existing family grave possible. The petitioner's mother's remains had already been cremated and returned to Italy in hope of their interment with the remains of her husband in accordance with her deeply held wishes. The chancellor accepted that the practice of the Roman Catholic Church in 1992 meant that cremation was not a realistic option at that time, and the difficulty and expense of transporting the body to Italy removed that possibility also. The strong support of all of the wider family and of the Chancellor of the Roman Catholic Archdiocese of Southwark also strengthened the petition. [RA]

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Re St Michael, Lichfield

Lichfield Consistory Court: Eyre Ch, 26 January 2017

[2017] ECC Lic 3

Churchyard – memorial – regulations – exceptional circumstances

The petitioner sought to erect a memorial stone to her deceased husband, the patriarch of a group of traveller families who had a long association with the church. The stone fell outside the churchyard regulations in material, size and engraving. It included intertwined hearts, one of which was inscribed with her husband's details, the other to be inscribed with her own when she was herself buried, double-depth burials being impossible in the churchyard. The petitioner argued that the width of the stone, covering two graves, would not be excessive. The Diocesan Advisory Committee, parish and archdeacon had reservations about the width of the stone, although they accepted the