

contact with their father and thus to enjoy family life with him, which rights were vital to their wellbeing. The appeal was allowed and the case remitted for a further hearing. [Frank Cranmer]

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### Re Newcastle under Lyme Cemetery

Lichfield Consistory Court: Eyre Ch, 27 December 2017

[2017] ECC Lic 6

*Exhumation – exceptionality*

In 1995 Mr Bristeir's remains were buried in plot 15000 of the cemetery. It was intended that his wife's remains should join his when her time came. Her two brothers purchased the burial rights for the adjoining plot 14999 in order that they might be interred there in due course. One brother was buried in the appropriate plot, but the other brother was mistakenly buried in plot 15000. This mistake only came to light in 2017, on the day before Mrs Bristeir's funeral, when it was discovered as part of the preparations for the interment. Mr and Mrs Bristeir's only daughter was then required to make a swift decision about whether to inter her mother's remains in plot 14999 with those of her brother or to postpone the planned funeral while an exhumation faculty was sought. She chose the former option.

Having regretted her decision, within ten days Mr and Mrs Bristeir's daughter took steps to petition for a faculty for the exhumation of the remains of her mother and her uncle for their re-interment in the plots for which they were originally intended. The chancellor was satisfied that the exhumation of the uncle's remains fell squarely within the mistake category set down in *re Blagdon Cemetery* [2002] Fam 299, but the exhumation of Mrs Bristeir's remains was not so straightforward. No mistake had been made, but rather the daughter had made a deliberate decision to inter the remains in plot 14999. Nevertheless, the background to that decision was such that exceptional circumstances existed which justified a departure from the norm of permanence of Christian burial. The daughter had had to make the decision at extremely short notice at a time when she was bereaved and had no other family member to whom she could turn for support and advice. The decision itself was a response to the mistaken burial of the uncle in plot 15000. The faculty was granted. [RA]

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