

- ii. The source of the item: was it, for example, a specific memorial donation?
- iii. The historical or artistic significance of the item, both in relation to the church and generally;
- iv. The value of the item;
- v. The reason for removal and disposal; and
- vi. The proposed means of disposal, whether by loan, sale or gift.

The court noted that the petitioners' statement of significance did not do full justice to the significance of some of the furnishings, and the inventory did not include information about the provenance or age of most of the items. It was not satisfied that, at present, the removal and disposal of the pulpit, lectern and altar rails were necessary to enable the church's objectives to be achieved. The removal of other items would be permitted, subject to consideration and agreement with the archdeacon of the means of disposal.

The adverse impact of the new screens on the appearance of the church was outweighed by the potential benefits of allowing community use of the available space. The screens were intended to be temporary and, provided that the installation did no irreparable damages to the fabric, would be reversible. Any proposal for permanent screening which would adversely affect the fabric would require a further faculty. [DW]

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Re SMF (deceased)

Leeds Consistory Court: Hill Ch, 13 September 2019

[2019] ECC Lee 4

Exhumation – ashes – jewellery

The petitioner wished to exhume a small amount of the cremated remains of her late husband, who had died aged 38 some 16 years earlier. The purpose was to allow the creation of a commemorative ring for the petitioner's daughter, who was seven when her father died – a method of commemoration which was not available at the time of his death.

The court considered that none of the fact-specific categories of exhumation set out in *re Blagdon Cemetery* [2002] Fam 299 was applicable to this case. It would not be appropriate or pastorally sensitive to refuse an otherwise meritorious petition on a floodgates argument alone. The question was whether the petitioner had demonstrated that the case constituted an exception to the general principle that there should be no disturbance of cremated remains interred in consecrated ground.

Advances in technology to allow something which was not possible at the date of the original interment could be considered to be exceptional. There would always be the possibility of fresh expressions of grief as societal practice and scientific know-how evolve. But that did not detract from the concept of permanence being part, at least, of the intention of those committing the remains to a consecrated burial plot. If changing fashions of mourning and the availability of alternative uses for cremated ashes were to justify the routine exhumation of human remains, the finality of Christian burial would be stripped of all its meaning.

While not concluding this as a matter of law, the court tended to the view that cremated ashes should be treated in like fashion to a human body and interred in one place, undivided. Where a faculty for an exhumation might be granted, the remains were almost invariably to be re-interred in consecrated ground (see, for example, *re Clayton Cemetery, Bradford* [2019] ECC Lee 2, (2020) 22 Ecc LJ 121). Here, part at least of SMF's remains would not be re-interred in consecrated ground.

The court noted an analogy with cases concerning petitions for an exhumation to permit the taking of tissue or bone samples. Faculties were refused in *re Holy Trinity, Bosham* [2004] Fam 125 and in the appellate case of *re St Nicholas, Sevenoaks* [2005] 1 WLR 1011, Ct of Arches. While a faculty was granted in *re St Mary, Sledmere* (2010, unreported), and in *re London Road Cemetery, Mitcham* [2016] ECC Swk 12, (2017) 19 Ecc LJ 127, each judgment emphasised the high hurdle set for petitioners in order to demonstrate exceptionality. Accordingly, the petition was dismissed. [DW]

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Re St Michael, Llanyblodwel

Lichfield Consistory Court: Eyre Ch, 15 September 2019

[2019] ECC Lic 6

Porch – DAC advice

The petitioners wished to introduce a frameless glass door into the north porch opening of this Grade I listed church, to create a lobby to a recently installed toilet and protect it from the elements. The modern design was chosen to create a light and contemporary feature, and to enhance a welcoming appearance while providing security and reassurance to those using it.

The Victorian Society and the Ancient Monuments Society objected, advocating a solid timber door. The Diocesan Advisory Committee (DAC) (with whom Historic England agreed) did not recommend approval of the scheme; while accepting the need for a glazed door, it recommended a timber- or metal-framed