

CASE NOTES

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Chancellor of the Diocese of Norwich

Re Aby Churchyard

Lincoln Consistory Court: Bishop Ch, 30 April 2014

Exhumation – medical grounds

In refusing a faculty for the exhumation of the remains of the petitioner's first husband from Aby Cemetery for re-burial in consecrated ground nearer to where she now lived with her new husband, the chancellor held that there were no exceptional reasons to justify exhumation. The medical grounds relied upon by the petitioner, a slipped disc which made it uncomfortable to walk on the uneven ground leading to the grave, were not the type of psychiatric or psychological medical reason envisaged by the Court of Arches in *Re Blagdon Cemetery* [2002] Fam 299. There was no suggestion here of a psychiatric condition linked to the location of the ashes. [Catherine Shelley]

doi:10.1017/S0956618X14001161

Re Field Road Cemetery, Bloxwich

Lichfield Consistory Court: Eyre Ch, 18 May 2014

Exhumation – new cemetery – family grave

The petitioner sought to exhume his father's remains from consecrated ground at Field Road Cemetery, Bloxwich, for their proposed re-interment in a new municipal cemetery which lay on land that the deceased had farmed. The petitioner argued that the opening of the new cemetery constituted exceptional circumstances justifying exhumation and re-burial. The petitioner intended to create a family grave at the new cemetery by re-interring his father alongside his mother in the new cemetery. His mother remained unburied pending the decision about exhumation of his father. The chancellor noted that the categories of exceptional circumstances reviewed in *Re Blagdon Cemetery* are not exhaustive. Even if the facts do fit one or more of those categories, discretion remains to be exercised as to whether in a particular case the facts justify exhumation. In this case the creation of the new cemetery was not so exceptional as to