Neutral Citation Number: [2026] ECC Lin 3

IN THE CONSISTORY COURT AT LINCOLN

In the matter of the exhumation of the remains of Dorothy May Dixon deceased

And in the matter of St Peter's Churchyard, Aubourn

Judgment

1. The Petitioner, who is the daughter of the deceased Dorothy May Dixon, seeks a Faculty for the exhumation and reinterment elsewhere in the churchyard of the ashes of her mother. The cremated remains were interred on an unknown date during the Covid lockdown which began in March 2020. The background to this is that after Mrs Dixon's cremation on 12 June 2019 the family wanted to see if the ashes could be interred in St Peter's Auborn which was where Mrs Dixon had lived for many years. The Vicar confirmed that new cremated remains plots were available in the churchyard and so the family visited in the summer and agreed that she would be interred there. The ground was soft but firm.

2. The date for the interment was set for 8 November 2019 but when the hole was dug by Mrs Dixon's son, the hole was filled with water and this remained the position at the end of the service. The Vicar then offered to inter the remains at a later time when the area was less waterlogged: she said that she would contact the family to do this when the plot was suitable.

3. Covid came in March 2020 and on 7 May 2020 Mr Dixon (the Petitioner's brother) visited the churchyard and saw that the hole had been filled. The Vicar informed him that just before Covid the water had been pumped out, and then during Covid she had interred the ashes in the plot. There was some family upset that the interment had taken place without anyone being informed, but it seems that everyone accepted the position eventually.

4. This position changed when it became clear on visiting that the area was waterlogged and not a suitable final resting place. Mrs Dixon's elderly brother and his wife cannot visit because of the accessibility of the plot.

5. I understand efforts have been made to improve the situation with limiting access and putting bark chippings down, but this has not helped. The position is very difficult for Mrs Clark and the family who wish to lay flowers and pay their respects.

6. The proposal is that the interred remains within a crematorium cardboard container will be exhumed and reinterred in an identified location in the churchyard at a higher elevation. The letter from the funeral director dated 19 August 2026 does not suggest any practical difficulties.

7. The Rural Dean and the lay chair of the PCC and the churchwarden are all in agreement with the application and have identified a spot at a higher elevation where these remains can be reinterred together with all future cremated remains interments.

8. All family members agree with this application.

Discussion

9. The principles by which an exhumation from consecrated ground is permitted are well known and set out in the case of In Re Blagdon Cemetery 2002 Fam p299.

10. The presumption is that burial of human remains in consecrated ground is permanent. This presumption arises from the Christian theology of burial which was set out at para 23 of the judgment in Blagdon in the quotation from The Bishop of Stafford's paper on the 'Theology of Burial'. He wrote

> "The funeral itself articulates very clearly that its purpose is to remember before God the departed; to give thanks for their life; to commend them to God the merciful redeemer and judge; to commit their body to burial/cremation and finally to comfort one another."
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> He went on to explain:
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> "The permanent burial of the physical body/the burial of the cremated remains should be seen as a symbol of our entrusting the person to God for resurrection. We are commending the person to God, saying farewell to them (for their 'journey'), entrusting them in peace for their ultimate

destination, with us, to the heavenly Jerusalem. The commending, entrusting, resting in peace does not sit easily with 'portable remains' which suggests the opposite: reclaiming, possession, and restlessness; a holding onto the 'symbol' of human life rather than a giving back to God".

11. The principle of permanence can only be departed from if there are special circumstances which justify an exception to the principle that Mrs Dixon was laid to rest in 2020 and her remains should not now be disturbed.

12. The Court of the Arches in Blagdon identified various factors which may support a submission that special circumstances have arisen which permit the remains to be exhumed. These factors include (i) medical reasons (ii) mistake (iii) reinterment in a family grave.

13. This is a case in which it was plainly a mistake to have cremated remains interred in a place that was to become so waterlogged so soon after the interment when immediate family members are likely to want to visit, and who are now prevented from visiting. I am sure that it is the intention of the immediate family that they would wish to be interred in proximity to the new proposed location where Mrs Dixon's ashes are interred. In those circumstances the principles surrounding family graves expressing family unity adds weight to this application.

14. It is always exceptional to grant an exhumation; however, I am satisfied that exceptional reasons do exist in this case for an exhumation to be permitted.

15. The exhumation must be carried out discreetly with appropriate screening so as not to alarm those visiting the churchyard and at a time when there will be minimal risk of visitors being aware of the exhumation. Notice must be given to the environmental health department of the relevant District Council. The reinterment should take place on the same day.

16. In the circumstances I waive my fee.

The Revd H H Judge Mark Bishop
Chancellor
6th October 2026