

In the consistory court of the Diocese of Lincoln

In the matter of an application to exhume the cremated remains of Jason Charles Beecroft from the consecrated area of Castle Bytham cemetery

Judgement

1. This is an application by Mr Alec Beecroft, the father of the deceased, for a faculty to exhume the cremated remains of his late son, Jason Beecroft from the cremated remains area of Castle Bytham cemetery. Mr Jason Beecroft passed away on 5 January 2002 aged 32 and his cremated remains were interred on 17 January 2002 in an oak casket. The Parish Council have given their agreement to this application and the local environmental health authority have indicated their agreement too, although they want to be notified of the day of the exhumation and for any necessary risk assessment to have been done by the undertakers. The parish priest has also indicated his agreement with the application, as have Grantham Crematorium.

2. The application is made on the basis that Mr and Mrs Beecroft have now moved away from Castle Bytham and live in Grantham and due to their increasing age and frailty they are unable to visit the grave. The cemetery is located at the top of a steep hill which is only accessible on foot. Their inability to visit causes them both some distress.

3. Mr and Mrs Beecroft have now purchased a family plot at Grantham Crematorium and it is their intention that should the application be granted, Jason's ashes should be re-interred there and when the time comes, their ashes too will be interred there with him. They wish to have the peace of mind that will come by knowing (i) they can visit their son's grave and (ii) they will be interred with him when the time comes.

4. All the family have agreed to this application being made.

5. The materials I have considered are:

- (i) the application dated 28 October 2016 with a sheet answering question 9;
- (ii) the Grantham Crematorium agreement to Jason's ashes being interred in the family plot (dated 24/11/16);

- (iii) emails from Mrs Cooke (Parish Council) dated 28/10/16, Revd. Buckle dated 4/11/16, Paul Sherry of South Kesteven District Council environmental health department dated 16/9/16;
- (iv) plan and photographs of the existing grave;
- (v) signed confirmation by all the family members and a family tree.

Principles

6. 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.

7. 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 judgement in Blagdon in the quotation from The Bishop of Stafford's paper on the 'Theology of Burial':-

“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.”

He went on to explain:

“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”

8. The principle of permanence can only be departed from if there are special circumstances which justify an exception to the principle that Jason was laid to rest in 2002 and his remains should not now be disturbed.

9. 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 are:

- (i) medical reasons.

The Court made it clear that the only medical reasons which could assist a petitioner in these circumstances would be those which showed quite clearly that a serious psychiatric or psychological problem had arisen caused by the location of the grave to whom the petitioner had a special attachment. The Court made it quite clear that mere decline in health and mobility due to advancing years could not be a reason which would displace the presumption of permanence. This is part of the application by Mr Beecroft and it could not succeed if the application had been made on this basis alone.

- (ii) lapse of time.

The Court held that the passage of a substantial period of time before an application for exhumation was made could not be determinative of the application in itself. However, it would be a factor in assessing the genuineness of the Petitioner's case. I bear in mind that around 15 years have passed since the interment of the ashes which took place after the sudden and unexpected death of Jason.

- (iii) mistake.

Where there has been a simple error in administration, such as burial in the wrong grave, the Court held that faculties for exhumations could readily be granted. This is not relevant to this application.

- (iii) precedent.

The Court held that consideration of the effect of precedent by the grant of the application is properly made because of the desirability of securing equality of treatment, so far as circumstances permit between petitioners. I take this matter into account.

(iv) family grave

The Court held that the use of family graves are to be encouraged because they both express family unity and they are environmentally friendly in demonstrating an economical use of the land for burials.

This is the second basis of the application. It is clear that Jason's family wish to unite his cremated remains with theirs, when the time comes, and thereby express their family unity. There would also be a saving of space by the use of the land in Grantham Crematorium for the three members of the family.

Determination

10. I am persuaded that this exhumation can be permitted on the exceptional grounds that Mr and Mrs Beecroft wish to have a family grave at Grantham Crematorium. This is one of the exceptions to the principle that Christian burial is permanent. I have not investigated whether it would be possible to create a family grave where Jason's remains are currently interred because it is clear that Mr and Mrs Beecroft have already made the necessary arrangements in purchasing the plot at Grantham Crematorium for their own interment, and so have made it clear that they wish to be interred there. Thus the location of the family grave has been established and Jason's remains can be exhumed and reinterred there.

11. I must make it clear that an application to exhume cannot be made simply on grounds that family members are becoming frail and cannot journey to a churchyard where a loved one is buried. This was one part of the application before me and absent the purchase of the family grave, the application could not have succeeded on that basis. To permit an application to exhume human remains because frail family members can no longer visit would undermine

2017 ECC LIN 1

the principle of the permanence of Christian burial the theology behind which is set out earlier in the judgement.

12. The conditions of the faculty are:

- (i) the undertakers carry out such risk assessment as may be required by the environmental health department;
- (ii) the exhumation is to be carried out discreetly and out of public view;
- (iii) the undertakers can confirm that before the exhumation begins they are satisfied that it will be possible to effect the exhumation of the oak casket and the ashes.

Mark Bishop

Chancellor

27 January 2017