



Faculty — Parish Council burial ground — Exhumation of humans remains from consecrated ground — Remains of baby son born to the petitioning mother (then aged only 19) by emergency caesarean section at 24 weeks weighing only 2 lb 1 ½ ounces — Baby dying some 3 weeks later and buried on 26 September 2005 — Exhumation sought to enable the son's body to be cremated, and for the ashes to be retained with the mother (now aged 40) at her family home — Lack of informed consent to burial in consecrated ground — Whether exceptional circumstances established for granting a faculty for the exhumation of the baby son's remains — Effect of the mother's wish to retain cremated ashes with her — Whether faculty to be granted and, if so, on what terms — Faculty granted

Petition No: 11129

IN THE CONSISTORY COURT
OF THE DIOCESE OF OXFORD

Date: Wednesday, 3 December 2025

Before:

THE WORSHIPFUL CHANCELLOR HODGE KC

In the matter of:

KIDLINGTON PARISH BURIAL GROUND

THE PETITION OF:

Mrs Amy Sarah Pringle

This is an unopposed exhumation petition determined on the papers and without a hearing

There were no objections to the petition.

The following cases are referred to in the Judgment:

Re St Andrew's Church, Ham [2019] ECC Swk 1, (2019) 21 Ecc LJ 383

Re Bingham Cemetery (No. 2) [2025] ECC S&N 3

Re Blagdon Cemetery [2002] Fam 299

Re Kidlington Parish Burial Ground [2025] ECC Oxf 3

JUDGMENT

Introduction

1. Earlier this year, on 25 May 2025, I handed down my judgment in *Re Kidlington Parish Burial Ground* [2025] ECC Oxf 3 granting a faculty for the exhumation of the human remains of a young man who had died, aged 16, in 2011, after being struck down by a car driven by a drunken driver. I now have to consider a wholly unrelated petition, dated 30 October 2025, by Mrs Amy Sarah Pringle seeking a faculty to exhume the remains of her deceased baby son, Robbie Keegan Beadle ('**Robbie**'), from the grave space numbered KBG/NN/72 in Section NN of the same burial ground.

The background facts

2. Robbie was born at the John Radcliffe Hospital in Oxford on 24 August 2005. He died in the same hospital on 16 September 2005 in the presence of his mother. The cause of death was certified as:

a. Prematurity; Gram Negative Meningitis

b. Gastrointestinal Perforation; Post Haemorrhagic Hydrocephalus

Mrs Pringle's petition explains that her request to disinter the remains of her baby son from his grave is made after profound reflection on her part, and is based on deeply personal and pastoral grounds. Since her son's burial, she has experienced significant emotional and psychological distress due to her physical separation from his resting place. She explains that Robbie was born by emergency caesarean section at 24 weeks, and weighing only 2 lb 1 ½ ounces. Mrs Pringle explains that at that time, she was only 19 years old; and she herself was very poorly after her emergency procedure. She spent every minute she could by her baby son's side as he underwent multiple operations. After the failure of these operations, Robbie's doctors advised her that his condition was such that he would not survive without the machines that were keeping him alive.

They explained that Robbie was in pain, and that the decision to withdraw life support was the best decision for him. On 16 September 2005, life support was withdrawn; and Robbie passed away, with his mother by his side. Mrs Pringle relates that it was by far the worst experience that she, or any mother, should endure. Her partner at the time – Robbie’s father - was unsupportive, and was not present through most of the time that Robbie was in hospital. For reasons I need not go into, Mrs Pringle’s parents - the two people whom she needed most in her life at this traumatic time - were not there for her.

3. After Robbie’s passing, Mrs Pringle made the funeral arrangements whilst in the worst grief imaginable. Decisions had to be made without her really comprehending what they meant. A funeral was booked, songs were picked, and readings were chosen; but, to this day, Mrs Pringle does not remember making those arrangements such was the grief and turmoil she was enduring, mostly alone. Robbie was buried, at Kidlington Parish Council Burial Ground, on 26 September 2005. Mrs Pringle relates that she would visit Robbie’s grave most days. From those very first visits up until the present day, Mrs Pringle feels the most overwhelming grief that she must walk away from Robbie all over again. Her relationship with Robbie’s father failed; and once the funeral was over, everyone else’s life seemed to return to normal, apart from Mrs Pringle’s. Her life was engulfed in self-loathing, guilt that she had let Robbie down, and wondering if he could have survived if she had done something different, such as, perhaps, by giving him some more time on life support. Many years have passed since Robbie’s death; but those feelings of guilt when she leaves him alone again do not pass. After many years, Mrs Pringle has sought counselling; and she believes wholeheartedly that her son should be at home with her. Mrs Pringle asks for permission to have Robbie exhumed and his remains cremated. Robbie’s ashes will then remain with her at the family home, which she shares with Robbie’s brother, Owen. He is said to be fully supportive of his mother’s decision.

4. Mrs Pringle says that she appreciates that her request presents challenges as Robbie is buried in consecrated ground. She has not taken this decision lightly; and she has absolute respect for the church and those consecrated grounds in which Robbie is buried. Had Mrs Pringle known the options available, and fully understood them at the time, she says that her decisions would have been different. She appeals to me to look upon her petition with compassion for a mother whose world was turned upside down, without support from those closest to her, and without any knowledge or understanding of what decisions she was making at the time. She fully recognises the seriousness of her request, and the theological considerations surrounding exhumation within the Church of England. She says that she does not make this request lightly; but Mrs Pringle respectfully asks for my understanding and compassion in considering these exceptional circumstances. Mrs Pringle undertakes that the disinterment, and subsequent cremation, of Robbie’s remains will be conducted with care and decency.

5. Mrs Pringle’s petition is supported by a letter, dated 30 October 2025, from Edward Carter Funeral Directors. This merely confirms (without any more detail) that they “... *will ensure that all procedures are carried out in full compliance with applicable regulations, cemetery regulations, and public health requirements. The exhumation and subsequent cremation will be conducted respectfully, maintaining the dignity of the deceased at all times.*” The petition is also supported by letters from Robbie’s father, Mr Gary Holton, and from Robbie’s brother, Owen Robbie Beadle. Mr Holton’s letter bears his electronic signature, dated 22 September 2025. It is addressed ‘*To Whom it May Concern*’ and bears the subject line: ‘*Request for Exhumation of Our Son's Grave*’. It reads:

I am writing to formally request the exhumation of the remains of my son, Robbie Keegan Beadle, who is currently buried at St Mary's, Kidlington, grave number KBG/NN/72, in agreement with his other parent, Mrs Amy Pringle.

This decision has not been made lightly. After careful consideration and mutual discussion, both Amy and I feel that this is the most appropriate and respectful course of action for personal and family reasons. We fully understand the legal and procedural requirements involved in this request and are prepared to comply with all necessary permissions, documentation, and associated processes as required by the relevant authorities.

Please find enclosed:

A signed letter of consent from myself confirming our joint agreement to this request.

Any other documentation you may require can be provided upon request.

We kindly ask for your guidance on the next steps and any further information needed to proceed. We are committed to handling this matter with the utmost care, sensitivity, and respect for our son's memory and for those who may be affected.

6. Owen Beadle's letter is dated 30 October 2025. Again it is addressed 'To Whom It May Concern'. The subject line reads: 'Consent for Exhumation of My Late Brother'. The body of the letter reads:

I, Owen Robbie Beadle, the son of Amy Sarah Pringle and the brother of the late Robbie Keegan Beadle, hereby give my full consent to my mother, Amy Sarah Pringle, to make all necessary arrangements and to petition for the exhumation of the remains of my late brother, Robbie Keegan Beadle, who was interred at Kidlington Parish Council Burial Ground, on 26th September 2005.

I understand that this exhumation will be carried out for the purpose of cremating the remains of my brother and us having his cremated remains at our family home. I support my mother's decision to proceed with the necessary legal and administrative processes related to this matter.

I confirm that I am providing this consent voluntarily and without any objection, and that I am aware of the implications of the exhumation process. When the time arises that my mother passes away, I am aware that her wishes are to be cremated. It is my intention to keep my late brother and mother's ashes together until such time that I will decide where best to keep them both together.

7. There is a letter, dated 6 June 2025, from the Clerk to Kidlington Parish Council to the petitioner (under her former name of Amy Beadle). This confirms that the Parish Council has no objection to her request for Robbie's exhumation from his grave if a licence is agreed and obtained from the Oxford Diocese office. Finally, there is a deed, signed by the then Clerk to the Parish Council, and dated 23 September 2005, granting Mrs Pringle (then Ms Beadle) the exclusive right to burial in Robbie's grave space for 100 years.

8. On receipt of the papers, I directed the Registry to write to the petitioner informing her that my provisional view was that it was expedient to determine her petition on consideration of

written representations, instead of by way of a hearing; and asking her to confirm whether she would be content with that course. If so, she was to let me have any written representations within 14 days. I invited the Registry to supply Mrs Pringle with copies of the decision of the Court of Arches in *Re Blagdon Cemetery* [2002] Fam 299, and of my own recent decision in *Re Kidlington Parish Burial Ground* [2025] ECC Oxf 3 to assist her in formulating her written representations. I also requested the Registry to ask the petitioner whether she had been told, prior to her son's burial, that he was to be buried within consecrated ground, and of the implications of this. I also invited the Registry to ask Mrs Pringle to obtain a letter from the funeral directors indicating how practicable it would be to carry out this exhumation after an interval of some 20 years, and how this would be done. I also inquired whether the petitioner would wish to rely on any medical evidence of her mental condition, or state of mind, in support of her petition. If so, this too should be supplied. I invited the Registry to indicate to the petitioner that I was concerned that there were no definite proposals for what was to happen to her son's cremated remains after her own death. I inquired whether she made a will providing for her own cremation and the disposal of her ashes. If so, I asked for a copy of such will. If she had not made any will, she was asked to provide details of her statutory next-of-kin (presumably her surviving son). I asked the Registry to explain to Mrs Pringle that should I order the exhumation requested, I would be likely to make it a condition that her personal representatives should undertake to have the cremated remains of her son buried with the petitioner when her own time should come. The Registry has duly complied with my directions by writing to Mrs Pringle accordingly.

9. On 17 November 2025, Mrs Pringle duly responded to the Registry's request for further information. She produced: (1) a signed letter to the Chancellor, dated 10 November 2025, with the subject line: '*Statement Regarding the Burial of My Son on Consecrated Ground*'; (2) a document signed by Mrs Pringle described as a '*Letter of Wishes (Regarding Next of Kin and Cremation Arrangements)*', also dated 10 November, addressed: '*To whom it may concern*'; (3) a further letter, also addressed '*To whom it may concern*', and dated 10 November 2025, from Edward Carter Funeral Directors headed '*Re: Explanation of Exhumation Procedure*'; and (4) a letter, dated 11 November 2025, again addressed '*To whom it may concern*', from a named CPN (presumably a community psychiatric nurse) with North & West Oxon Adult Mental Health Team of the Oxford Health NHS Foundation Trust. I will recite the contents of each of these letters in turn.

10. Mrs Pringle's letter reads:

I am writing to provide a formal statement concerning the burial of my son. At the time of his burial, I was nineteen years old. I wish to state for the record that I was not informed that his resting place was situated on consecrated ground, nor was I made aware of the meaning or implications of this at that time.

During that period, I was in a state of considerable emotional distress and relied on the guidance of those involved in arranging the burial. I was not provided with any explanation regarding the nature of consecrated ground or the potential religious or legal significance associated with it. Consequently, my consent to the burial location was given without a full understanding of the circumstances.

I respectfully request that this statement be acknowledged and considered in connection with any current matters relating to my son's burial.

11. Mrs Pringle's signed letter of wishes reads:

I, Amy Pringle, being of sound mind and understanding, am writing this letter to set out my personal wishes regarding my next of kin and the arrangements to be made upon my passing.

It is my express wish that my son, Owen Robbie Beadle, be recognised as my next of kin and the person responsible for managing all matters relating to my estate and remains after my death.

I further request that my son Owen Robbie Beadle take charge of my ashes following cremation, together with the ashes of his brother, Robbie Keegan Beadle. I entrust him with the discretion to make all decisions concerning the final resting place or any other arrangements he deems appropriate.

This letter is intended to serve as a clear statement of my personal wishes and preferences. Although it is not a legally binding document or a formal will, I ask that my family, friends, and any relevant authorities give full regard to these instructions in carrying out my wishes.

12. The funeral directors' letter reads:

I am writing to outline the process by which an exhumation may be lawfully and respectfully carried out, even when a burial has taken place many years ago. The following information explains the steps that will be taken by the funeral director to ensure the procedure is conducted with full regard for legal, environmental, and ethical standards.

Legal Permissions and Preparation

Before any exhumation can proceed, an Exhumation Licence must be obtained from the relevant authority (for example, the Ministry of Justice or local council, depending on jurisdiction). Written consent from the grave owner and next of kin is also typically required.

The funeral director will support the family throughout this process, ensuring that all necessary documentation, permissions, and formalities are completed correctly.

The Exhumation Process

Once approval has been granted, the funeral director will coordinate the arrangements with cemetery management and environmental health officers. The work is scheduled to take place discreetly - often early in the morning - to ensure privacy and dignity are maintained.

A specialist contractor will carefully open the grave under official supervision. The coffin or casket will then be respectfully removed, following all applicable health, safety, and environmental regulations. If required, the remains and any existing coffin materials will be transferred into a new, sealed casket suitable for transport and the future proposed cremation.

Reinterment or Further Arrangements

After the exhumation, the remains may be reburied in a new location, cremated, or handled according to the family's wishes and the terms of the exhumation licence. The funeral director

will oversee all necessary transportation, officiate at the reinterment if desired, and provide continued support to the family throughout.

Please be assured that, regardless of the time that has passed since the original burial, the entire process will be managed with the utmost professionalism, sensitivity, and respect for the deceased and their loved ones.

Should you require any further information or clarification, please do not hesitate to contact me directly.

13. The final letter, from the community psychiatric nurse, reads:

I am writing in my capacity as a community Mental Health Nurse within the Witney Adult Mental Health Team and have been working with Ms Beadle since August 2025. Ms Beadle is motivated to access appropriate support and treatment and has shown good insight into mental health difficulties. Within our regular appointments, Ms Beadle has shared details of the loss of her baby son, and how this has negatively impacted her mental health over the intervening years. She has spoken with me about seeking exhumation for her son and her reasoning around this.

14. That is the extent of the material upon which Mrs Pringle relies in support of her petition. I note, from a forwarding email, that Mrs Pringle would appear to work for a funeral directors' service in Didcot (but not for Edward Carter Funeral Directors). I am therefore entitled to infer that she knows rather more about burial and associated processes than the average member of the public. By a later email to the Registry, also dated 17 November 2025, Mrs Pringle confirms that she is happy for me to determine this matter on consideration of written representations, rather than at a hearing.

15. I am satisfied that all of Robbie's near relatives consent to the proposed faculty for the exhumation of his human remains being granted, with a view to their cremation. It is therefore appropriate for me to dispense with the giving of any public notice of this faculty petition.

Analysis and conclusions

16. I reviewed the relevant case law authorities at paragraphs 18 to 27 of my judgment in *Re Kidlington Parish Burial Ground* [2025] ECC Oxf 3. A brief summary will therefore suffice for the purposes of the present judgment. On any application for a faculty authorising the exhumation of human or cremated remains – and no distinction is to be made between them – essentially three matters fall for consideration:

- (1) The 'threshold' condition of whether the court has the necessary jurisdiction to order their exhumation.
- (2) Whether the court should exercise its discretion to make such an order.
- (3) The conditions subject to which any exhumation should be ordered.

17. The decision of the Court of Arches (the appeal court for the Southern Province of Canterbury) in *Re Blagdon Cemetery* [2002] Fam 299 authoritatively establishes that the interment of human or cremated remains in consecrated ground is intended to be permanent, and that such remains should not be treated as 'portable'. Before a faculty for exhumation may be granted,

the circumstances must be truly exceptional. It is for the petitioner to satisfy the court, on the balance of probabilities, that there are special circumstances which constitute good and proper reason for making an exception to the norm that Christian burial is final. As Chancellor Ockelton (in the consistory court of the diocese of Southwell and Nottingham) pithily put it at paragraph 8 of his recent judgment in *Re Bingham Cemetery (No. 2)* [2025] ECC S&N 3:

... there can be no room for doubt as to the principles. The starting-point is that Christian burial is to be seen as permanent, because it is the act of committing the remains or the ashes of the departed into the hands of God. There is therefore a presumption against exhumation. That is the clear consensus of all the English cases, of whatever age and of both Provinces. It follows that where there has been a burial in consecrated ground, accompanied as it will have been by the rites of the Church with the words of commendation of the departed to God and committal of the person's remains (whether as a coffin burial or ashes) to burial, permission for exhumation is not given by the Court on demand. Rather, it is for the petitioner in each case to establish some special circumstances that merit an exception from the general rule of the finality of Christian burial.

18. At paragraph 36 of their judgment in *Blagdon*, the Arches Court considered a number of possible special factors that might constitute such good and sufficient reason. One such special factor (considered at paragraph 36 (vi)) is the creation of a family grave. As in the earlier case concerning this same burial ground, I am satisfied that this threshold condition is not available to Mrs Pringle on the particular facts of the present case, for the reasons I gave at paragraph 20 of my judgment in the earlier case.

19. I am satisfied, however, that there does exist another special factor in the present case which makes it an exception to the norm of permanence, and which founds the necessary jurisdiction to grant a faculty for exhumation. In *Re Blagdon*, the Court of Arches recognised that a mistake might amount to exceptional circumstances justifying a faculty for exhumation. One example of such a mistake is where human remains have been interred in the wrong grave plot. The ensuing difficulties have to be sorted out as fairly and sensitively as possible; and this will usually involve permitting the exhumation of those human remains. But an operative mistake as to the legal significance, and effects, of the location of a grave is another of the recognised cases in which it may be appropriate for such an exception to be granted. At paragraph 36 (iii) of *Blagdon*, the Court stated:

*A mistake may also occur due to a lack of knowledge at the time of burial that it was taking place in consecrated ground with its significance as a Christian place of burial. For those without Christian beliefs it may be said that a fundamental mistake had been made in agreeing to a burial in consecrated ground. This could have been a sufficient ground for the grant of a faculty to a humanist in *In re Crawley Green Road Cemetery, Luton* [2001] Fam 308 and to orthodox Jews in *In re Durrington Cemetery* [2001] Fam 33, without the need for recourse to the Human Rights Act 1998. The need for greater clarity about the significance of consecrated ground in cemeteries, in particular, is demonstrated by these examples and we reiterate our plea for more readily available information so as to reduce the chances of such mistakes occurring again in the future.*

It was this particular exception that I found was available to the petitioner in the earlier case concerning this same burial ground.

20. I have already made reference to my judgment, earlier this year, in *Re Kidlington Parish Burial Ground* [2025] ECC Oxf 3. There I granted a faculty for the exhumation of the human remains of a young man who had died, aged 16, in 2011 after being struck down by a car that was being driven by a drunken driver. In that case, the son's school had put pressure on the petitioner to have his funeral carried out before the GCSE period started; and the coroner had told the petitioner that the only option at the time was burial, although the petitioner had preferred cremation. The petitioner was not informed that her son was to be buried in a consecrated part of the burial ground, nor of the legal implications of interment in consecrated ground. She now wished to have her son's body exhumed and cremated, so that she could retain his cremated remains until her own death, when she wished his remains to be buried together with her own cremated remains. At paragraph 28 of my judgment, I concluded:

(1) As to jurisdiction, that the petitioner's ignorance of the fact that her son was being laid to rest in consecrated ground, and thus of the resulting legal presumption in favour of the permanence of burial as the norm where consecrated land is concerned, gave rise to a relevant mistake which founded jurisdiction in the court to order the exhumation of the son's human remains. *"From the outset, there was a fundamental mistake of fact on the part of the petitioner as to the nature of the grave plot in which she had agreed to have her son's body interred, and its legal consequences."*

(2) As to the exercise of the court's discretion, there were a number of additional special factors, enumerated in my judgment, that made the case an exception to the normal rule that the committal of human remains to consecrated ground should be treated as permanent. These all led me to decide that it was appropriate to grant a faculty.

21. In the instant case, the evidence of Mrs Pringle (in her recent letter) is that she

... was not informed that [her son's] resting place was situated on consecrated ground, nor was I made aware of the meaning or implications of this at that time.

During that period, I was in a state of considerable emotional distress and relied on the guidance of those involved in arranging the burial. I was not provided with any explanation regarding the nature of consecrated ground or the potential religious or legal significance associated with it. Consequently, my consent to the burial location was given without a full understanding of the circumstances.

In her petition, Mrs Pringle states that had she *"known the options available and fully understood them at the time, my decisions would have been different"*. As in the earlier case, I note that there is no reference to the consecrated status of Robbie's grave space in the deed which granted Mrs Pringle the exclusive right of burial in her son's grave plot. The question then arises, what would the petitioner have done had she known the full facts, and the various alternative options available to her? As in the earlier case, I recognise that in her statements to this court, Mrs Pringle makes no positive assertion that had she known the true position, she would never have agreed to Robbie's remains being buried in this particular grave space, but instead would have insisted upon them being interred elsewhere. What she says is that her *"consent to the burial location was given without a full understanding of the circumstances"*; and that had she *"known the options available and fully understood them at the time, my decisions would have been different"* (although she does not identify in what particular respect). I recognise also that the burden rests upon Mrs Pringle to establish the existence of an operative mistake. I have considered whether, in order to address this potential gap in her

evidence, it would have been appropriate to convene a court hearing (albeit remotely by way of video-link) at which Mrs Pringle might have been tendered as a witness, enabling this point to be clarified with her, and tested. However, my conclusion was that putting Mrs Pringle to the ordeal of giving oral evidence, after an interval of some 20 years, concerning an intensely distressing event, at a time when she was aged only 19, and on a hypothetical, and counter-factual, basis, would have been unlikely to have elicited any reliable evidence of any true value to this court. I bear in mind, Mrs Pringle's observations (in her petition) that she does not remember making the funeral arrangements such was the grief and turmoil she was enduring at the time, mostly alone; and (in her later letter) that at that time she was "*in a state of considerable emotional distress*". The reality is that the status of the grave space, and the theological, and legal, consequences of that status, were never raised with Mrs Pringle at the time. In those circumstances, I consider that the court should proceed on the footing that disclosure of the true facts would have caused Mrs Pringle to pause, and to reflect, on her decision to have Robbie's remains buried where they were; and that this probably would have made a difference to her decision to proceed with their interment in the consecrated part of the parish burial ground. In this context, I bear in mind the state of considerable emotional distress which Mrs Pringle says that she was under at the time. As in the earlier case, I also bear in mind the observation of Chancellor Petchey (in the diocese of Southwark) at paragraph 8 of his judgment in *Re St Andrew's Church, Ham* [2019] ECC Swk 1, (2019) 21 Ecc LJ 383 that "... *whenever a child predeceases his or her parents, difficult issues may arise as to the appropriate arrangements in respect of his or her remains*". The tragic circumstances attending Robbie's birth, and his brief life, must have caused even more pain, and grief, to this young mother - aged only 19, and effectively left to cope on her own - over and above that which is naturally caused by the expected death of any loved one.

22. As in the earlier case, I must go on to consider Mrs Pringle's intentions concerning the disposal of Robbie's exhumed remains. This is relevant both to the exercise of the court's discretion to order their exhumation, and also to the conditions to be imposed as part of any faculty. Mrs Pringle proposes to have Robbie's remains cremated, and for the ashes then to remain with her at the family home which she shares with Robbie's brother, Owen. I recognise that to most, if not all, Christian minds, such a wish may be viewed as both macabre and theologically unsound. The normal principle is that human, or cremated, remains that have been exhumed from consecrated land should be re-interred in consecrated land elsewhere. This reflects the fact that a burial in consecrated ground is likely to have been accompanied by the rites of the Church, with the usual words commending the departed to God, and the committal of their remains to rest in peace. This is part of the process of bidding farewell to the deceased, and entrusting their remains to God, as a preliminary to the deceased's eventual resurrection. There is also the practical consideration that re-interment in consecrated ground will attract the continuing protection of the faculty jurisdiction, with its presumption of the finality of Christian burial. However, it is not inevitable that the consistory court will require the re-committal of exhumed remains in consecrated ground. My earlier decision concerning this same burial ground is a case in point. However uncomfortable it may feel to any Christian, as suggestive of a holding on to the body as the '*symbol*' of human life, rather than giving it back to God, I do not consider that Mrs Pringle's wish to retain her late son's ashes with her until her eventual death constitutes a good and sufficient reason for denying her faculty petition. The consistory court must bear in mind that England is now a pluralistic, and, for many, a secular, society; and it should not insist upon imposing its own theology on those who do not profess, or practise, the Christian faith, at

least in cases where exhumation is sought from consecrated ground outside the overtly Anglican context of churchyard land. I have sought, and have received, some assurance concerning the future of Robbie's cremated remains should I accede to this petition for an exhumation faculty. Given the relative youth of this 40-year old petitioner, and her consequent life expectancy, I do not consider that the court can expect any more in that regard.

23. Against this background, I set out my conclusions. First, as to jurisdiction, I consider that Mrs Pringle's ignorance of the fact that her son, Robbie, was being laid to rest in consecrated ground, and of the resulting legal presumption in favour of the permanence of burial as the norm where consecrated land is concerned, give rise to a relevant mistake which founds the necessary jurisdiction in this court to order the exhumation of Robbie's human remains. From the outset, there was a fundamental mistake of fact on the part of the petitioner as to the nature of the grave plot in which she had agreed to have her baby son's body interred, and thus as to its legal consequences.

24. Second, as to the exercise of the court's discretion, I consider that, in addition to that mistake, the following further special factors suffice to make the present case an exception to the normal rule that the committal of Robbie's body to consecrated ground should be treated as permanent:

(1) The tragic circumstances of Robbie's birth, his very brief life, and his very early death, at a time when, inevitably, he had never been capable of giving any thought to, or expressing any views about, how he might wish his little body to be disposed of after his death.

(2) The pain, the extreme grief, and the anguish suffered by his mother at the time of Robbie's birth, throughout his tragically brief life, at the time of his death, and in the 20 years since. These are far in excess of the grief, pain, and anguish which are naturally caused by the expected death of any loved one.

(3) The significant additional emotional distress and pressure caused by the personal circumstances of this young mother at the time, left effectively on her own to cope with, and address, the consequences of Robbie's birth, illness, and death, aged only 19.

(4) The significant emotional and psychological distress that Mrs Pringle has experienced ever since her son's burial due to her physical separation from his resting place, which has impacted upon her mental health, and has led her to access appropriate support and treatment from a community mental health nurse for her mental health difficulties.

(5) Mrs Pringle's profound wish to have her baby son's remains cremated, so that they may be with her in the family home she shares with Robbie's brother.

(6) The support for the faculty petition of Robbie's father and his brother, as his closest other relatives. At paragraph 36 (iv) of *Blagdon*, the Court of Arches considered that the views of close relatives were very significant, and fell into a different category from other expressions of local support.

(7) Whilst I am conscious of the objection that precedent does not operate in the realm of fact, as distinct from the area of law, it has long been recognised that a decision in one case may well act as a precedent in another case. That is because of the desirability of securing equality of

treatment as between petitioners (so far as the circumstances of the individual case permit). Whilst I appreciate that there are factual differences between the present petition and the circumstances of the case I determined earlier this year concerning this same burial ground – the cause of death, the age of the deceased at the time of death, the external pressures perceived from the deceased’s school, and the coroner, and so forth – I find it difficult to distinguish between the two cases. In my judgment, any objective observer would be surprised should these two cases be decided differently. There is no qualitative difference between the profound grief suffered by a mother whose 16 year old son is cut down suddenly by a drunken driver, and that suffered by the mother of a prematurely born baby who survives by less than a month.

(8) This is not a case where exhumation is sought for reasons of the convenience of the petitioner, or her family, in terms of visiting the deceased’s grave. A search of Google maps reveals that Mrs Pringle lives only some six miles, and a quarter of an hour’s drive, away from the burial ground where Robbie’s remains rest. This is not a ‘portable remains’ case.

(9) There is nothing, on the highly unusual facts of the instant case, that could possibly be said to suggest that any undesirable precedent is, or is at risk of, being created. It is unfortunate that there should have been two exhumation petitions concerning the same burial ground within the space of about six months of each other. But there is nothing to suggest that the earlier petition has spawned this second petition.

25. I am naturally concerned about the 20-odd years’ lapse of time since Robbie’s death, and the delay in making this application. No adequate explanation has been offered for this delay. I bear in mind, however, that at paragraph 36 (ii) of their judgment in *Blagdon*, the Court made it clear that

... time alone will be determinative. It may well be a factor in relation to assessing the genuineness of the petitioner’s case. Long delay with no credible explanation for it may well tip the balance against the grant of a faculty but lapse of time alone is not the test.

I do not consider that the lapse of time, since Robbie’s death and interment, should outweigh the various factors that I have identified as pointing in favour of ordering the exhumation of his body. I do not consider the delay to be decisive on the particular facts of the present case.

26. I must also bear in mind that the reason underlying Mrs Pringle’s desire to exhume Robbie’s remains is so that they may be cremated, with a view to keeping them with her at her family home. The wish to retain Robbie’s cremated remains at home is the precise opposite of what has been considered appropriate by the Christian culture of this country over many hundreds of years. It is at odds with the Anglican theology of burial (as explained above). However, I recognise that Mrs Pringle is only just 40 years of age, and so has many years of her life left to her. It is unrealistic to expect her to make any concrete arrangements for the disposal of her own cremated remains at the present time. It would also defeat Mrs Pringle’s very objective, in seeking the exhumation of her baby son’s remains, to make it a condition of any faculty that she should do so. As I have already recorded, I have sought, and have received, some assurance concerning the future of Robbie’s cremated remains in the event that I accede to this petition for an exhumation faculty. Given the relative youth of this 40-year old petitioner, and her consequent life expectancy, I do not consider that the court can expect any more in that regard. Having accepted that exceptional circumstances exist which warrant this exhumation, I

do not consider that it would be appropriate for me to refuse this faculty because of what is to happen to Robbie's remains thereafter. As in the case earlier this year, and for the reasons I set out in my judgment in that case, the important point is, that if I grant an exhumation faculty, it is evident that Mrs Pringle will treat her baby son's remains with all due respect.

27. For all these reasons, I will grant the exhumation faculty sought by the petitioner. The faculty will be granted subject to the following conditions:

- (1) The exhumation is to be undertaken within three months after the grant of this faculty.
- (2) The exhumation is to be conducted by Edward Carter Funeral Directors (or some other appropriately qualified funeral director) in accordance with the terms of their letter dated 10 November 2025, and at Mrs Pringle's expense, and under the supervision of appropriate representatives of the Clerk to Kidlington Parish Council.
- (3) The exhumed remains of Robbie Keegan Beadle will be taken immediately after the exhumation to a suitable funeral home, and then on to a crematorium for cremation as soon as reasonably practicable.
- (4) Robbie Keegan Beadle's close relatives will be given appropriate, and sufficient notice, of the date, time, and venue of his cremation, and permitted to attend if they so wish.
- (5) At all times, Robbie Keegan Beadle's human and cremated remains will be treated with all due respect and dignity. They will be retained within a suitable durable container in the possession of the petitioner until her death or further directions of this court (for which purpose there will be general permission to any close relative of Robbie to apply by letter to the Registry). After the death of the petitioner, the container is to be interred with the human or cremated remains of the petitioner, and in accordance with her expressed wishes.
- (6) At or about the same time as the exhumation, any existing memorial stone commemorating Robbie Keegan Beadle is to be safely removed from his grave and returned to the petitioner for safekeeping at her home.
- (7) Within 14 days after the exhumation, the petitioner is to release and assign Robbie Keegan Beadle's grave space back to Kidlington Parish Council, and to renounce any and all rights thereto, so that it may become available for re-use.
- (8) The petitioner is to inform the Registrar upon completion of the exhumation.

28. The petitioner must pay the costs of this application; but, in the usual way, I charge no fee for this written judgment.

David R. Hodge

The Worshipful Chancellor Hodge KC

3 December 2025