

IN THE CONSISTORY COURT OF THE DIOCESE OF SODOR AND MAN

In the matter of an application to exhume the remains of John Roche from Lonan Cemetery and in the matter of a petition by Stefanie Doyle

JUDGMENT

1. This petition relates to a very sad set of facts. The petitioner is the partner of the late John Roche, acting on behalf of their son. He had been born in Killiney, in Co. Dublin in Ireland on 28th June 1972. He died sometime between 19th December 2012 and 12th April 2013. His body was discovered by fishermen aboard the fishing vessel “The Anzac” on the latter date about 10 nautical miles north of Ramsey. A year later, still unidentified, his body was buried in Lonan Churchyard. A headstone was provided by a local charity.
2. It has subsequently proved possible to match genetic material held in relation to the body with that of other members of Mr Roche’s family. This enabled the body which had for 10 years been unidentified to be determined to be that of Mr Roche. This brought to an end the uncertainty as to what had happened to him.
3. Given the fact that all his family are resident in either County Wicklow or County Waterford, Ms Doyle wishes to have his remains returned to Wicklow where he lived with her and their son and for those remains to be reinterred in consecrated ground in St Gabriel’s Catholic cemetery in Arklow, County Wicklow. The other members of the family consent to this happening as do the Lonan Burial Authority and Manx Care (the Island’s public health service provider). The High Bailiff, in his capacity as the Coroner of Inquests, has opened and adjourned an inquest and has given authority for the removal of the body from the Island to permit its reinterment.
4. There is a presumption, expressed in *In re Blagdon Cemetery* [2002] Fam 299 (Court of Arches), that burial in consecrated ground is permanent. The reason for that is expressed in detail in paragraphs 22 *et seq.* in the judgment in *Blagdon*. A paper before the Court of Arches in that case prepared by the Bishop of Stafford sets out the position clearly: –

“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.”.

The bishop went on to explain more generally that

“The permanent burial of the physical body/the burial of 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, the

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

5. Despite these comments, there are a number of decisions in which Chancellors have given authority for exhumation by way of an exception from the principle in *Blagdon*, including cases where there is an intention to create a family grave, or to reinter remains in an existing family grave. The late Mr Roche was not buried in Lonan because of any wish of his, nor indeed because any member of his family wished it. He was buried there as an act of kindness and respect on the part of the Manx community: the funeral in 2014 was attended, following an appeal on local media, by members of that community who did not know who he was, as a matter of respect, and the service was conducted by a local Methodist minister as an act of generosity.
6. This is clearly a case where the discretion to authorise exhumation should be exercised. I accordingly grant a faculty authorising the exhumation of the remains of the late Mr Roche, with a view to their reburial in Co. Wicklow.

W. Howard Connell

Vicar General and Chancellor of the Diocese of Sodor and Man

6 December 2023

(The Feast of St Nicholas)