

In re Sherston, Holy Cross, and re the late Alan Llewellyn

Judgment

1. Jayne Henderson's parents retired to Sherston in 1999. They regularly attended the Methodist church in Tetbury. On 10th March 2016 her father, Alan Llewellyn died unexpectedly. Mr Llewellyn was cremated. It was his wish, and the wish of his widow, for his ashes be interred in the churchyard of Holy Cross, Sherston which is close to where they lived together and where Mrs Llewellyn still lives. It is her wish that, after her death, her ashes be interred with her late husband.
2. On the 15th May, the day before the interment, the Verger of Holy Cross went to mark the grave. This is the usual practice at Sherston. He discovered that, unusually, the undertaker's gravedigger had already dug the plot. Mr Llewellyn's ashes were interred at a service conducted by the Associate Minister of Holy Cross on 16th May 2016. When the memorial mason attended the place where Mr Llewellyn is buried, he noticed that the plot had been dug too close to the footpath for the proposed memorial to be placed, and was in danger of being disturbed or trodden on by unwitting members of the public. This is plainly, and quite understandably, very distressing for Mrs Llewellyn whose health is being affected by this unfortunate series of events.
3. I am asked to grant a petition for the exhumation and re-interment of Mr Llewellyn's ashes in a part of the churchyard which is close enough to the footpath to allow easy access by Mr Llewellyn's wife, who uses a wheelchair, but far enough away for it not to be subject to traffic damage. It is asserted that the location of the grave is a genuine mistake. The Rector and PCC readily support this proposed exhumation, as do all the family. Those members of the local community who know of the issue support the proposed exhumation and re-interment. I am pleased to note that this problem has been brought to my attention very soon after the problem was identified.
4. Christian doctrine within the Church of England firmly establishes that Christian burial is permanent-see re Blagdon Cemetery [2002] 4 All ER 482 unless there are certain exceptional circumstances, these circumstances include genuine mistake.
5. I accept in the highly unusual circumstances of this case that a genuine mistake was made in the siting of the original space. It was a mistake made with the best intentions and no one is at fault here. I am prepared to grant this faculty for the exhumation and re-interment of Mr Llewellyn's ashes in the plot identified in photographs sent to me by the Rector of Sherston.

6. I hope that this provides a modicum of comfort for Mrs Llewelin and her family.
With regard to the late Mr Llewelin, may he rest in peace and rise in glory.

17th September 2016

Justin Gau,
Chancellor