

IN THE CONSISTORY COURT AT LINCOLN

In the matter of St Mary, Claxby

And the Petition for permission to inter the cremated remains of Stephen Cade in a grave space for bodily remains

Judgment

1. This is a Petition by the family of Stephen Cade deceased who seek a Faculty to permit a grave space which would otherwise be used to receive bodily remains, to receive instead the cremated remains of the late Mr Cade. The purpose of this is so that a full-sized memorial stone can be erected over the grave space in which the story of his family relationships can be set out, and at a later stage Mrs Cade's ashes can be received into the same burial plot with her details added to the memorial stone.
2. Mr Cade has no right of burial arising from residence in the parish, but he has close links with Claxby as he was born there and lived in Claxby until he was 28, and his parents are buried in the churchyard. His two older brothers ring the bells at this church. I can well understand why Mr Cade and his family would wish his remains to be interred in this churchyard and it is clear that the church community is sympathetic to this too, and would wish to accommodate an interment of ashes in a plot conforming with the Churchyard Regulations. The family concern is that the memorial stone would not be large enough to contain the detail they wish to be included on the memorial stone and for that reason they wish his cremated remains to be interred in a grave for a full memorial stone to be erected.
3. The PCC has refused the application on the basis that space in the churchyard is at a premium with only one or two spaces left. Another area has been identified for extension although this has not yet happened, and the PCC is concerned about the time it would take for this to be completed and the risk of running out of grave spaces.
4. I regret that I cannot grant this Faculty. The reason is that we must make efficient use of the land which the churchyard has for burials. If we use the grave spaces

that are for bodily remains for the interment of ashes, then there will be a reduced number of available grave spaces for those who wish to have a burial. It would be unfair if we ran out of grave spaces for full burials because they had been taken up with cremated remains interments. It would also not be an economic use of the space that has been set aside for burials. Obviously, the size of a grave is much larger than the size of a cremated remains space.

5. I am surprised to read that the space identified could not receive a body for a full burial because there is always the need, sadly, for smaller burial spaces. In any event I cannot permit a grave space in the churchyard set aside for burials to be used for the interment of ashes for the reasons explained. Mr Cade's cremated remains can be interred in the churchyard but in a cremated remains plot.
6. I recognise that this will be a disappointing decision to the family, but I hope that they understand the reasons that must mean I cannot set a precedent for the application they make.
7. I waive my fee.

Revd HH Judge Mark Bishop
Chancellor
16 August 2025