

IN THE CONSISTORY COURT OF THE DIOCESE OF LICHFIELD

PATTINGHAM: ST. CHAD

RE: THE CREMATED REMAINS OF GERAINT JONES

JUDGMENT

- 1) On 22nd August 2013 an oak casket containing the cremated remains of the late Geraint Jones was interred in the churchyard of St. Chad's Pattingham. Pamela Jones is the widow of Geraint Jones and she petitions for a faculty for the exhumation of those cremated remains and their reinterment in the nearby Danescourt Cemetery. Mrs. Jones has consented to the matter being determined on the basis of written representations and I find that course expedient. For the reasons set out below I am constrained to reject Mrs. Jones's request and to dismiss the Petition.

- 2) The remains of Geraint Jones were interred in a row containing other cremated remains. Those remains had originally been interred too close together with the consequence that memorials commemorating the various deceased persons could not be placed immediately above the point where those persons respectively were interred. Steps were taken to address this by moving the caskets containing the remains so as to increase the space between them and to enable the memorials to be sited immediately above the appropriate casket. I pass over the fact that no thought seems to have been given to the need for this Court's approval of such movements. In practice such approval would have been forthcoming because those measures amounted to remedying deficiencies in the original interment arrangements.

- 3) The memorial commemorating Geraint Jones was moved. Mrs. Jones was told that the casket containing his remains had also been moved. However, it appears that the casket had either not been moved or had not been moved a sufficient distance. Mrs. Jones discovered this by prodding underneath the memorial with a rod. She found that the casket containing her husband's remains were in fact in the plot to the right of that marked by the memorial. Mrs. Jones says that she and a friend then "*dug beneath the plaque burrowed to the right and slid my*

husband's ashes to the correct position beneath his plaque." Again I pass over the informality of that arrangement.

- 4) Relations between Mrs. Jones and the incumbent and churchwardens of St. Chad's have broken down. Mrs. Jones believes that the churchwarden who told her that her husband's remains had been moved to be beneath the memorial had lied to her. In addition Mrs. Jones feels aggrieved at the stance of the Vicar of St. Chad's, the Revd Prebendary Maureen Hobbs, who has sought to explain to her the Church's teaching on the presumption in favour of the permanence of interments. Mrs. Jones believes that she should have received an apology and sympathy from the Church (and in particular the Vicar and churchwardens of Pattingham) but that she has received neither. Mrs. Jones says that she has been "*lied to by the Church and cheated*". She has lost confidence in those responsible for the churchyard at St. Chad's. In addition Mrs. Jones says that she has been unable to put these matters behind her and that "*each time [she visits her husband's grave] the shocking actions of the members of the Church and Council haunt me*" adding "*there is no closure for me.*" The Archdeacon has sought to reconcile matters between Mrs. Jones and Prebendary Hobbs but Mrs. Jones has declined to take up the Archdeacon's offer of organising a meeting.
- 5) The approach which I am to take in considering this Petition was laid down by the Court of Arches in *Re Blagdon Cemetery* [2002] Fam 299. I have a discretion but the starting point in exercising that discretion is the presumption of the permanence of Christian burial. That presumption flows from the theological understanding that burial (or the interment of cremated remains) is to be seen as the act of committing the mortal remains of the departed into the hands of God. It must always be exceptional for exhumation to be allowed and the Consistory Court must determine whether there are special circumstances justifying the taking of that exceptional course in the particular case (the burden of establishing the existence of such circumstances being on the petitioner in the case under consideration).
- 6) I accept that relations have broken down between Mrs. Jones and the incumbent and churchwardens of St. Chad's. I have no doubt that Mrs. Jones's distress is genuine nor that she has a real and genuine belief that she has been let down. I

am not able to conclude that Mrs. Jones was deliberately deceived by a churchwarden of St. Chad's. It is far more likely that there was some error and/or misunderstanding. I accept that there was an error in the arrangements made for Mr. Jones's interment and that there was a period of time when the memorial and the casket containing Mr. Jones's remains were not aligned. I also accept that, regrettably, Mrs. Jones had to remedy this situation herself after having been assured incorrectly that all was well. Those matters amount to a highly regrettable failure in the proper administration of the interments. However, that failure has now been remedied. The current position is that Mr. Jones's remains are properly interred in the plot marked by the appropriate memorial.

- 7) I have to consider whether the aftermath and consequences of the failure in the proper administration of the interments are such that there are exceptional circumstances justifying the exhumation of Mr. Jones's remains. There has been a complete loss of confidence in the incumbent and churchwardens of St. Chad's and this is combined with the fact that Mrs. Jones is reminded of her feelings of distress and grievance on visiting her husband's grave.
- 8) There is no doubt that when the remains of Mr. Jones were interred in this churchyard the intention was one of permanent interment in that churchyard. The situation which now obtains is that which was intended at the time of interment namely interment in a particular churchyard with a memorial marking the point of interment. There have been distressing difficulties in getting to that position. Do those difficulties and the resulting distress and loss of confidence amount to exceptional circumstances such as to justify exhumation?
- 9) It appears that a mistake was made. It is right that I formally acknowledge that a mistake was made and that the interment does not appear to have been undertaken with sufficient foresight.
- 10) In one sense the genuine distress, feeling of grievance, and loss of confidence suffered by Mrs. Jones are matters outside the normal because they are not normally associated with interments. However, I have concluded that the sense of grievance towards and loss of confidence in those responsible for the churchyard are not, even when accompanied by distress, matters which can

justify exhumation. They are matters arising after the interment and are between Mrs. Jones and those currently responsible for the churchyard. They do not suffice to overcome the presumption that interment is permanent. Relations between Mrs. Jones and Prebendary Hobbs and the churchwardens are poor and stressed. However, it is the belief of the Church – borne out by repeated experience – that prayerful reconciliation can resolve such difficulties of relationship. The Archdeacon of Walsall is committed to assisting in resolving the difficulties. There are grounds for hoping that there can be a resolution. I urge Mrs. Jones to take up the Archdeacon's offer and to explore a reconciliation of the difficulties in her feelings toward the Vicar and churchwardens. However, I must make it clear that even if there were to be no resolution or reconciliation it would remain my view that there are no exceptional circumstances here justifying exhumation. The fact that the widow or widower of a person whose remains have been interred in a particular churchyard has strong feelings of anger and grievance towards the incumbent and churchwardens of the particular church cannot justify the exhumation of the remains in question. The current poor relationship between those who survive Mr. Jones cannot displace the presumption that his interment was permanent.

STEPHEN EYRE
HIS HONOUR JUDGE EYRE QC
CHANCELLOR
31st May 2015