IN THE CONSISTORY COURT OF THE DIOCESE OF LICHFIELD

**A PETITION FOR a Faculty to authorise**

**AN Exhumation (2024)**

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|  |  | **To the Consistory Court of the Diocese of Lichfield** | Please write your answers in THIS COLUMN:  Where possible please answer ‘yes’ or ‘no’ by deleting the inapplicable; but you may wish to give additional information by typing in the boxes provided  Where you are asked to supply documents, please confirm in this column what documents have been supplied  Where suggested wording is provided in this column please amend it so as to suit your particular circumstances. |
|  |  | **Churchyard of:** |  |
|  |  | **In the parish of:** |  |
|  |  | **Name of the Deceased person whose remains are to be exhumed** |  |
|  |  | **Your full name and address**  **Your date of birth**  **Your email details**  **Your telephone number** |  |

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| 1 |  | I apply to the Court for a Faculty to authorise the following:- | *The exhumation of the [cremated] mortal remains of*  *from the [cemetery/churchyard] of*  *within the parish of* |
| 2 | a) | What was the date (or approximate date) on which the mortal remains of the Deceased were interred |  |
|  | b) | * Were the mortal remains of the Deceased interred in a casket or container * If yes, please state what material the container was made from. * If the remains were in a container you will need to provide a letter from an undertaker setting out their opinion as to the likely physical condition of the container bearing in mind the length of time over which it has been interred and the ground conditions. * If the remains were not cremated, you will also need to provide a letter from the local authority (council environmental health officer) to confirm that it does not consider that the exhumation would cause any public health concerns * If the remains were not in a casket or container, the Chancellor will need to be informed as to the likely physical state of the remains | Yes/No  Details |
| 3 |  | * Where is it intended that the remains would be re-interred? * What entity or person is the burial authority for that place?   (please state whether it is a cemetery or churchyard or whatever type of location, and if a churchyard, which denomination is responsible for it)   * Please provide a letter giving the consent of the burial authority/clergy person responsible for that place for the reinterment. * Please confirm whether the ground is consecrated or not. |  |
| 4 |  | **Family members:**  You will need to complete the Exhumation Family Details Form and provide a letter or consent form signed by each person now living named on that form.  *If consents are not available for all members please amend the answer adjacent accordingly and explain why you consider the Chancellor should make the order notwithstanding the lack of consent.* | I attach a completed Exhumation Faculty Details Form which sets out the name and address of all living family members of the Deceased.  I attach letters or consent forms signed by each of the living family members identified on the form |

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| 5 |  | **PCC Resolution** |  |
|  |  | If the petition relates to a Churchyard, you should ask your incumbent to bring the matter to a PCC meeting so that the PCC can express a view on your proposal. *Such a resolution is not required if the Petition relates to a local authority cemetery: instead a resolution or letter of confirmation from them should be requested.*  *(A supportive PCC resolution is not essential but it is important that the Incumbent and PCC have the opportunity to express their views)*  *If the PCC has not passed a resolution, please put a line through the box that asks for details of the resolution, but provide details of the reasons for not approaching the PCC.* | The Parochial Church Council at its meeting on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ passed a resolution [supporting/opposing] the proposed exhumation  unanimously/ by a majority of ­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_ among those present and voting  There are \_\_\_\_\_\_\_\_\_\_ members of the council.  A copy of the resolution signed by the chair/secretary is included with this petition.  OR: reasons for not approaching the PCC: |

Please read the Exhumation Petition Guidance Notes, The Guidelines including fees for non-parochial Faculty Petitions, and Costs of Faculty Petitions. You will be responsible for the Registry’s fees and may be responsible for other costs and fees in addition. If the Faculty is granted you will also have to pay the cost of the exhumation procedures and should seek guidance from an undertaker as to what cost is involved.

In the box below, set out your reasons for seeking exhumation of these remains. *The box will accept ‘free text’ and will expand to fit your statement.*

Please ensure that you explain the full circumstances that you wish the Chancellor to take into account. In particular you should consider the exceptions to the normal principle that Christian burial is intended to be permanent, and explain which exception you feel your case fits, and why, or, why some other reason exists.

Please take care to give the Court as much information as possible as to the likely condition of the remains, the container they were buried in (if any), and the expected ground conditions.

If family members have not consented to the Petition you should explain the situation

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Please be aware that your Petition and documents supplied may be served on family members to enable them to comment on it, or to object. Please also note that the information you provide to the Court may be made public in any judgment issued by the Court. If you consider that there is some reason why information should be withheld you may explain your reasons, but the Court is not bound to follow your wishes, and will not do so unless there is a special reason to override the normal principle of transparency in judicial proceedings

Petition and Statement of Truth

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|  |  | For the reasons set out above, I therefore Petition the Court that a Faculty should issue to authorise the exhumation.  The contents of my above Petition and of the details provided on the accompanying Forms and Documents are true |
|  |  | Signature\*:  Print your full name: |
|  |  | Date: |

\*signatures can be typed if this document is being submitted by email but you must confirm in your email that you have sent the relevant fees to the Registry by cheque (£227 +VAT = £272.40) made payable to ‘*FBC Manby Bowdler LLP’* and a second cheque for £55.00 (no VAT) payable to “Lichfield Diocesan Board of Finance”.

Please note fees increase each year on 1st January and the new fee applies to petitions received by the Registry from that date.

**When you have completed this form** you should send it to the Registrar at the address below. The Registrar will forward it to the Chancellor who will make a decision as to whether or not to grant the Faculty. It is not possible to provide a time estimate in relation to the procedure

The Registry Assistant, Lichfield Diocesan Registry

FBC Manby Bowdler LLP

6-10 George Street

Snow Hill

Wolverhampton

WV2 4DN

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