

IN THE CONSISTORY COURT OF THE DIOCESE OF COVENTRY

KENILWORTH: ST NICHOLAS

PETITION OF KARL UNSWORTH

RE: THE CREMATED REMAINS OF NICHOLAS COPPIN

JUDGMENT

- 1) On 27th June 1979 Nicholas Coppin, who was then aged twenty, was sadly killed in a motorcycle accident. Shortly thereafter a casket containing his cremated remains was interred in the churchyard of St. Nicholas in Kenilworth. His nephew, Karl Unsworth, petitions for a faculty authorising the exhumation of those remains and their reinterment in a plot in the churchyard of All Saints church in Freethorpe, Norfolk. That plot already contains the cremated remains of both of Mr. Coppin's parents.
- 2) I concluded that it was expedient to determine this matter on the basis of written representations. When recording that determination I directed that further information be obtained and invited Mr. Unsworth to amplify the material already supplied in support of the petition. Mr. Unsworth has consented to determination on the basis of written representations and has provided submissions supplementing the petition.
- 3) For the reasons set out below I have concluded that in this case exceptional circumstances justifying the proposed exhumation do exist and I have directed that the faculty sought be granted.
- 4) Nicholas Coppin had originally come from Norfolk as did his parents. A number of members of his family still live in that county. Mr. Coppin's remains came to be buried in Kenilworth because at that time his parents, Ronald and Dorothy Coppin, were living in Kenilworth. Mr. Unsworth says, and I accept, that the move of Ronald and Dorothy Coppin to Kenilworth had been a temporary arrangement. They have moved there to assist one of their daughters and her husband in the refurbishment and running of a local hotel owned by the younger couple. Mr. Unsworth says that it was never the intention of Ronald and Dorothy Coppin to remain permanently in Kenilworth. The hotel was sold shortly after Nicholas's death and having remained in Kenilworth for a further short while his parents returned to Norfolk.
- 5) Mr. Unsworth says that his grandmother had often expressed a desire to seek to exhume Nicholas's remains and reinter them in Norfolk but that nothing had been done because of a shortage of funds and ignorance of the appropriate procedure.
- 6) In the course of time both Ronald and Dorothy Coppin died and their remains have been placed in the same plot in the churchyard of All Saints, Freethorpe. It is this plot into which it is proposed that Nicholas Coppin's remains be placed.

Revd Dr. Lorna Allies is an associate priest in the benefice which includes All Saints. Dr. Allies has provided written confirmation to the Registry on behalf of the incumbent of that benefice stating that if a faculty is granted it will be possible for the remains of Nicholas Coppin to be interred in the same plot as his parents (or failing that immediately alongside that plot).

- 7) Mr. Unsworth's petition is supported by the four surviving siblings of Nicholas Coppin. Mr. Unsworth put forward two reasons in support of the petition (although it is clear that he and those supporting the petition were also motivated by the desire to fulfil the wishes of the late Dorothy Coppin). One was that most of the surviving family live in Norfolk with none of the family living near to Kenilworth. It was said that because of this it would be easier for family members to visit the grave if Nicholas Coppin were to be interred in Norfolk. The second is that exhumation will enable the remains of Nicholas Coppin to be placed in the same grave as those of his parents. As will be seen the former of these would not have sufficed to justify exhumation but the latter combined with the particular circumstances set out below does mean that exhumation is justified on the facts of this case.
- 8) 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.
- 9) 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 as represented by His Holy Church.
- 10) 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 in question). The Court of Arches made it clear in *Blagdon* that the fact that those mourning the departed person are having difficulty in visiting the grave will not amount to an exceptional circumstance such as to justify exhumation. It is not open to the Court to authorise an exhumation and reinterment simply in order to make it easier for the bereaved or for members of the family of the deceased to visit the grave (see *Blagdon* at paragraph 35 (i)).
- 11) Thus if the sole purported justification for the proposed exhumation had been to move the remains of Nicholas Coppin to a location where it would be easier for family members to visit the grave that would not have sufficed to enable the Court to permit exhumation.
- 12) However, an intention to reinter in a family grave can, in an appropriate case, be a special circumstance warranting exhumation. There are striking similarities between the facts of the current case and those of *Blagdon* (see in particular the factors listed at paragraph 37 of that decision). Thus in *Blagdon* the deceased had died aged 21 in an accident and had been buried in a cemetery close to where his parents (who worked in a succession of public houses) were then living but without there being any other link between the deceased and that community.

The current case closely mirrors those aspects of *Blagdon*. Neither the deceased in that case nor Nicholas Coppin had expressed any desire as to his place of burial. The deceased's parents in *Blagdon* and Ronald and Dorothy Coppin in this case had moved away from the place of interment shortly after their son's death. In both cases the parents of the deceased son had indicated an intention to seek exhumation after their move although it does appear that in *Blagdon* more determined moves had been made. In *Blagdon* the parents had acquired a triple-depth burial plot in which they could be buried as well as their son. In one sense the current case is even more compelling than that aspect of *Blagdon* because here it is clear that if exhumation is permitted then Nicholas Coppin's remains will be placed in the plot which already contains those of his parents (or if that proves impracticable for some unexpected reason then his remains will be interred immediately alongside that plot).

- 13) It is the case that the interval between interment and exhumation will be rather greater in the current case (some thirty-seven years) than was the position in *Blagdon* (where the interval was twenty-one years). However, at paragraphs 36 (ii) and 38 the Court of Arches made it clear that lapse of time was not conclusive against exhumation where there was an explanation for the delay (as I am satisfied there was in this case) and that periods of rather more than thirty-seven years would not preclude exhumation.
- 14) I have concluded that the marked similarities between factual circumstances of the current case and those of *Blagdon* mean that it is open to me to regard this as case where there are exceptional circumstances which are capable of justifying exhumation. In the light of that conclusion I have to decide whether the proposed exhumation is in fact warranted and whether I should exercise my discretion to permit exhumation. I have concluded that it is entirely appropriate for there to be an exhumation here which will permit Nicholas Coppin's remains to be interred with those of his parents in his home county. Accordingly, the faculty will issue forthwith.

STEPHEN EYRE
HIS HONOUR JUDGE EYRE QC
CHANCELLOR
7th February 2016