

**Neutral Citation Number: [2025] ECC Lin 1**

**IN THE CONSISTORY COURT AT LINCOLN**

In the matter of St John the Baptist, Belleau

And the Petition for the exhumation of the mortal remains of Ryan Edward Stuart Good

Judgment

1. By a Petition received by the Registry on 6 March 2025 Ms Sharon Long seeks a Faculty to exhume the mortal remains of her son, Ryan Edward Stuart Good who died on 22 June 1992, from the churchyard of St John the Baptist, Belleau. She seeks to reinter those remains after cremation in a family plot at Louth cemetery where Ms Long's mother (Carolyn Milligan) is interred. I assume that this is a cemetery maintained by a local authority and they have consented to Ms Milligan's plot being opened to receive the cremated remains of Ryan. It would be necessary to have this confirmation in writing should this Faculty be granted.
2. Ms Long explains that her son died in tragic circumstances from smoke inhalation in a house fire and this explains why she did not want to have a cremation in 1992. Additionally, her father used to tend the churchyard and they visited Ryan's grave together over 25 years, which brought her great comfort. He is now no longer able to tend the churchyard since which time it has reverted to nature. Ms Long does not feel that this has been a propitious development: in fact, she explains that it has made the grave of her son too difficult to visit with sunken graves, molehills and red ants present.
3. Ms Long explains that she wishes to have her son's remains exhumed so that his ashes can be interred with her mother in a family grave to which she and other members of her family can eventually go when the time comes.
4. I note that Fr Steele, the Rural Dean supports this application for pastoral reasons. The undertakers confirm that an exhumation is still technically attainable.
5. I note that in answer to the question whether close family members of the deceased have given their approval, Ms Long has simply replied 'N/A'. I will require confirmation about the position if this Faculty proceeds. If there are no close family members to consult, then I would like this to be confirmed. If there are I will need to know what their view may be.

## Discussion

6. The principles by which an exhumation from consecrated ground is permitted are well known and set out in the case of In Re Blagdon Cemetery 2002 Fam p299.
7. The presumption is that burial of human remains in consecrated ground is permanent. This presumption arises from the Christian theology of burial which was set out at para 23 of the judgement in Blagdon in the quotation from The Bishop of Stafford's paper on the 'Theology of Burial'. He wrote

"The funeral itself articulates very clearly that its purpose is to remember before God the departed; to give thanks for their life; to commend them to God the merciful redeemer and judge; to commit their body to burial/cremation and finally to comfort one another."

He went on to explain:

"The permanent burial of the physical body/the burial of the cremated remains should be seen as a symbol of our entrusting the person to God for resurrection. We are commending the person to God, saying farewell to them (for their 'journey'), entrusting them in peace for their ultimate destination, with us, to the heavenly Jerusalem. The commending, entrusting, resting in peace does not sit easily with 'portable remains' which suggests the opposite: reclaiming, possession, and restlessness; a holding onto the 'symbol' of human life rather than a giving back to God"

8. The principle of permanence can only be departed from if there are special circumstances which justify an exception to the principle that Ryan was laid to rest in 1992 and his remains should not now be disturbed.
9. The Court of the Arches in Blagdon identified various factors which may support a submission that special circumstances have arisen which permit the remains to be exhumed. These factors are:
  - i. medical reasons.

The Court made it clear that the only medical reasons which could assist a petitioner in these circumstances would be those which

showed quite clearly that a serious psychiatric or psychological problem had arisen caused by the location of the grave to whom the petitioner had a special attachment. The Court made it clear mere decline in health and mobility due to advancing years could not be a reason which would displace the presumption of permanence.

ii. lapse of time.

The Court held that the passage of a substantial period of time before an application for exhumation was made could not be determinative of the application in itself. However, it would be a factor in assessing the genuineness of the Petitioner's case.

iii. mistake.

Where there has been a simple error in administration, such as burial in the wrong grave, the Court held that faculties for exhumations could readily be granted. Of more difficulty is where there is a failure to understand or appreciate the significance of burial in consecrated ground in a municipal cemetery. There has been no mistake in the burial place here.

iv. precedent.

The Court held that consideration of the effect of precedent by the grant of the application is properly made because of the desirability of securing equality of treatment, so far as circumstances permit between Petitioners. I take this issue into account.

v. family grave

The Court held that the use of family graves is to be encouraged because they both express family unity and they are environmentally friendly in demonstrating an economical use of the land for burials.

Decision.

10. It is clear that the only basis for taking the exceptional step of exhumation of the remains of Ryan would be if to do so would promote a sense of family unity by interring his ashes in the family grave which currently contains the remains of

his grandmother. It is clear from what Ms Long has set out in her application that family unity would be promoted by this, and she would feel better able to tend to Ryan's grave in such a place as compared to the existing churchyard.

11. I take into account that although there has been no mistake in burying Ryan in his existing location since 1992, which Ms Long has happily visited for many years, the circumstances of Ryan's death must be taken into account when assessing her application. I note the reasons why cremation did not happen in 1992 and this plainly plays a part in her unease with the current interment. That factor alone would not be enough to displace the presumption of permanence. However, the desire for a family grave with all family members united in one place expresses family unity and can justify taking the exceptional course of permitting an exhumation.
12. I have considered the lapse of time since Ryan's interment in 1992. However, this issue only goes to inform my assessment of the genuineness of the Petitioner's reasons for seeking the exhumation: I am quite satisfied that with her father ceasing to be able to tend the churchyard, and its reversion to nature, Ms Long feels compelled to make this application. I am satisfied that Ms Long's application is genuinely expressed. Her reasons for this Petition are entirely as she has stated them to be. So even with the passage of time since 1992, that does not mean that the Petition fails.
13. It is always exceptional to grant an exhumation, however I am satisfied that exceptional reasons do exist in this case for an exhumation to be permitted. The interment in a family plot in Louth cemetery will be an expression of family unity.
14. The Faculty is subject to two conditions which must be met before the Faculty can be issued:
  - (i) that the administrators of Louth cemetery confirm that Ryan's ashes may be interred in the family grave containing the remains of Ms Milligan.
  - (ii) that Ms Long confirms that there are no other close relatives of Ryan. If there are close relatives then I will need to know their views about the exhumation before giving my final approval, or why they are not being approached for their views.

15. The exhumation must be carried out discreetly with appropriate screening so as not to alarm those visiting the cemetery and at a time when there will be minimal risk of visitors being aware of the exhumation. Notice must be given to the environmental health department of the relevant District Council. The reinterment in Louth cemetery must take place within one month of the exhumation. I do not want the ashes to be kept awaiting later interment. Ryan's remains should be restored to their rest no later than 1 month from exhumation.

16. In the circumstances I waive my fee.

His Honour Judge Mark Bishop  
Chancellor of the Diocese  
23 April 2025