

IN THE CONSISTORY COURT OF THE DIOCESE OF COVENTRY

In the matter of Meriden, Churchyard of St Laurence

Petition to exhume and re-inter the buried remains
of James Walter Greenwood & Frances Greenwood

JUDGMENT

1. I am asked to make decision on the petition of Jane Elizabeth Mary Wood, daughter of James Walter Greenwood and Frances Greenwood, to permit the exhumation of the buried remains of her parents and their re-interment elsewhere in the same churchyard.
2. James Walter ('Jim') Greenwood sadly died on 30th April 2012. His relict Frances Greenwood then also sadly died on 1st February 2014. Each was cremated, but they were not interred immediately. In September 2020 the family enquired about the interment of the cremated remains of James and Frances in the Churchyard in a double casket. The then incumbent, the Revd Lynda Lilley, showed the family two potential plots and they selected one that is numbered AE1, albeit the plot was incorrectly labelled AE0 in the burial register. On 9th October 2020 the double casket was interred in plot AE1 at a

service conducted by Revd Lynda Lilley. In fact the Petitioner's husband, Adrian Wood, a member of the parish churchyard maintenance team, had been permitted to dig the plot himself. Unfortunately, through what was clearly an error in record keeping in the Parochial Church Council's official documentation, plot AE1 had already been used on 17th August 2019 for the interment of the cremated remains of X (I shall not name her because her family have not been informed of the error that has arisen and the parish hope to avoid causing them distress unnecessarily), in a service also presided over by Revd Lynda Lilley. (I should specify that I am simply specifying the facts here and I am not seeking to apportion blame for the error upon Revd Lynda Lilley). The family of X had not yet requested permission to place a memorial stone over the place of her interment, which may go some way to explaining how it was not realised that the plot had already been used. X had no connection with either Mr & Mrs Greenwood or with Mr & Mrs Wood. Fortunately when Adrian Wood had prepared the plot for the interment of James and Frances Greenwood he had not disturbed the cremated remains of X.

3. In June 2021 the petitioner made application to the Parish, which was by that time in interregnum, for the installation of a memorial stone to James Walter Greenwood and Frances Greenwood. It was at that stage the Churchwarden Carol Clarke realised that there was no plot AE0 as per the burials register (in fact, there is no Row 0 at all). I am informed by the Area Dean that the churchyard of Meriden St Laurence is actually mapped out accurately in records maintained by a member of Parochial Church Council, so it is a mystery how the interment was inaccurately recorded as being in plot AE0 and how it was not noticed that an occupied plot was being used. In September 2021 the Revd Lynda Lilley made a visit to the churchyard and was able to definitively confirm the location of the interment of the Greenwood Casket, which was found to be plot AE1. Regrettably Adrian and Jane Wood were only

informed of the error on 13th October 2021, on the very day that the memorial to James ('Jim') and Frances Greenwood was due to be erected.

4. The Parochial Church Council and Churchwardens of Meriden, St Laurence, openly admit that the error rests with record-keeping within the Parish. As a result the Parochial Church Council has already agreed to fund the costs of this application. The family of James ('Jim') and Frances Greenwood have agreed with the parish that, should exhumation be granted, the double casket can be re-interred in plot AA17. It is hoped that can be achieved before Christmas Day 2021 as the whole family had arranged to gather to remember 'Jim' and Frances on that special day.
5. Consent for the exhumation (should it be granted) and re-interment has been given in writing by Mr & Mrs Greenwood's other surviving children, Andrew George Greenwood and Richard James Greenwood. The Area Dean for Kenilworth, the Revd Stella Bailey, also fully supports the application, in the absence of an incumbent.
6. I have not seen any confirmation from J. Deeley & Sons, the funeral directors/undertakers who will be engaged to carry out the this exhumation and re-interment, as to their proposed methods in ensuring the procedure would be carried out with due decorum and without disturbing the remains of X. However, I can safely assume that with such a well-established firm the exhumation will be professionally completed in a discreet and safe manner, especially given the relatively short passage of time since the original interment.

Principles that apply

7. The principles to be applied to an exhumation of a body following a Christian burial are well known and were set out by the Court of Arches in the case of *In Re Blagdon Cemetery* [2002] Fam 299.
8. The presumption is that burial of human remains in consecrated ground is permanent. The Right Reverend Christopher Hill (then Bishop of Stafford) in *The Theology of Christian Burial* (as quoted in paragraph 23 of the judgment) explained this permanency,:

‘The funeral itself articulates very clearly that its purpose is to remember before God the departed; to give thanks for [his/her] life; to commend [him/her] to God the merciful redeemer and judge; to commit [his/her] body to burial/cremation and finally to comfort one another.’

He went on to explain more generally that :

‘The permanent burial of the physical body/the burial of 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, the heavenly Jerusalem. This commending, entrusting, resting in peace does not sit easily with “portable remains”, which suggests the opposite: reclaiming, possession, and restlessness; a holding on to the ‘symbol’ of a human life rather than a giving back to God’.

9. In *Blagdon* the Court of Arches explained the legal view of permanency thus :
“The general concept of permanence is reflected in the fact that it is a criminal offence to disturb a dead body without lawful permission. Moreover, the fact that there is no ownership of a dead body according to English law, and the absence of any legal right in English law or under the European Convention of Human Rights to exhume a body or cremated remains, reflects a culture in

which the norm is that the remains of a dead person should not be disturbed once they have undergone the initial act of interment.”

10. The above comments do not mean that exhumation cannot occur, but in *Blagdon* the Court expressed that there has to be some **exceptional** circumstance before the norm of permanent burial is set aside. The Court gave some guidance as to what could constitute exceptional circumstances. These factors include medical reasons supported by necessary psychiatric evidence (which do not apply here), or a mistake in the administration of the burial so that an important error in location is made. That last consideration is, of course, at the crux of the matter here. There has been an wholly regrettable failure by those charged with administering the Churchyard of Meriden, St Laurence, leading to this almost inevitable application.

Determination

11. I am quite satisfied that this is a situation where the presumption of the permanence of the burial may be displaced by the circumstances of what has occurred. There has been a ‘mistake’ in that the interment of the cremated remains was within an interment plot that should not have been used. I am also grateful to see that the mistake was noticed before the memorial to James (‘Jim’) and Frances Greenwood was erected, although I am a little surprised it took so long to inform Mr & Mrs Wood and that they were only actually informed on the day the memorial stone was due to be installed. However, those representing the parish of Meriden, St Laurence, have acted appropriately to ensure the error can be addressed.

- 12 A faculty shall be granted to exhume the remains of James ('Jim') Walter Greenwood and Frances Greenwood from plot AE1 and to permit re-interment in plot AA17

Conditions will apply to the faculty :

- i. The Area Dean, Revd Stella Bailey, shall ensure that arrangements are confirmed with J. Deeley & Sons that this exhumation and re-interment are carried out discreetly and reverently at a suitable time and with screens, so that no anxiety or distress is caused to visitors to the Churchyard or to passers-by;
 - ii. The representatives of the Parish shall ensure the local environmental health department is notified of the time and date of the exhumation and re-interment;
 - iii. The re-interment is to follow on immediately after the exhumation;
 - iv. Those maintaining the records of the Churchyard for the parish shall ensure that the details of the re-interment are accurately recorded in the Parish burials register.
13. It is regrettable that no formal evidence has been presented which could explain how this error occurred in the first place. However, from the information I have received it appears that the mistake was made by those administering the Churchyard on behalf of the Parochial Church Council. I note that the members of the Parochial Church Council have already agreed to fund the application for exhumation but, for the avoidance of any doubt, I direct that the Parochial Church Council of Meriden, St Laurence, bear the costs of this faculty and for the exhumation and re-interment.

Glyn Ross Samuel
Chancellor
12th November 2021.