

Neutral Citation Number: [2026] ECC S&N 2

IN THE CONSISTORY COURT OF THE DIOCESE OF SOUTHWELL AND NOTTINGHAM

Before: the Chancellor

IN THE MATTER OF RETFORD CEMETERY

and

IN THE MATTER OF THE PETITION OF AVRIL MONICA RUMNEY

JUDGMENT

1. By this Petition the petitioner, Avril Monica Rumney, seeks the exhumation of the body of her sister, Jean Elaine Haxby, from consecrated ground in Retford Cemetery, where she was buried after her death in March 2014.
2. In all the circumstances it is expedient to determine this Petition by written submissions without a hearing, and I so determine it.
3. In her Petition, Mrs Rumney explains that her sister lived in Retford and had friends there. When she died she was accordingly buried there. Mrs Rumney, who by then lived in Canada, as she still does, was able to visit the grave when she visited the UK, and friends have tidied it up occasionally. But Mrs Rumney is too old to travel now, and the friends are also getting old and soon will not be able to maintain the grave. She says it 'will go to weeds etc'.
4. She therefore proposes to exhume Mrs Haxby together with the coffin in which she was buried. The latter was made of chipboard and it is expected that the course of nature will have acted on both the body and the coffin. After exhumation it is proposed that the remains be taken to a facility in Croydon for cremation. The resulting ashes would then be sent to Canada for burial in consecrated ground in Pinehills Cemetery, Toronto. Mrs Rumney says she would like that, because her mother, stepfather and husband are buried there and so will she be in due course. It is not thought that there are any other relatives who ought to be consulted.
5. The requisite consents are in place, from the authorities in Retford and those in Toronto. As is well established, although such consents are usually necessary, consent to, or desire for, exhumation is not sufficient of itself. I do not need to set out in full the law, derived from the custom of the church and the theology of burial, in full: for details, reference can be made to the judgment of this court in Re Bingham Cemetery [2018] ECC S&N 1. The starting-point is that Christian burial is to be seen as permanent, because it is the act of committing the remains or the ashes of the departed into the hands of God by their burial. There is therefore a presumption against exhumation. It follows that where there has been a burial in consecrated ground, accompanied as it will have been by the rites of the Church with the words of commendation of the departed to God and committal of the person's remains to burial or cremation, permission for exhumation is not given by the Court on demand, even when, as here, there is no expressed opposition. It is for the Chancellor to decide whether an

exhumation should be permitted. The Chancellor will make that decision by considering whether it is right to make an exception to the presumption of permanence.

6. The question whether exhumation ought exceptionally to be permitted has to be considered against what might be regarded as the expected background. A person's relatives do age, and are less able to visit a grave. The grave itself will, as time goes on, decay, and those who might have given it special attention will be less able to do so. Relatives may move away: it is very common for a person's children or siblings to live a long way away from where they were brought up. None of these factors can be regarded as the sort of exceptional features that would warrant disturbing remains that have been finally committed to the ground in the Christian hope of resurrection. Recent decisions of the Consistory Courts have confirmed that difficulty of travelling to visit a grave does not constitute a justification for removing the remains to a place that (for the moment) would be more convenient. For recent decisions, see for example Re St Helen Edlington (2014, Diocese of Lincoln); Re Holy Cross Epperstone [2020] ECC S&N 1; Re Burnley Cemetery [2021] ECC Bla 2; Re St Peter & St Thomas Stambourne [2023] ECC Chd 4; Re Bingham Cemetery (No 2) [2025] ECC S&N 3.
7. A factor counting against exhumation in any case in which it applies is the passage of a considerable time since the burial. That is so here. It is also a factor for a different reason. As indicated above, what would be reburied in Canada would be the ashes of what can now be recovered by way of remains, together with whatever is unavoidably mingled with them. The mechanics only need to be expressed in that realistic way for it to be appreciated that the proposal is not one without difficulty, or one which can readily be carried out with proper respect for the remains.
8. The only factor in this case said to favour exhumation is that the Petitioner would like her sister's remains to lie with those of other members of her family, and her own in due course.
9. I am afraid there is simply nothing here that would begin to merit the disapplying of the presumption of the permanence of the burial of Jean Elaine Haxby's remains at Retford. Living far away from the graves of some of one's relatives is normal. And Christian burial does not in any general sense admit the possibility of remains becoming portable, to be moved at the wish of living family members from time to time.
10. Her body must remain where it is. The grave itself will no doubt be maintained to an appropriate state by the cemetery authorities, and Mrs Rumney will know that her sister's soul is in the hands of God wherever her earthly remains are buried.
11. The Petition is refused.

C M G Ockelton MA BD

Chancellor

2 September 2026