

**IN THE CONSISTORY COURT**  
**OF THE DIOCESE OF GLOUCESTER**

**RE ST JAMES, WEST DEAN**

**AND**

**THE REMAINS OF DENNIS RODERICK RICHARDS**

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**JUDGMENT**

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1. I have received a Petition dated 21 December 2021 from Priscilla Eileen Richards that seeks to exhume the ashes of Dennis Roderick Richards, her late husband, and bury them in the grave of another member of her family within the same churchyard. The Petition has the consent of the incumbent and the support of the Petitioner's two daughters.
2. Dennis Roderick Richards died on 24 August 2021. His body was cremated at the Forest of Dean crematorium on 6 September 2021, and his ashes were buried in the churchyard of St James', West Dean later that same day. According to the limited information provided to me, it would appear that the churchyard had an older garden of remembrance that had no space for further burials, and a new garden of remembrance. The undertaker, who was apparently unaware of the new garden of remembrance, had originally suggested that the ashes could be buried in a space next to, but outside of, the older garden of remembrance. The Petitioner was happy for this to be the location of the burial.
3. The undertaker then provided a brochure for the Petitioner so that she could choose a gravestone. She chose an open book in grey stone and was told that it was permitted.
4. It would appear that the undertaker then spoke with someone linked to the church on the day of the funeral who informed him that the burial could not be in his suggested

location but would have to be in the new garden of remembrance. Accordingly, he informed the Petitioner's family and the ashes were buried in the new garden of remembrance.

5. Following the burial on 6 September 2021, the undertaker then informed the Petitioner that the open book style gravestone was not permitted by churchyard regulations.
6. The Petitioner felt that being informed of the changes to the location of the burial of the ashes and the style of the memorial on the day of the funeral had made the day even more upsetting. The Petitioner did not like the location of the burial in the new garden of remembrance. On 7 September 2021, the Petitioner made enquiries about having her late husband's ashes exhumed and re-buried in a family grave elsewhere within the churchyard.
7. The Petition was delayed as the incumbent was on a sabbatical until 21 December 2021.
8. I have been informed by the Diocesan Registry that the new garden of remembrance has been authorised by faculty and as therefore I proceed on the basis that it is an appropriate location for the burial of ashes.
9. Enquiries were made with the incumbent, who stated that all funeral directors were informed of the existence of the new garden of remembrance and the new churchyard regulations prior to September 2021.
10. Enquiries were made with the undertaker who seemed unaware of the new garden of remembrance and the churchyard regulations. In communication with the incumbent, the undertaker offered to carry out the exhumation and reinterment of the ashes without making any charge for his services.
11. The Petitioner informs me that the proposed location for the reburial of the ashes is in her parents' grave E16 and she has no surviving siblings. Consequently, there is no objection to her Petition.
12. In Re Blagdon Cemetery [2002] Fam 299, the Court of Arches stated:

*‘We consider that it should always be made clear that it is for the petitioner to satisfy the Consistory Court that there are special circumstances in his/her case which justify the making of an exception from the norm that Christian burial (that is, burial of a body or cremated remains in a consecrated churchyard or consecrated part of a local authority cemetery) is final. It will then be for the Chancellor to decide whether the petitioner has so satisfied him/her.’*

The Court of Arches went on to consider examples of the circumstances that may assist a Chancellor when considering a Petition for exhumation, which included a lapse of time, mistake, local support and the creation of a family grave. The Court considered that:

*‘Burials in double or treble depth graves continue to take place at the present time. They are to be encouraged. They express family unity and they are environmentally friendly in demonstrating an economical use of land for burials.’*

13. It is clear to me that there were a combination of circumstances that led to the Petitioner and her family being originally misinformed, then correctly informed, over the appropriate location for the burial of her husband’s ashes, and for her then seeking to alter the location almost immediately afterwards. The current location of the burial in the new garden of remembrance is an appropriate location for burial of ashes. However, in my view, the creation of a family grave is also an entirely appropriate location for the burial of the ashes.
14. Therefore, I satisfied that special circumstances exist and I am prepared to grant a faculty for the exhumation of the ashes of Dennis Roderick Richards and for their immediate reburial in the grave E16.
15. The Petitioner should bear the costs of this Petition.

**MARK B. RUFFELL**

**CHANCELLOR**

**Monday 4 April, 2022.**