Re Felixstowe Cemetery
St Edmundsbury and Ipswich Consistory Court: Etherington Ch, 19 February 2019
[2019] ECC SEI 2
Exhumation – consecrated ground – mistake – scattering of ashes

The 97-year-old petitioner sought a faculty for the exhumation of the cremated remains of her husband, which had been interred in 1992, from Felixstowe Cemetery. She intended that those remains should be scattered at Felixstowe seashore together with her own ashes when the time came; such had been their long-held joint plan since before her husband's death.

At the time of the interment the petitioner, the funeral director and some public officials clearly believed that that part of the cemetery was unconsecrated. In light of the joint plan, in 1993 she had sought and received a Home Office licence for the exhumation of the remains and had made a renewed application to the Town Council in 2005, which was, again, approved. In the event, those permissions were not implemented on the basis that the exhumation should take place nearer the time that it was needed. Recent Registry enquiries showed that the relevant plot had, in fact, been consecrated at the time of the interment. The chancellor held that this was a highly unusual case where to refuse a faculty would be to frustrate a long-intended mutual plan which the petitioner believed had been sanctioned by the appropriate authorities. The faculty was granted. [RA]

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Re St Benedict Biscop, Wombourne
Lichfield Consistory Court: Eyre Ch, 10 March 2019
[2019] ECC Lic 2
Reservation of grave space – family vault – closed churchyard

The petitioner sought a faculty for the reservation of the two remaining shelves in a family vault for the interment of his remains and those of his fiancée respectively. The vault was in a closed churchyard where the only body burials permitted were those within existing graves or vaults. A cousin of the petitioner objected to the petition on the grounds that the petitioner's fiancée was not a direct descendant of the vault's creator and as such had no right of burial in the vault; to allow a reservation for the fiancée's remains would exclude the possibility of those who were entitled having their remains interred in the vault. By way of compromise, the petitioner suggested that he and his fiancée would agree that their remains should be cremated when the time came, that the first set of

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