

DIOCESE OF BRISTOL

Chancellor's Guidelines regarding Exhumation

1. Christian burial is intended to be permanent. Therefore, once a body or ashes have been interred in consecrated ground, whether in a churchyard or in a consecrated section of a municipal cemetery, permission for exhumation will only exceptionally be granted.
2. It is for the person proposing the exhumation to establish that a good and proper reason exists in any particular case to make an exception to the norm that Christian burial is final. When making a case for exhumation it is vital that at the outset any reasons are set out fully
3. Whether a good and proper reason exists in any particular case depends upon the facts of that case; but
 - i. Where a mistake has been made in effecting the burial, it is likely that a good and proper reason exists, especially when the petition is presented promptly after discovery of the true facts.
 - ii. In other cases, it will not normally be sufficient to show a change of mind on the part of the relatives of the deceased, or that the spouse or another close relative of the deceased has subsequently been buried elsewhere.
 - iii. The passage of time, especially when this runs into a number of years, may make it less likely that a faculty will be granted.
 - iv. No distinction is to be drawn between a body and cremated remains, except in so far as the processes of decay may affect a coffin more than a casket containing ashes and may also affect the sensibilities of a congregation or neighbours.
 - v. It is immaterial whether or not a Home Office licence has already been obtained.
4. Factors which may be persuasive in favour of the grant of a faculty include the following:-
 - i. Mistake (other than mistaken advice as to the likelihood of a petition being successful);
 - ii. Medical reasons relating to the person proposing the exhumation;
 - iii. Agreement by all close relatives;
 - iv. Agreement by the Incumbent, PCC and nearby residents;
 - v. Little risk of affecting the sensibilities of the congregation or the neighbourhood.
 - vi. The existence of a family grave for the body or ashes to be moved to.

5. Factors which may be persuasive against the grant of a faculty include the following:-
- i. The passage of a substantial period of time;
 - ii. Public health factors;
 - iii. Improper motives – e.g. serious unreasonableness or family feuds;
 - iv. The fact that the applicant has moved to a new area and wishes the remains also to be removed;
 - v. No intention to re-inter in consecrated ground;
 - vi. The removal would be contrary to the intentions and wishes of the deceased;
 - vii. Reasonable opposition from members of the family;
 - viii. Risk of affecting the sensibilities of the congregation or the neighbourhood.
6. Further guidance on the law may be found in the judgment of the Court of Arches in the case of *In re Blagdon Cemetery* [2002] Fam 299. A copy of this judgment may be obtained from the diocesan registrar.

30 August 2011
Reverend Justin Gau
Chancellor

A handwritten signature in black ink, appearing to read 'Justin Gau', is positioned to the right of the typed name and title.