

Re St Mary's Church, Goring-by-Sea

Judgment

1. Mrs Valerie Fowler seeks a faculty for the exhumation of the cremated remains of her son, Wayne and for their re-interment in a different plot but still within the garden of remembrance at St Mary's Church, Goring-by-Sea. This is a tragic case. Wayne was murdered at the age of 21. It took some six years before Mrs Fowler felt able to have her son's ashes interred in May 2004. She chose a plot in the garden of remembrance and a tablet was installed.
2. Subsequently further tablets were installed in the garden of remembrance, one of which was immediately in front of Wayne's. Mrs Fowler, who used to take solace in seeing her son's tablet from the path, found it distressing for it to be obscured by another stone. She said that she had not appreciated that other stones would be laid in the garden of remembrance. She also says that the incumbent gave her an assurance that no stone would be laid in front of Wayne's. I cannot and do not accept that. The addition of later rows was clearly in the contemplation of those responsible for the garden. I consider that the intensity Mrs Fowler's understandable grief has caused her to misremember the matter. I do not consider that there can be any legitimate criticism of the incumbent who has shown particular pastoral care in this instance and has secured the Parochial Church Council's approval for what is a most unusual petition.
3. The presumption against exhumation is powerful. Christian doctrine teaches the finality of burial into God's acre to await the joy of resurrection. Exceptional circumstances must be shown: see the guidance of the Court of Arches in *Re Bladgon Cemetery*. I am however satisfied that there are exceptional circumstances here arising from the profound grief of a mother at the untimely and violent death of her son and her misapprehension as to the exact nature of his final resting place. This honest mistake, for which no-one is to blame, permits the court to take the rarely exercised course of permitting the exhumation of Wayne's remains from Row 3, Plot 25 and their immediate re-interment in the position within the garden of remembrance identified by the incumbent as being appropriate for the individual pastoral circumstances identified by Mrs Fowler. The precise location is to be agreed with Mrs Fowler and signified appropriately prior to the exhumation and, in the case of any doubt, the matter is to be referred back to the Court.
4. This is a wholly exceptional case, for which no blame attaches to the incumbent. It would be inappropriate for the Court fees to be waived.