

IN THE CONSISTORY COURT OF THE DIOCESE OF BRADFORD

PETITION FOR EXHUMATION FACULTY IN RESPECT OF THE  
CREMATED REMAINS OF LESLIE COULTOUS

- 1 This is a Petition by Sarah Elizabeth Coultous and Suzanne Jane Smith for the exhumation of the cremated remains of their father, Leslie Coultous from the Garden of Rest at St. Margaret's Thornbury with a view to their re-interment in the Scholemoor Cemetery in Bradford. The Petition has the support of 4 further family members and the Priest in Charge of the Parish has no objection.
- 2 Leslie Coultous died as long ago as 8<sup>th</sup> January 1977. Then the Garden of Rest at St. Margaret's was a haven of peace. This has since changed. According to Sarah Coultous and the Bradford Telegraph and Argus dated Friday 15<sup>th</sup> March 1996 the Church and vicarage as well as the hall which adjoined the Garden of Rest have been demolished : and in the ensuing upheaval Mr Coultous's remains were removed to the site of a new Garden of Rest after being stored temporarily. It is worthy of note that Miss Coultous ( then Mrs. Hannon ) expressed concern in 1996 at what was then proposed.
- 3 The new Garden of Rest has proved to be less than satisfactory. In her letter Miss Coultous describes its location and the difficult conditions that visitors have to contend with . Another newspaper article dated 30<sup>th</sup> April 2007 highlights the problems which were then occurring , and which the family was finding so upsetting..
- 4 Although it is apparent from the newspaper article that in 2007 Miss Coultous and the other members of her family were considering making this present application , matters seem to have come to a head when their mother died last year and thoughts turned to their remains being interred together , but not at St. Margaret's , from which the family has felt alienated for so many years. *parents*

5 In determining this Petition , the question which I have to decide is whether there are special or exceptional circumstances 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 the consecrated part of a local authority cemetery] is final. The Petitioner needs to satisfy me on a balance of probabilities that there are such special circumstances.

6 In all the circumstances I am satisfied that there are factors here which combine to make this an exceptional case sufficient to enable me to make it an exception to the norm of permanence. These factors are:

[a] the changed character of the Garden of Rest at St. Margaret's which was unforeseen at the date of Mr Coultous's death and burial;

[b] the sense of alienation which the Coultous family has felt as a result. Miss Coultous's letter eloquently expresses the sorrow and anguish which the family has felt over the years.

[c] the fact that the deceased's ashes were moved at the time of the demolition of the church and the associated work in relation to the Garden of Rest whereby it can be said that his " final resting place "then lost a degree of permanence which only the grant of this faculty can restore.

[d] the understandable wish of the family that father's and mother's remains be buried together which the family could not contemplate if Mr. Coultous's remains stay at St.Margaret's.

7 Accordingly I dispense with the need for citation and direct the issue of the Faculty forthwith on the usual terms as to the way in which the exhumation and reinterment are to be carried out.



His Honour Judge John Walford

11/11/11