

**IN THE CONSISTORY COURT OF THE DIOCESE OF DURHAM
IN THE MATTER OF THE PARKWOOD CEMETERY, WATERHOUSES
AND GRACE ANNE PEERS DECEASED**

JUDGMENT

1. On the 21st September 2018 the body of Grace Anne Peers was buried in consecrated land at Durham County Council’s Parkwood Cemetery, Waterhouses. Grace died in tragic circumstances at the young age of 15. By a petition dated 15 November 2021 her mother, Kelly Boyce, seeks a faculty for the disinterment of Grace’s remains.
2. The petitioner’s intention is to transfer the remains into a new coffin, and take them to Durham crematorium where a cremation would take place. Thereafter, the remains would be taken to Canada and laid to rest in an unspecified place.
3. In support of her petition, the petitioner wrote:

“At the time of my daughter’s death in 2018 and given the tragic circumstances of her dying by suicide, my immediate reaction was to have her buried close to where we live so that we could remember her and tend to her grave.

Since her death, her brother’s father died suddenly causing us more stress and emotional upset. We have found it increasingly difficult to come to terms with life in Durham and as our only family are in Canada, we have decided to emigrate and make a fresh start.

However, I cannot bear to leave my daughter behind which is why I am asking for permission to exhume her body, have her cremated and take her cremated remains to Canada where we can lay her to rest knowing she is still near us.”

4. The petition was advertised in accordance with rule 6.6 of the Faculty Jurisdiction Rules, and no objections were received. An email dated 18th October 2021 from Mr Tony Johnston, the Bereavement Services Co-ordinator for Durham County Council, confirmed that the local authority had no objections to the petition.
5. I issued directions on 9th February indicating that I was considering dealing with the matter by way of written representations, and the petitioner was invited to submit in writing her views on such a course and to send me any further written representations she wished to make in support of her petition. I indicated in particular that she would need to give more information in respect of her family members and to clarify certain matters in respect of Grace’s family. This was because she had indicated in the petition that there were no

other relatives, but in contradiction to this, as set out above in paragraph 3, she had also referred to a brother of Grace, and to family in Canada. I required the petitioner to give details about Grace's father, and whether he had been consulted about the proposal to exhume, cremate, and reinter in Canada. I also directed that she should provide details about where Grace was born, where Grace lived during her life, and what connections Grace had had with Canada.

6. The petitioner was content for the matter to be decided on written representations. In response to the court's directions she disclosed that she had a brother, Tom Boyce, and other unspecified relations in Canada. With regard to Grace's father, the petitioner informed the court that he had had no contact with Grace during Grace's life, that she had no details of him and that she was unable to contact him. As to whether Grace had any connections with Canada, it became clear from the petitioner's brief reply that Grace had no connections other than she was "related to family who live in Canada".
7. The principles to be applied in deciding this case are to be found in *Re Blagdon Cemetery* [2002] Fam 299, a decision of the Court of Arches which, by virtue of s 14A of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, is treated as if it were a decision of the Chancery Court of York, and so is binding on this court.
8. The Court of Arches in *Blagdon* held that the disturbance of remains which have been placed at rest in consecrated land can be allowed only in exceptional circumstances. There is a general presumption of permanence arising from the initial act of interment. The Court of Arches explained at paragraph 21 of its judgment: "*This presumption originates in the Christian theology of burial. This theology underlies the consecration of land especially for burials, and it is present in every funeral service and burial of a body or interment of cremated remains according to the rites of the Church of England.*"
9. The Court made it clear at paragraph 27 that "*permanence of burial is the norm in relation to consecrated land, so that remains are not to be regarded as 'portable' at a later date...*"
10. Whether the facts in a particular case warrant a finding that the case is to be treated as an exception is for the Chancellor to determine on the balance of probabilities, and it is for the petitioner to satisfy the Consistory Court that there are exceptional circumstances which justify departing from the norm that a Christian burial is final.
11. Grace was buried in Parkwood Cemetery for a reason: it was close to where she had lived and where she had belonged. The petitioner's proposal, if permitted, would result in Grace's remains being removed from County Durham where she was born and had lived. Her remains would then be cremated, taken overseas to a land that meant nothing to her, and at some future date reinterred in an unspecified plot. I can make no findings as to what Grace's views would have been about such a proposal, but merely note that if a

faculty were granted Grace would leave behind no trace where she was raised, and any friends who wished to visit her grave here would be unable to do so.

12. The petitioner's plans are incompatible with the important principle of permanence of burial in consecrated land. Grace's remains are not to be regarded as portable, to go wherever the petitioner chooses to live. I have the deepest sympathy for her and the tragedies she has encountered recently, but she has failed to prove that there are exceptional circumstances here within the meaning of *Blagdon*. The petition is dismissed.

Adrian Iles
Chancellor

10th March 2022