

Please complete this form, answering all questions in block capitals. The document should then be returned to the Sodor and Man Diocesan Registry, Stamford House, Piccadilly, York YO1 9PP with the appropriate fee.

**TO THE CONSISTORY COURT OF THE  
DIOCESE OF SODOR AND MAN**

Ecclesiastical parish	
Burial ground	

**APPLICATION FOR FACULTY FOR EXHUMATION AND REINTERMENT OF  
BODY OR CREMATED REMAINS**

1.	Full name(s) and address(es) of applicant(s)	
2.	Relationship to deceased <sup>1</sup>	
3.	Full names of deceased	
4.	Date of death	
5.	Cause of death	
6.	Date of burial or cremation	
7.	Class of coffin	
8.	Number of grave or plot in burial ground	
9.	Is the burial ground a churchyard or other parish burial ground?	
10.	If not, is it in a consecrated part of the burial ground?	

<sup>1</sup> The applicant(s) should be the deceased's executor(s) or next of kin

11.	Is there a headstone or other memorial on the grave commemorating the deceased? <sup>2</sup>	
12.	If a faculty is granted, would you want to remove the memorial or make any change to it? If yes, give details. <sup>3</sup>	
13.	If you are not the owner of the memorial, have you obtained the owner's consent to what is proposed? <sup>4</sup>	
14.	Name or description <sup>5</sup> and contact address of the owner of the burial ground	
15.	Has the owner's consent been obtained? <sup>6</sup>	
16.	Where is it proposed to re-inter the remains?	
17.	Is the new burial place an existing family grave?	
18.	If so, how is the deceased related to those already interred in the family grave?	
19.	If not, is it intended that the new burial place will be a family grave?	
20.	Would it be in consecrated ground? <sup>7</sup>	
21.	Has the written consent of the owner of the burial ground for re-interment been obtained? <sup>8</sup>	
22.	Did the deceased leave a will?	

<sup>2</sup> If possible a photograph of the memorial should be submitted with this form

<sup>3</sup> A faculty to exhume a body or cremated remains does not give permission to remove a memorial. A separate faculty would be required to remove a memorial from consecrated ground or to make any change to it.

<sup>4</sup> Consent should be in writing and forwarded with this form

<sup>5</sup> Eg. "Incumbent and churchwardens of [*parish*]", in the case of a parish burial ground

<sup>6</sup> If yes, it must be forwarded with this form

<sup>7</sup> If not, a licence of the Department of Environment, Food and Agriculture will be required. If the place of re-interment is outside the Isle of Man, particulars of any permissions obtained or required there must be provided.

<sup>8</sup> If yes, it must be forwarded with this form

23.	If so, has probate been granted, and to whom?	
24.	If not, have letters of administration been granted, and to whom?	
25.	Why were the deceased's remains interred where they are now?	
26.	What wishes (if any) did the deceased express as to his or her place of interment? <sup>9</sup>	
27.	What relatives of the deceased are surviving? <sup>10</sup>	
28.	Have they been consulted?	
29.	Do they consent to what is proposed? <sup>11</sup>	
30.	Have any other interments taken place in the grave since the burial of the deceased?	
31.	If so, state whose, and whether their next of kin have been approached and their consent obtained.	
32.	Has any person an exclusive right of burial in the grave?	
33.	If so, state the names of such person and whether their consent has been obtained.	
34.	State the name and address of the Undertakers who would carry out the exhumation and re-interment. <sup>12</sup>	

<sup>9</sup> If the wishes were put in writing (eg. in a will), a copy should be supplied

<sup>10</sup> Give name(s) and relationship(s). If necessary, list on a separate sheet, and give separate answers to questions 28. and 29..

<sup>11</sup> All consents should be in writing and forwarded with this form.

<sup>12</sup> See notes 2, 3 and 4 on pages 4 and 5.

35.	State fully the reasons for the proposed removal. <sup>13</sup>	
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The statements in the Application and the answers to the questions above are true to the knowledge and belief of each one of us.

Dated

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(Signature of Applicant[s])

NOTES

1. If a Faculty for exhumation and reinterment of human remains (including ashes) is to be granted, the applicant must satisfy the Consistory Court that an exception should be made to the principle that burial is to be regarded as permanent and final. They are protected in consecrated ground from disturbance. The burden of proof is upon the applicant. If you are in any doubt, you should consult an advocate, referring him or her to *Re Blagdon Cemetery* [2002] Fam 299. See the summary below.
2. The following documents must be forwarded with this application to the Diocesan Registry:
  1. Certificate of burial.
  2. Consent in writing of the owner of the burial ground.
  3. Consent in writing of the owners of the land where the remains are to be re-interred.

<sup>13</sup> Refer to note 1 on this page before completing this section. Continue on a separate sheet if necessary

4. Undertaking by the Undertakers [see 4. below].
  5. Office copy of probate or letters of administration (if relevant).
  6. Copy of the licence of the Department of Environment, Food and Agriculture (if relevant).
3. Applicants should obtain and enclose a plan of the burial ground showing the church or chapel (if any), any residential dwellings within close proximity, and the situation of the grave (or area set aside for cremated remains) from which the removal is to take place.
  4. The Undertakers must give an undertaking to carry out the exhumation and re-interment in a reverent manner and to comply with any instructions which may be given by the Department of Environment, Food and Agriculture.
  5. The Faculty, if granted, will be subject to the following conditions. (Only 1 and 4 will apply to ashes.)
    1. The removal must be effected with due care and attention to decency, early in the morning and the grave screened from the view of the public.
    2. A suitable disinfectant solution must be freely sprinkled over the coffin, the soil and, if found to be necessary, elsewhere.
    3. The remains and any article apparently buried with the deceased, when removed, must be placed in a fresh shell.
    4. The remains must be re-interred forthwith in the new grave, and must be kept safely, privately and decently in any intervening period.
    5. Due notification of the time of the proposed exhumation must be given to the Department of Environment, Food and Agriculture and any instructions given by their officer, either before or at the time of exhumation, must be carefully carried out in addition to 1, 2, 3 and 4 above.

## **Principles and Guidelines set out in *Re Blagdon Cemetery* [2002] Fam 299**

1. Once a body or ashes have been interred in consecrated ground, whether in a churchyard or in a consecrated section of a municipal cemetery, there is a presumption that there should be no disturbance of the remains save in exceptional circumstances.
2. Where a mistake has been made in effecting the burial, for example a burial in the wrong grave, the Court is likely to find that a good reason exists, especially when the application is presented promptly after the discovery of the facts.
3. 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. Remains are not to be regarded as portable and some other circumstance must usually be shown.
4. Any personal medical reasons relied on by an applicant would have to be very powerful indeed to justify an exception being made to the norm of permanence. For example, serious psychiatric or psychological problems where medical evidence demonstrates a link between that medical condition and the question of location of the grave of a person to whom the applicant had a special attachment.
5. The passage of time, especially when this runs into a number of years, may make it less likely that a Faculty will be granted.
6. No distinction is to be drawn between a body and cremated remains, except insofar 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.
7. It is immaterial whether or not a Ministry of Justice Licence has already been obtained.
8. The burden of proof in a application for exhumation is on the applicant and there must be clear and convincing evidence to justify an exception from the norm.