

Faculty Jurisdiction Rules 2015
PETITION FOR FACULTY
FOR THE EXHUMATION OF HUMAN REMAINS

To the Consistory Court of the Diocese of Chester

Parish: _____

Church: _____

Deceased Person:
 (insert full name) _____

I/We the following person(s) seek a faculty to exhume the remains of the above named deceased in accordance with the information provided with his Petition.

I/We confirm that to the best of my/our knowledge and belief and having made proper enquiries the information provided with this Petition is full, complete and correct.

Dated: _____

PETITIONER(S)		
	FULL NAME (in capitals)	RESIDENTIAL ADDRESS
1		
2		
3		

Please indicate below which of the above Petitioners should be regarded as the main point of contact. Please supply a telephone number and email address.

Main point of contact	
Name:	
Telephone Number(s):	
Email Address:	

GUIDANCE NOTES

Please read before completing this form.

1. Although this Petition is detailed it is important that you provide full information about your request so that it can be dealt with as promptly as possible. Please ensure that you have answered all the relevant questions either in this Petition or in any accompanying piece of paper.
2. Please tick boxes as appropriate. If you cannot fit an answer conveniently in the space provided please use a separate piece of paper and attach it to this Petition. A checklist of documents which must be provided is attached at the end of this Petition for your assistance. Please make sure that the all the documents are provided.
3. Towards the end of this Petition you will find a page headed "Statement of Grounds". Please complete this fully as Faculties permitting exhumations are not granted lightly and in special circumstances only. The exhumation of cremated remains is considered in the same manner as an exhumation of a coffin and corpse.
4. The work in connection with the exhumation and reburial or re-interment of human remains is inevitably unpleasant for those concerned. Please therefore consider most carefully whether the circumstances truly justify the disturbance of the remains of the deceased.
5. There is a statutory fee of £293.80 for lodging a petition for a faculty. This fee is payable on lodgement of the petition and should be returned to the Registry with the completed form, and appropriate supporting documentation.

INFORMATION

Please provide the following information

Full names of deceased:	
Normal last address of deceased prior to death:	
Age of deceased at death:	
Name of Church & Parish where remains buried or interred:	
Burial or grave plot number where remains are buried or interred: (The minister of the Church will be able to provide this information)	
Place where the remains are to be re-interred or reburied:	
Burial/grave plot number where the remains are proposed to be reburied or re-interred: (The minister of the Church will be able to provide this information)	

PARTICULARS

Each Applicant must provide the following information about themselves		
Applicant No. 1		
Name: (Mr/Mrs/Ms)		
Age:		
Relationship to deceased: <small>(widow, widower, son, daughter, sister, brother)</small>		
Applicant No. 2		
Name: (Mr/Mrs/Ms)		
Age:		
Relationship to deceased: <small>(widow, widower, son, daughter, sister, brother)</small>		
Applicant No. 3		
Name: (Mr/Mrs/Ms)		
Age:		
Relationship to deceased: <small>(widow, widower, son, daughter, sister, brother)</small>		
Details of other close relatives		
Please give details of all other close relatives – now surviving – who are not applicants. To include spouses, children, brothers and sisters and spouses by previous marriage and step-children. If necessary you should continue on a separate sheet.		
1.	Name:	
	Address:	
	Relationship:	
2.	Name:	
	Address:	
	Relationship:	
3.	Name:	
	Address:	
	Relationship:	
4.	Name:	
	Address:	
	Relationship:	

Details of Will			
Did the Deceased make a Will?	Yes	No	
If so, has Probate of the Will been obtained?	Yes	No	
Who are the Executors?			
Details of Interment			
Were the Deceased's remains cremated?	Yes	No	
If so, were the remains interred in a casket?	Yes	No	
If not in a casket, in what manner were the remains interred?			
The Deceased's wishes regarding burial or interment			
Did the deceased leave anything in writing about where he or she wished his or her remains to be buried or interred? If so, please give details. The writing or a photocopy should be included with the application			
Does the grave or burial plot contain the remains of other persons?			
If so, please give details of those persons including names, dates of death and relationship to the deceased			
	Name	Date of Death	Relationship
1			
2			
3			
4			
Memorials			
Is there a memorial on which the name of the Deceased is inscribed? (including vase/kerb)	Yes	No	
Is it proposed to remove the memorial?	Yes	No	
If the memorial also contains the names of other persons buried or interred in this grave, is the present memorial to be replaced with a new memorial omitting the Deceased's name?	Yes	No	

DOCUMENTS

To be submitted with the application			
	Document	Enclosed	
1	The written consent of each of the surviving close relatives	Yes	No
2	Any written statement of wishes of the deceased regarding place of burial or interment	Yes	No
3	<p>A letter from the minister of the Parish in whose churchyard the deceased's remains are to be re-buried or re-interred stating:</p> <p>a. that the deceased's remains will be accepted for reburial or re-interment;</p> <p>b. the identification or reference number of the proposed grave or burial plot; and</p> <p>c. whether or not the place of re-burial or re-interment is ground consecrated in accordance with the rites of the Church of England</p>	Yes	No
4	<p>A letter from the minister of the Parish in whose churchyard the deceased's remains are presently buried or interred stating:</p> <p>a. the present grave or burial plot identification or reference number; and</p> <p>b. whether in the light of known soil or ground conditions and the period of years since the remains were buried/interred, the coffin or casket containing the deceased's remains is likely to have deteriorated</p>	Yes	No
5	Letter from the Environmental Health Department of the local authority setting out their requirement or recommendations regarding the exhumation – if authorised	Yes	No
6	A copy of the Death Certificate of the deceased	Yes	No
7	An office copy or copy certified by a solicitor of the Grant of Probate of the deceased's Will or – if the deceased did not make a Will, a similar copy of the Grant of Letters of Administration of the deceased's estate. If the deceased made a Will but Probate was not obtained, please provide a letter from a solicitor stating who was appointed executor(s) by the Will	Yes	No
8	<p>A letter from the funeral undertaker responsible for the original burial or interment stating:</p> <p>a. the material used for the construction of the coffin or the casket of the cremated remains; and</p> <p>b. whether in the light of ground conditions the coffin or casket may have deteriorated or otherwise their removal may be difficult</p>	Yes	No

NOTES ON THE PRINCIPLES THAT APPLY TO EXHUMATION

The Church's Theology of Burial

The purpose of a funeral is to remember before God the deceased – to give thanks for their life; to commend them to God; to commit their body to burial or cremation; and finally to comfort one another. The burial of the physical remains of the dead – including the cremated remains – is to be seen as a symbol of our entrusting the deceased to God for resurrection and therefore burial should be permanent. We commend the deceased person to God, we say farewell and entrust them in peace for their ultimate destination, and ours, the heavenly Jerusalem. The commending to God, entrusting, resting in peace does not sit easily with the idea that human remains should be portable – which suggests the opposite: reclaiming as if ours, possession, and restlessness; a holding on to the symbol of human life rather than a giving back to God the creator.

Medical Grounds

The fact that because of their state of health or advancing years the applicant is not able to visit the Churchyard is not likely to be a sufficient ground. Serious psychiatric or psychological problems where medical evidence demonstrates a link between that medical condition and the question of the location of the grave of a deceased person to whom the applicant had a special attachment is a relevant factor.

Lapse of Time

Unless there is a credible explanation for the delay, a lapse of time between the original burial or interment and the application is likely to cause the application to be refused.

Mistake

A mistake as to the location of the grave or place of interment where the deceased remains were interred is likely to be a factor.

Change of Mind

A change of mind as to the place of burial or interment on the part of the relatives or others responsible for the burial in the first place is not likely to be a ground for permitting exhumation.

Applicant's Moving Away

The fact that the applicants have moved away from the locality of the church and churchyard is not likely to be a sufficient ground for permitting exhumation

Exhumation of Cremated Remains

No distinction is made between the treatment of cremated remains and that of a corpse.

Once completed, please return the form, all appropriate supporting documentation and a cheque for the statutory fee, made payable to Chester DBF, to:

The Diocesan Registry, Church House, 5500 Daresbury Park, Daresbury, Warrington WA4 4GE

Registrar:	Lisa Moncur, LL.B	Tel:	01928 718 834	Email:	lisa.moncur@chester.anglican.org
Clerk:	Joanne Williams	Tel:	01928 718 834	Email:	jo.williams@chester.anglican.org