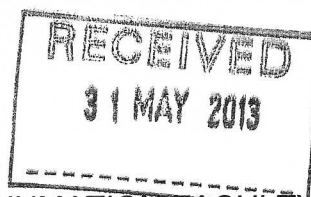


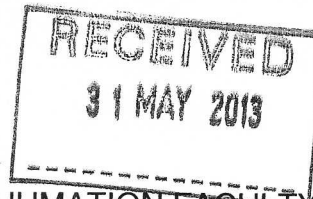
IN THE CONSISTORY COURT OF THE DIOCESE OF BRADFORD



In the matter of a PETITION FOR AN EXHUMATION FACULTY BY Mrs  
Freda OLIVER

- 1 This is a Petition by Mrs Freda Oliver for the exhumation of the body of her husband, Frank Sidney Oliver from one plot in Bowling Cemetery to another plot in the same cemetery. Both are in consecrated ground.
- 2 Mr Oliver died on 26<sup>th</sup> November 2012 and his body was buried on 5<sup>th</sup> December 2012. According to Mrs Oliver's letter of 22<sup>nd</sup> April 2013 it was the intention of the family that the burial plot be at "the top of the cemetery", which had particular significance for her and which was where existing family graves were. However she felt coerced by the Funeral Director into agreeing to a plot which was "much further down the cemetery", in circumstances with which she is distinctly unhappy. She feels that she was misled by the Funeral Director as to the suitability and availability of plots in the part of the cemetery she requested; the Bereavement Office has told Mrs Oliver that there are still 9 available plots where she would have liked her husband's body to be buried, all of which are suitable. Furthermore, it was the wish and intention of Mrs Oliver to be buried in the same plot as her husband but she has only learnt since his burial that the grave in which he is buried is not big enough to permit this to happen. This is a further source of disappointment and upset to Mrs Oliver.
- 3 If indeed Mrs Oliver was deceived by the Funeral Director into accepting a burial plot which was not in accordance with her express wishes when there were others available which were, this could be a matter which could justify exhumation, in effect to correct an error in administration, which was identified, in the leading case of *in re Blagdon Cemetery*, as a ground upon which a faculty may be granted under the general heading of mistake.
- 4 However it would be irresponsible of me to proceed solely on the basis of Mrs Oliver's version of events without its being verified or commented

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upon by someone at the Bowling Cemetery. Clearly this is a sensitive matter, such that I would be extremely grateful if it would be possible to enlist the assistance of the Archdeacon of Bradford .Could he perhaps approach someone at the Cemetery( in the Bereavement Office ?) or through any other connection for an explanation as to what happened or may have happened. I can thus obtain a more balanced picture and be in a better position to decide whether there is indeed a proper basis upon which to grant a faculty.

5 I would also like to know more about the " family graves at the top of the cemetery ". Assuming , as I do , that they were full , it seems particularly surprising that ,nonetheless, no attempt was made to find a plot as close to them as possible. Was the Cemetery aware of the family graves before the burial plot was finally chosen ?

6 I shall be happy to consider this Petition further in the light of any information which can be obtained.

A handwritten signature in black ink, appearing to read 'John Walford', with a long, sweeping horizontal stroke at the end.

His Honour Judge John Walford

27/5/13

IN THE CONSISTORY COURT OF THE DIOCESE OF BRADFORD



In the matter of a PETITION FOR AN EXHUMATION FACULTY BY Mrs  
Freda OLIVER

- 1 I have now read the further letter from Mrs Oliver dated 31<sup>st</sup> July 2013 and the letter from Mr. Martin Moran dated 12<sup>th</sup> July 2013. In the light of their contents , I am satisfied , for present purposes , that the grave in which Mr Oliver was buried was chosen as a result of a mistake and not in accordance with Mrs Oliver's wishes. Precisely why this should have happened doesn't seem to me to matter.
- 2 In these circumstances I am prepared to find that there was here what amounted to an error in administration which , on the authority of in re Blagdon Cemetery ( 2002 ) Fam 299, can be corrected by the grant of a faculty for exhumation .As was said in that case ,the presumption of permanence "is predicated upon disposal of remains in the intended , not an unintended plot or grave ".
- 3 Accordingly I direct that a faculty should issue , on the usual terms, so that what Mrs Oliver originally wished and intended can be achieved.

His Honour Judge John Walford

2/3/13