

In the Consistory Court of the Diocese of Bradford

In the Matter of a Petition by Mrs Carol Hind for a Faculty to exhume the remains of Mrs Doreen Oxley

JUDGMENT

1. This is a Petition by Mrs Carol Hind for a faculty authorising the exhumation of the cremated remains of her mother , Mrs Doreen Oxley, who died on 13th February 2006 (and whose remains were interred on 13th April 2006) from the churchyard of St Wilfrid's Church, Calverley to be re-interred in the cemetery at Otley. The reason for the application is that the Petitioner's father has converted to Catholicism and wishes to be buried in Otley cemetery together with the remains of his deceased wife.
2. In determining this Petition, the question which I have to decide is whether there are special 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.
3. The leading decision of the Court of Arches of in re Blagdon Cemetery identifies factors which can arise in connection with a petition for a faculty for exhumation and those which should or should not properly be taken into account . These identified factors are not intended to be exhaustive or in every case determinative. I must exercise my discretion in the light of all of the facts of the case, having due regard, of course, to the principle that a faculty for exhumation should only exceptionally be granted
4. In this case I can identify no exceptional circumstances which could enable me properly to grant this Petition.



15/11/10