

IN THE CONSISTORY COURT OF THE DIOCESE OF LEICESTER

RE: NEWBOLD VERDON CEMETERY

JUDGMENT

1. This is a joint application made by Professor Stephen Wilkinson and Mr Clifford Rex Wilkinson (hereinafter “**the Petitioners**”), for the exhumation of the late Mr Derek Harold Wilkinson and his reinterment with his wife Mrs Rosemary Wilkinson in Newbold Verdon Cemetery.
2. I grant a faculty subject to conditions.

REASONS

Background

3. Mr Derek Harold Wilkinson (hereinafter “**Mr D. Wilkinson**”) sadly passed away on 7 March 2019 at the age of 88 years old. On 29 March 2019, his cremated remains were buried in the same grave as his parents in Newbold Verdon Cemetery. At the time of his burial, his wife, Mrs Rosemary Wilkinson (hereinafter “**Mrs Wilkinson**”) consented to his burial. However, it became apparent later that, at the time of Mr D. Wilkinson’s burial, she was in the early stages of dementia.
4. Mrs Wilkinson has also now sadly passed away. She passed away on 26 November 2025 and her funeral took place on 19 December 2025. Professor Wilkinson is the son of Mr and Mrs Wilkinson. He has recently found written wishes signed by Mr and Mrs Wilkinson which set out the following:

‘Our cremated remains will be held in care until such time we can be reunited and put in the Garden Remembrance, at the Cemetery of the Parish of Newbold Verdon, with a plaque or plaques to commemorate our lives’
5. The letter is dated 8 November 2016 and pre-dates the death of Mr D. Wilkinson. It is asserted by the Petitioners that the existence of the letter, and the wishes it contained, were not raised by Mrs Wilkinson at the time of Mr Wilkinson’s interment (or subsequently) due to Mrs Wilkinson’s progressing dementia.

The Application

6. Professor Wilkinson wishes to give effect to his parents' wishes. He requests the exhumation of his father so that his parents can be laid to rest in the same casket and then re-interred in the original existing grave. Essentially, Mrs Wilkinson is to join Mr D. Wilkinson in the family grave. Mr Clifford Rex Wilkinson is the brother of Mr D. Wilkinson. He makes this application jointly with his nephew. Mrs Lindsay Chapman, the niece of Mr D. Wilkinson, has written to me to confirm her support for the application. These are all the remaining living relatives of Mr D. Wilkinson and therefore there is unanimous support amongst the family for his exhumation and reinterment.
7. Newbold Verdon Parish Council have authorised the exhumation and reburial (subject to my decision). I have also received a letter from Mr Joseph Barsby, Managing Director of G Seller Funeral Directors confirming his experience and his opinion on the likely state of Mr D. Wilkinson's casket having been interred almost 7 years ago. The helpful advice from Mr Barsby is that it is very likely the casket will still be intact, allowing for exhumation in a respectful way. Mr Barsby has also confirmed that, as he personally interred Mr D. Wilkinson, he knows where his casket is and, subject to permission, will be able to exhume his casket without disturbing the caskets of Mr D. Wilkinson's parents.

The Law

8. I have considered the case of **In re Christ Church, Alsager [1999] Fam 142, Chancery Court of York** which set down the test to be applied when deciding whether an application for exhumation should be granted. The test is as follows:

*'Is there a good and proper reason for exhumation that reason being likely to be regarded as acceptable by right thinking members of the Church at large?'*¹
9. I have also considered **Re Blagdon Cemetery [2002] Fam 299, Court of Arches** and in particular the following principles:
 - i. The norm is permanence in relation to Christian burial²;
 - ii. A faculty for exhumation³ will only be exceptionally granted³;

¹ *In re Christ Church, Alsager [1999] Fam 142, page 149, paragraph C*

² *Re Blagdon Cemetery [2002] Fam 299, paragraph 28*

³ *Re Blagdon Cemetery [2002] Fam 299, paragraph 33*

- iii. It is for a petitioner to satisfy the Consistory Court that there are special circumstances to justify making an exception to the principle of permanence in burial⁴;
- iv. Mistake, as opposed to a change of mind, can be a ground upon which a faculty for exhumation may be granted⁵;
- v. Family graves are to be encouraged as they express unity; are environmentally friendly and demonstrate economical use of land for burials⁶;
- vi. It should not be assumed that whenever the possibility of a family grave is raised a petition for a faculty for exhumation will automatically be granted⁷.

Decision

10. The burden is on the Petitioners to demonstrate that special circumstances are present to justify exhumation. The Petitioners rely on the following circumstances in support of their application:

- i. The wishes of Mr and Mrs Wilkinson were always to be interred together in a family grave;
- ii. Mrs Wilkinson was experiencing the early onset of dementia at the time the decision was made to bury Mr D. Wilkinson. This may explain her not having raised their earlier express wishes;
- iii. The delay in this application is due to the discovery of Mr and Mrs Wilkinson's wishes after Mrs Wilkinson passed away.

11. In my view, these are good and proper reasons that would be regarded by right thinking members of the church as acceptable reasons for exhumation. Bearing in mind Mrs Wilkinson's declining cognitive health at the time of Mr D. Wilkinson's burial, it would be wrong to impose a permanent severance between her and Mr D. Wilkinson. Whilst she consented to his burial at the time, it contradicts her earlier express wish. The Petitioners do not put it so high as to assert Mrs Wilkinson had made a mistake. However, the express written wishes, coupled with her progressing dementia, creates uncertainty that she was fully cognisant of the consent given and the result of it at the time of Mr D. Wilkinson's burial. Mrs Wilkinson's deteriorating cognitive ability

⁴ *Re Blagdon Cemetery [2002] Fam 299, paragraph 35*

⁵ *Re Blagdon Cemetery [2002] Fam 299, paragraph 36(iii)*

⁶ *Re Blagdon Cemetery [2002] Fam 299, paragraph 36(vi)*

⁷ *Re Blagdon Cemetery [2002] Fam 299, paragraph 40*

at the point of Mr D. Wilkinson's burial and the inconsistent nature of her decision compared to her earlier express written wishes are therefore relevant factors that I deem persuasive.

12. In addition to these factors, I consider the Petitioners acted promptly upon the discovery of the letter setting out Mr and Mrs Wilkinson's wishes. I also take into account that the exhumation will result in limited disturbance. Whilst there will be disruption, this is mitigated by the fact that Mr D. Wilkinson will be reinterred in the same plot as his original final resting place. He will not be transported elsewhere. Lastly, I take into account the interment of Mrs Wilkinson in the family plot is consistent with the longstanding concept of burying family together as well as the environmental and economic benefits that result from doing so.
13. Accordingly, the Petitioners have been able to show there are exceptional reasons to depart from the normal rule that a consecrated burial is final. I therefore grant a faculty.

Faculty

15. I grant a faculty for the exhumation of the cremated remains of Mr D. Wilkinson from grave plot number 769 in Newbold Verdon Cemetery.
16. I grant this faculty subject to the following conditions:
 - 16.1. The exhumation shall take place reverently and discretely at the direction of Mr Barsby, G Seller Funeral Directors;
 - 16.2. Mr Barsby shall first make an exploration of the grave to ensure that the remains can be identified and fully removed and only if so, shall he proceed to exhume;
 - 16.3. Mr D. Wilkinson's cremated remains will be laid to rest with Mrs Wilkinson's cremated remains in one cremated remains casket.
 - 16.4. The cremated remains casket of Mr and Mrs Wilkinson shall be buried at Newbold Verdon Cemetery in existing grave plot number 769;
 - 16.5. The ground from which the remains are removed and reburied shall be made good.
17. I waive my fee for the writing of this Judgment.

Naomi Gyane

Chancellor of the Diocese of Leicester

12 February 2026

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