

**IN THE CONSISTORY COURT OF THE DIOCESE OF LIVERPOOL**  
**IN THE MATTER OF ORMSKIRK PARISH CHURCHYARD, LANCASHIRE**  
**AND IN THE MATTER OF THE EXHUMATION OF THE BURIED REMAINS**  
**OF THE LATE ADAM PANTHER**

**JUDGMENT OF THE CHANCELLOR OF THE DIOCESE**

**HIS HONOUR JUDGE GRAHAM WOOD KC**

**Introduction**

1. This is the petition of Mr and Mrs Newsome dated 26<sup>th</sup> January 2026 where they seek the exhumation of the mortal remains of their late son Adam which were interred on 29<sup>th</sup> May 2007.
2. On receipt of the petition I asked Dr Roberts, on behalf of the Diocesan Registrar to establish whether the petitioners were content with the exhumation petition to be determined by this court on the papers without a hearing. In the absence of any response to this request, I have proceeded on the assumption that no such hearing is sought.

**Background**

3. Adam Panther was only 19 years of age when he tragically passed away. He had been suffering from cancer. This was clearly a very distressing time for his family who were given extensive pastoral support by the Minister at Ormskirk Parish Church, where a decision was made to bury him in the churchyard. His body was placed in an oak coffin which was interred in plot 787.
4. Ormskirk Parish Church is an historic building in the heart of Ormskirk town centre. It stands as a beacon in the Lancashire countryside surrounding it and is known as only one of three churches in the country which have both a tower and a steeple. Parts of the building from original structures are mediaeval with many adaptations over recent centuries, and it is clear that there has been a churchyard where burials have taken place for several hundred years. There are numerous family graves on the site.

5. Regrettably, however, as is commonplace these days in large towns where there are insufficient facilities for young people, the churchyard and the church grounds have become a gathering place for youths indulging in antisocial behaviour, and perhaps more concerning drug abuse. There is anecdotal evidence that needles and other drug paraphernalia have been found lying in and around the gravestones in the churchyard. I have not received any evidence from the parish about this issue, but I make the reasonable assumption on the basis of my local knowledge and many visits to Ormskirk, including occasionally to this church, that keeping the grounds free from such behaviour is not an easy task.

6. Mr and Mrs Newsome, have experienced this behaviour first hand when visiting the grave of their beloved eldest child. In their exhumation petition, Mrs Newsome states:

“Unfortunately the graveyard is no longer a place I feel safe to visit.... Only yesterday I was told of yet more needle covers and a knife being found.”

7. In her letter to Ormskirk PCC, she says:

“.....I go a lot on my own to sit with Adam and feel less confident nowadays as there are often groups of youngsters there drinking who can be quite rude and disrespectful which has made me feel intimidated and unsafe to be there. I have had food remains thrown as well from McDonalds which is so hurtful and seen drug paraphernalia left on the grounds.....”

8. In addition to the family’s concern over antisocial behaviour, Mrs Newsome has described difficulties in maintaining the grave at Ormskirk, which was intended to be a final resting place not only for her late son, but for both herself and her husband. (They have another son who was 13 at the time of Adam’s passing, but in respect of whom no details have been provided). There difficulties are summed up in the same letter:

“Over the last few years his plot has become quite sunken and water logged and it is really upsetting to see. I know there have been several times we have come together with other families to try to keep the area in good order with grass cutting and removal of overgrowth but as we are getting older this is more of a challenge to us now.”

9. It is against this background that Mr and Mrs Newsome took the decision to identify an alternative family gravespace at West Lancashire Cemetery with the intention of seeking the exhumation of the mortal remains of Adam and their reinterment in West Lancashire Cemetery where the family could ultimately be together. They sought advice and obtained the necessary consents from Ormskirk Parish Church, as well as a condition assessment on the state of the coffin from MLS independent funeral directors, which confirmed that any reinterment would be carried out in a decent and sanitary manner. It is also apparent that in taking this decision to apply for exhumation, which undoubtedly has been a difficult one, Mr and Mrs Newsome were counselled by the vicar of St Michael’s church, Aughton, which I assume is the church which they now attend. There has been no local authority confirmation that there is no public health concern, but for present purposes I assume that if it was appropriate to direct this exhumation that would not be a problem in the light of the evidence provided by the funeral directors.

## Determination

10. In the circumstances, I must consider whether or not the criteria for an exhumation of the corporeal remains of Adam are satisfied, to enable their re-interment in the newly obtained plot in the West Lancashire Cemetery.

11. Dr. Roberts on behalf of the Registrar in his e-mail to Mr and Mrs Newsome on 28<sup>th</sup> January 2026 has carefully set out the principles which are applied in a consistory court which follow the two lead judgments of the Court of Arches and the Chancery Court of York, namely **Re Blagdon Cemetery [2002] 4 All ER 482** and **Re Christchurch Alsager [1999] Fam 142**. A detailed elucidation for the purposes of this judgment is not necessary, but in brief outline this court will only grant a faculty for an exhumation in exceptional circumstances and for good and proper reason. A change of mind or a general desire that family members be buried together is usually insufficient, and a delay caused by the passage of time will make it less likely that such exhumation will be allowed, without very compelling reasons. This court is often faced with requests for the reinterment of mortal remains which are well-intentioned and borne out of a deep-seated love and commitment to the family members who have passed away, and the desire to ensure peace of mind and the reuniting in death of those who have been together in life.

12. However, the importance of the permanence of Christian burial cannot be understated. The peaceful rest of the departed is to be of paramount importance. Further, a consistory court should not be swayed out of the undoubted sympathy which is held for the family of those who have passed away and the additional grief which might be caused by the refusal of an application for exhumation.

13. The overarching principle, therefore, is that there must be identified a good and proper reason for the reinterment. In the present case it is not said that there has been a change of mind, or an error that has only recently come to light. I bear in mind, of course, that it is almost 19 years since Adam's burial. Further, in the present situation, a good and proper reason could not be based upon a family grave requirement to allow a more flexible approach to the exceptional circumstances, a feature which has emerged in more recent cases that have come before the consistory court. Mrs Newsome has made it clear that the gravespace in Ormskirk Parish Church was intended as a burial plot for both her and her husband to have their last resting place with Adam. This is understandable in the case of an unmarried elder son who has tragically passed away at a very young age. (Obviously other family members grow up and have their own partners/children and separate family graves or burial plots for cremated remains may be sought.) Thus there would be space for further burials in Ormskirk Parish Church, just as there is undoubtedly room in the new identified plot at West Lancashire Cemetery.

14. Therefore what is left is a justification based upon the distress that is caused by the unpleasant environment of an allegedly poorly maintained churchyard, and antisocial behaviour often present when Mr and Mrs Newsome attend the grave. I have not been able to identify any previous case in which a consistory court has found antisocial behaviour to be a good and proper reason to depart from the principle of the permanence of Christian burial. I have enormous sympathy of course for the family, in respect of whom the grief of

losing a child will be ever present and who would derive great comfort from visiting his last resting place in a peaceful and reflective manner without disturbance. The difficulty, however, is that there will be many others who have buried family members in recent years in the same churchyard, and who regularly visit grave spaces to pay their respects, pray and to reflect. Such persons, undoubtedly, will be experiencing similar disturbance. Were this court to order an exhumation in one singular case, there is the potential for a precedent to be set which would make it difficult to refuse any other exhumation application made on a similar basis.

15. I am conscious that Mr and Mrs Newsome have thought long and hard about making this application. I regret having to refuse it, and I know that this will compound any ongoing grief. I have not been made aware of the advice or pastoral support which they have received in the process of presenting this petition. Although they have provided compelling evidence that the exhumation would present no public health hazard, this is but one of the considerations which is undertaken by the court when determining an exhumation petition. I would have hoped that the counselling which they had received did not focus only on this aspect, but made it clear that the granting of an exhumation faculty was a very exceptional course of action.

### **Observations and Conclusion**

16. In relation to the Ormskirk Parish Church graveyard, there are clear steps which could be taken by those responsible for its management (presumably the PCC) to ensure that those who tend graves or arrange for burials could have far greater protection from the disturbance that has been described. Whilst there may be public rights-of-way in view of the location of the parish church on the corner of the main road into Ormskirk town centre there seems little reason why there could not be improved vigilance either in the form of CCTV provision, regular patrolling, or liaison with the local authority and the police in respect of public space protection orders which can be very effective. If this is not a public space, there is no reason why it cannot be enclosed, or at least provided with less easy access for those bent on antisocial behaviour. Further, there is a reasonable expectation that the churchyard will be reasonably maintained by the church, and that no graves or memorials are affected by sinking ground or the failure to remove overgrowth/keep grass regularly cut. However, I provide these observations simply by way of comment, and of course as Chancellor I have no power to direct the taking of such steps.

17. I pass on my condolences for any continuing grief which the petitioners may have from the refusal of this petition. I sincerely hope that in the years ahead they can begin to derive appropriate comfort from visiting their son's grave without disturbance. There will be no additional fee charged for this judgment.

*His Honour Judge Graham Wood KC,  
Chancellor of the Diocese of Liverpool*

18<sup>th</sup> February 2026