

Neutral Citation Number: [2026] ECC Oxf 8



Faculty — Churchyard of Grade II listed church — Exhumation of cremated remains of husband with a view to their reburial in the newly created grave of his late wife who had survived him — Original intention for both husband and wife to be buried together — Wife subsequently changing her mind and asking for a full body, coffin burial in a newly created grave within the same churchyard — Rector and all family members supporting the petition — Whether exceptional circumstances established for the grant of a faculty for the exhumation of the husband's cremated remains — Whether faculty to be granted and, if so, on what terms — Faculty granted*

Petition No: 11158

IN THE CONSISTORY COURT
OF THE DIOCESE OF OXFORD

Date: Sunday, 3 May 2026

Before:

THE WORSHIPFUL CHANCELLOR HODGE KC

In the matter of:

ST NICHOLAS, ROTHERFIELD GREYS

THE PETITION OF:

Mrs Sarah Hemming

This is an unopposed exhumation petition, determined on the papers and without a hearing

There were no objections to the petition

The following cases are referred to in the judgment:

Re Astwood Cemetery unrep., 14 April 2014 (Worcester Consistory Ct)

Re Bingham Cemetery (No. 2) [2025] ECC S&N 3, [2026] PTSR 145, (2026) 28 Ecc LJ 151

Re Blagdon Cemetery [2002] Fam 299

Re Calderstones Cemetery (No 2) [2026] ECC Bla 1

Re Christ Church, Alsager [1999] Fam 142

Re Ewhurst Cemetery [2025] ECC Gui 2

Re Newbold Verdon Cemetery [2026] ECC Lei 1

Re St George, Kidderminster [2022] ECC Wor 10

Re St Oswald, Crowle [2024] ECC Lin 6

JUDGMENT

Introduction

1. After his death, a husband is cremated and his ashes interred within his parish churchyard with a view to the cremated remains of his wife being laid to rest in the same plot when her time comes. A little more than a year later, the wife dies after having changed her mind and decided that her body should be laid to rest within a coffin in a gravespace within the same churchyard. Should the consistory court grant an application by the couple's family, with the support of the incumbent Rector, to exhume the husband's cremated remains so that they may be reunited with the human remains of his wife? For the reasons that follow, I would answer this question in the affirmative.

The background facts

2. By a faculty petition, dated 22 April 2026, Mrs Sarah Hemming, as the daughter and lawful personal representative of the deceased, applies for the grant of a faculty authorising the disinterment of the cremated remains of her late father, Mr Richard Hodgkin, and their re-interment in the grave of his wife (and the petitioner's mother), Mrs Elizabeth Hodgkin, within the churchyard of St Nicholas, Rotherfield Greys. The church is Grade II* listed building and lies to the west of Henley-on-Thames, in the Archdeaconry of Dorchester.

3. The petition states that Mr Hodgkin died on 30th June 2024 and his body was cremated. His cremated remains were interred in the churchyard of the parish church of St Nicholas, Rotherfield Greys, Oxfordshire, on 20th July 2024. At the time the father's cremated remains were interred, it was the shared and settled intention of the deceased and his wife, Mrs Elizabeth Hodgkin, that their mortal remains should ultimately be laid to rest together. The location of the deceased's interment was chosen in good faith on that basis. Mrs Hodgkin had originally intended to be cremated, so that her ashes could be interred alongside those of her late husband. However,

before her own death, she made a later decision that she wished to be buried. That decision, whilst entirely proper, had what is said to be the unforeseen, and unintended, consequence that the original joint intention of husband and wife could no longer be fulfilled without the permission of this court.

4. Mrs Hodgkin was buried in October 2025 in the churchyard of St Nicholas, Rotherfield Greys. As matters now stand, the deceased and his wife are not laid to rest together. This is not as a result of any change of mind, dissatisfaction with the original interment, or matters of convenience, but rather because of a material change in circumstances arising after Mr Hodgkin's own interment.

5. The purpose of the proposed exhumation is solely to permit the re-interment of the deceased's cremated remains within the grave of his late wife, thereby completing an existing family grave in which one spouse is already buried. The proposed re-interment will take place within the same consecrated churchyard, and is intended to be final and permanent.

6. Having carefully considered the legal and theological principles set out in *Re Blagdon Cemetery* [2002] Fam 299, the petitioner submits that this petition discloses special and exceptional circumstances that are sufficient to justify a departure from the normal presumption of the permanence of Christian burial within consecrated land. The petitioner further submits that granting this faculty would serve to reinforce, rather than to undermine, the principle of permanence by creating a single, settled place of rest for husband and wife together; and that this bringing together of spouses in a family grave, following an unforeseen change in circumstances, falls properly within the category of exceptional cases contemplated by *Re Blagdon Cemetery*.

7. The consent of the incumbent Rector of St Nicholas Church, Rotherfield Greys, has been given to the proposed disinterment and re-interment.

8. The petitioner undertakes that the disinterment and subsequent re-interment of the cremated remains will be carried out with due care, dignity, and decency, and in accordance with any conditions imposed by the court.

9. The petitioner has supplied a family tree that identifies her late father's living relatives as being his sister, Mrs Sandra Clark, and his only two surviving sons, Mr Peter and Mr Christopher Hodgkin. All three of them have filed letters in support of the present faculty petition. In his letter, Mr Peter Hodgkin writes as follows:

I am writing to express my full support for my sister, Sarah Hemming, in her application to have our late father's ashes repositioned so that they may rest alongside our mother, Elizabeth Hodgkin, who is buried at St Nicholas Churchyard, Rotherfield Greys.

As a family, we have given this matter careful and thoughtful consideration. It is our shared belief that bringing our parents together in their final resting place is both fitting and deeply meaningful. During their lives, our mother and father shared a long and committed relationship, and it brings us comfort to know that they may ultimately be laid to rest together.

10. There is also a supporting letter, dated 27 April 2026, from the incumbent Rector of St Nicholas, Rotherfield Greys. He states that he is in favour of this petition, for the following reasons:

It was the intention of Richard and Elizabeth Hodgkin to have a final resting place together in the same plot. Richard died, was cremated and his remains interred close to the north boundary wall of the churchyard. Elizabeth,

diagnosed with a terminal brain tumour, when wholly in her right mind decided that she would rather be buried than cremated. Her family followed her wishes and so she was laid to rest in that portion of the churchyard designated for burials.

The petition of Mrs Hemming makes a case which I find compelling and coherent. Of particular note are two factors - the one already mentioned of a change of mind - the other being the significant aspect of the cremated remains staying within the same churchyard. Elizabeth's grave is near the southern boundary wall and the distance between the two sites is approximately seventy yards.

The family has been through a difficult and sad season. Sarah lost her father, oldest brother and mother in quick succession. It would be of great comfort to her and her surviving family if her petition were granted.

11. I am satisfied that all of Mr Hodgkin's near relatives consent to the proposed faculty for the exhumation of his cremated remains being granted, with a view to their re-interment in the grave of his late wife, and within the same churchyard. It is therefore appropriate for me to dispense with the giving of any public notice of this faculty petition.

Analysis of the authorities

12. On any application for a faculty authorising the exhumation of human or cremated remains – and no distinction is to be made between them – essentially three matters fall for consideration:

- (1) The 'threshold' condition of whether the court has the necessary jurisdiction to order their exhumation.
- (2) Whether the court should exercise its discretion to make such an order.
- (3) The conditions subject to which any exhumation should be ordered.

13. The decision of the Court of Arches (the appeal court for the Southern Province of Canterbury) in *Re Blagdon Cemetery* [2002] Fam 299 authoritatively establishes that the interment of human or cremated remains in consecrated ground is intended to be permanent, and that such remains should not be treated as 'portable'. Before any faculty for exhumation may be granted, the circumstances must be truly exceptional. It is for the petitioner to satisfy the court, on the balance of probabilities, that there are special circumstances which constitute good and proper reason for making an exception to the norm that Christian burial is final. As Chancellor Ockelton (in the consistory court of the diocese of Southwell and Nottingham) pithily put it, at paragraph 8 of his recent judgment in *Re Bingham Cemetery (No. 2)* [2025] ECC S&N 3, [2026] PTSR 145, (2026) 28 Ecc LJ 151:

... there can be no room for doubt as to the principles. The starting-point is that Christian burial is to be seen as permanent, because it is the act of committing the remains or the ashes of the departed into the hands of God. There is therefore a presumption against exhumation. That is the clear consensus of all the English cases, of whatever age and of both Provinces. It follows that where there has been a burial in consecrated ground, accompanied as it will have been by the rites of the Church with the words of commendation of the departed to God and committal of the person's remains (whether as a coffin burial or ashes) to burial, permission for exhumation is not given by the Court on demand. Rather, it is for the petitioner in each case to establish some special circumstances that merit an exception from the general rule of the finality of Christian burial.

14. At paragraph 36 of their judgment in *Blagdon*, the Arches Court considered a number of possible special factors that might constitute such good and sufficient reason. One such special

factor (considered at paragraph 36 (iii)) is a mistake as to the location of a grave (although a change of mind as to the place of burial on the part of relatives, or others, responsible for the interment should not be treated as an acceptable ground for authorising exhumation). One example of such a mistake is where human remains have been interred in the wrong grave plot. Another special factor (recognised at paragraph 36 (vi)) is the creation of a family grave. Burials in double or treble depth graves are to be encouraged because they express family unity, and they are environmentally friendly in demonstrating an economical use of land for burials.

15. However, in my judgment, the consistory court should reject the temptation to attempt to shoehorn any particular exhumation application into one of the existing categories of case in which exhumation has previously been permitted. In *Blagdon* the Court of Arches was simply seeking to identify various factors which can arise in connection with a faculty petition for exhumation. It was not seeking to provide any comprehensive, or exhaustive, list of the categories of case in which exhumation may be permissible. It is impossible to identify in advance all of the very many, and varied, circumstances in which a faculty for exhumation should be allowed. As in so many areas of the law, the court should adopt an incremental approach. The overarching test is whether the circumstances are sufficiently unusual to justify making an exception to the normal rule that Christian burial is permanent, thereby allowing the human or cremated remains of a deceased person to rest in peace. In the recent obituary in *'The Times'* newspaper for the late former Master of the Rolls and Supreme Court Justice, Lord Clarke of Stone-cum-Ebony, the writer emphasised that he tended to look for the merits of any case first, and then see if the law made those merits sustainable. In a later *'Lives remembered'* piece, one commentator recalled Lord Clarke confiding in him that when sitting in the Privy Council in death penalty appeals, Lord Clarke's practice was to save the condemned person and then to find the legal way of doing so. He added: *"This is a prime example of the humanity of the man which will be sorely missed."* In a recent judgment (as Chancellor of the Diocese of Blackburn) in *Re Calderstones Cemetery (No 2)* [2026] ECC Bla 1, in the different context of an application for a faculty seeking to permit a secular use of consecrated land, I have pointed out (at paragraph 104(6)) that, at its core, the touchstone in such a case should be to inquire: *'What is the duty of the church in this situation?'* Provided one bears firmly in mind the overarching, and strong, presumption of the permanence of the committal of human or cremated remains to consecrated land, it seems to me that that question may also provide a valuable touchstone in cases such as the present. Nevertheless, reference to previous case law authority is always useful in the present context, both because that is the way the law tends to develop - on a case by case basis - and also because of the need to treat like cases alike. The consistory courts should pay due regard to precedent, so that cases on similar facts are decided in similar ways. That gives effect to the desirability both of consistency of approach, and of securing equality of treatment, so far as circumstances permit, as between different petitioners.

16. I have found three recent decided cases particularly instructive. The first is *Re Newbold Verdon Cemetery* [2026] ECC Lei 1 (in the Diocese of Leicester). Chancellor Gyane granted a faculty permitting the exhumation of a husband's cremated remains from his parents' grave in Newbold Verdon Cemetery so that they could be laid to rest with the cremated remains of his late wife in a single cremated remains casket, and then reburied in that existing family grave in the same cemetery. In 2019, Mr Wilkinson had been buried in his late parents' grave with the consent of his surviving wife. After her own death, late in 2025, their son discovered a 2016 signed letter which expressed his parents' joint wish that their cremated remains should be carefully retained until they could be reunited and interred together in the cemetery's Garden of Remembrance. The court accepted that Mrs Wilkinson's early dementia at the time of her husband's burial might explain

why those wishes had not been followed. Applying *Re Christ Church, Alsager* (a decision of the Chancery Court of York in the Northern Province) and *Re Blagdon Cemetery*, the Chancellor held that the combination of the couple's clear prior written wishes, Mrs Wilkinson's cognitive decline, the family's prompt action upon discovering the letter, unanimous family support, and the limited disturbance involved, together constituted exceptional circumstances which justified a departure from the presumption of permanence in Christian burial.

17. At paragraphs 8 and 9 of her judgment, the Chancellor expressed the law in the following terms:

8. *I have considered the case of In re Christ Church, Alsager [1999] Fam 142, (in the 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?' [at p. 149C]

9. *I have also considered Re Blagdon Cemetery [2002] Fam 299 (in the Court of Arches) and in particular the following principles:*

(i) *The norm is permanence in relation to Christian burial: at [28];*

(ii) *A faculty for exhumation will only be exceptionally granted: at [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 burial: at [35];*

(iv) *Mistake, as opposed to a change of mind, can be a ground upon which a faculty for exhumation may be granted: at [36(iii)];*

(v) *Family graves are to be encouraged as they express unity; are environmentally friendly and demonstrate economical use of land for burials: at [36(vi)];*

(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 granted: at [40].*

18. At paragraph 11, Chancellor Gyane concluded that there existed good and proper reasons that right thinking members of the church would regard 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 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.

19. That case is very different from the present case because here there is no suggestion of any cognitive decline on the part of Mrs Hodgkin. Her change of mind would appear to have been a fully informed one. Nevertheless, that change of mind has resulted in the frustration of her late husband's wish that he should be laid to rest with his wife when her time should come. This is through no fault of his own. Since his widow was no doubt involved in determining the place and mode of her late husband's interment, however, this is a case where there can fairly be said to have

been a change of mind on the part of a relative of the deceased who was responsible for the interment of his ashes.

20. The second decision, albeit a little earlier in point of time, is that of Deputy Chancellor Whitehouse KC in *Re Ewhurst Cemetery* [2025] ECC Gui 2 (in the Diocese of Guildford). The petitioner's parents had always intended to be buried in the same grave. Her father died, and was buried in Ewhurst Cemetery in 1994. Her mother died in November 2024. On the day of the funeral, it was found that it was impossible for her father's grave to be prepared for the interment of the mother's body as the ground was waterlogged and there was a significant possibility that the walls of the grave would collapse during the burial service. It was therefore necessary for the mother's body to be returned to the funeral directors pending a decision as to a way forward. The mother's burial was therefore postponed until a drier plot could be identified. She was eventually buried in another grave elsewhere within the same cemetery. The petitioner later applied for a faculty authorising the exhumation of her late father's human remains so that they could be reinterred in the grave of her mother. The Chancellor determined that there were special circumstances which justified making an exception from the norm that Christian burial is final. She therefore granted a faculty for exhumation.

21. At paragraphs 12 to 14 of her judgment, the Deputy Chancellor stated:

12. The facts giving rise to this Petition are unusual, even if they are not unique. There is no exhaustive list of factors governing the granting of petitions for exhumation and chancellors must apply the general principles to particular facts in deciding whether there are exceptional circumstances which justify the making of an exception from the norm that Christian burial is final.

13. In this case, it cannot have been known at the time of the burial of Raymond Everett that flooding would prevent Eileen Everett from being buried with him in due course. This was the expectation for two decades. As I understand it, in fact, had Eileen Everett died at a different time of the year, when conditions were drier, her burial with him would have been possible. However, that is not what happened.

14. It is clear that the flooding and the consequences thereafter have caused significant distress to the family, and such anguish is an important factor in deciding whether this Petition should be granted. It is especially striking that it was only on the day of the funeral that the family discovered that Eileen Everett could not be buried in the same grave as her husband. The uncertainty following the funeral can only have added to the grief of this family and doubtless continues to do so. The family have also incurred unexpected additional costs, although that is perhaps a secondary factor.

22. In that case, there was no operative mistake about the location of the grave at the time of the mother's burial. For a mistake to be relevant for the purposes of an exhumation faculty, it must operate at the time of the original interment. In that case, a deliberate decision was taken to proceed later with the mother's burial within a different plot. The actual decision of the Deputy Chancellor in that case can clearly be justified on the basis that the exhumation and reburial resulted in the creation of a family grave in accordance with everyone's original intentions after the implementation of those intentions had been frustrated by physical circumstances beyond anyone's control.

23. Earlier in her judgment, the Deputy Chancellor had referred to the Court's observations in *Re Blagdon Cemetery* about the desirability of interments in family graves. At paragraphs 9 to 11, the Deputy Chancellor noted that normally, but not always, such interments take place very soon after the relevant death. She referred to a 2014 decision of Chancellor Mynors (in the Worcester Consistory Court) in *Re Astwood Cemetery*, where he had identified three situations in which it might

be sought to effect a burial or re-interment in a family grave: (i) the transfer of the body to an existing family grave or group of adjacent graves containing the bodies of more than one family member; (ii) the transfer to the existing grave of a single family member; and (iii) the transfer to a newly created family grave. The Deputy Chancellor recorded that Chancellor Mynors had noted that a review of several judgements relating to family graves “... indicates that there are some general principles applicable in many if not all cases. But it also clearly demonstrates that no set of guidelines, however complete, will cover all situations; and petitions for exhumation, more than many others, will still require the exercise of discretion by the chancellor on a case-by-case basis, albeit against the background of the clear presumption in favour of the permanence of burial”. Deputy Chancellor Whitehouse KC noted that in *Re St George, Kidderminster* [2022] ECC Wor 10 (also in the Diocese of Worcester), Chancellor Humphreys had recognised (at paragraph 22) that the reasons supporting the desirability of ‘family graves’ might apply where only two family members were to be united in a grave in just the same way, albeit less forcefully, than in a case where three or more family members were to be united. I note that in this latter authority, Chancellor Humphreys also pointed out that in *Re Astwood Cemetery*, Chancellor Mynors had identified, as one example of the type of situations which would not, of themselves, justify exhumation, the fact that “there has been a change of mind on the part of the relatives of the deceased who were responsible for the initial interment”. Chancellor Mynors was said to have explained this approach on the basis of the following reasoning:

Those factors, which are commonly argued, arise in many cases, and do not in themselves indicate that a faculty should be refused; but they are not sufficiently ‘exceptional’ to justify setting aside the normal presumption against exhumation. In particular, in many cases petitioners rely on a chain of circumstances which, when analysed, in truth amount to no more than a realisation that they now wish they had made a different decision at the time of the initial interment. That will not on its own be sufficient; although the court will consider carefully the factual position in each case to see whether they are sufficiently unusual to justify the issue of a faculty.

24. In the present case, the decision of Mrs Hodgkin to seek a full body coffin burial, rather than having her body cremated, so that her ashes might be interred with those of her late husband, can be characterised as a change of mind on her part, as one of the relatives who was responsible for his original interment. However, it has also resulted in the frustration of the husband’s wish for his ashes to be allowed to rest with his beloved wife in a family grave when her own time came. What the petitioner now seeks to do by this faculty application is to give effect to her late father’s wishes.

25. The third recent authority to which I would refer is the decision of Chancellor Bishop in the case of *Re St Oswald, Crowle* [2024] ECC Lin 6 (in the Diocese of Lincoln). There the petitioner wished to exhume the ashes of her late father (who had died in 1991) from a plot in the churchyard where they had been interred with his own father’s ashes, and to re-inter them in Crowle Cemetery, where the ashes of the petitioner’s recently departed mother were to be interred. In 1991, there had not been an area set aside for cremated remains within Crowle Cemetery, but now there was such an area; and the family wished to ensure that the petitioner’s parents were buried together. There was some suggestion that there might be a problem about installing a further memorial stone commemorating the mother in the Crowle Churchyard plot were she to be interred there, but this had not been clearly established.

26. Chancellor Bishop was satisfied that exceptional reasons existed in that case to permit the proposed exhumation. The interment in a family plot in Crowle Cemetery would be an expression of family unity, by the establishment of a new family grave. In this case, the exhumation would mean that the father’s ashes would be leaving one family grave (with his own father) and placed

into another (with the remains of his recently deceased wife). However, it was clear that all the family wanted the ashes of both the father and the mother to be together in one place; and the Chancellor well understood that this would promote a strong sense of family unity, particularly for their children. He took into account that there would be no net 'saving' of burial land: two plots were still required wherever the father's remains were interred.

Conclusions

27. Against this background, I set out my conclusions in this intensely fact-sensitive area. First, as to jurisdiction, I consider that the family's wish to reunite their late father's cremated remains with the human remains of their late mother in a grave within the same churchyard founds the necessary jurisdiction in this court to order the exhumation of Mr Hodgkin's cremated remains. This is not a case of any mistake regarding the location of Mr Hodgkin's place of interment. At the time the father's cremated remains were interred, it was the shared, and settled, intention of the deceased and his wife that they should ultimately be laid to rest together. The location of the deceased's interment was chosen in good faith on that basis. Mrs Hodgkin originally intended to be cremated, so that her own ashes could be interred alongside those of her late husband. However, before her own death, she made a later decision that she wished her body to be buried in a coffin, rather than being cremated. That decision was a free exercise of her own autonomous will. But it meant that the original joint intention of husband and wife could no longer be fulfilled without the authority of an order of this court by way of the grant of a faculty for the exhumation of Mr Hodgkin's cremated remains. I cannot accept that that consequence was unintended. It can only be viewed as the inevitable consequence of what was a clear change of mind on Mrs Hodgkin's part. However, it has meant that the exhumation of Mr Hodgkin's cremated remains is necessary in order to fulfil the original joint intention of both Mr and Mrs Hodgkin. That joint intention had still persisted at the time of the original interment of Mr Hodgkin's cremated remains. It has been frustrated by Mrs Hodgkin's later, and unilateral, change of mind. That was something over which Mr Hodgkin had no influence or control. In my judgment, such a unilateral change of mind should not outweigh, and overcome, Mr Hodgkin's own wishes.

28. Second, as to the exercise of the court's discretion, I consider that, notwithstanding Mrs Hodgkin's change of mind, the following special factors operate to make the present case a special exception to the normal rule that the committal of Mr Hodgkin's cremated remains to consecrated ground should be treated as permanent:

(1) The shared and settled intention of the deceased and his wife that they should be laid to rest together has been frustrated by Mrs Hodgkin's later, and unilateral, change of mind concerning the way in which her own mortal remains should be laid to rest. That was something that was not only entirely outside Mr Hodgkin's influence or control, but it was also outside the control of the petitioner and her surviving, and supportive, family members. The fact that the family supported their mother's decision at the time does not mean that they should be tainted by its inevitable consequences as regards the frustration of their father's wishes, which they naturally wish to honour.

(2) This faculty petition enjoys the full support of all of Mr Hodgkin's close surviving relatives. At paragraph 36 (iv) of *Blagdon*, the Court of Arches considered that the views of close relatives were very significant, and fell into a different category from other expressions of local support.

(3) This faculty petition has the full support of the incumbent Rector. When this court is considering what is likely to be regarded as acceptable by right thinking members of the Church

at large, or what the Church would do in the present situation, the views of the incumbent Rector are entitled to considerable respect, and are entitled to carry great weight.

(4) This is not a case where exhumation is sought for reasons of the convenience of the petitioner, or her family, in terms of visiting the deceased's grave. This is not at all a *'portable remains'* case.

(5) Mr Hodgkin's cremated remains will stay within the same churchyard, only some seventy yards distant from their present location.

(6) There is nothing, on the highly unusual facts of this case, that could possibly be said to suggest that any undesirable precedent is, or is at risk of, being created.

29. For all of these reasons, I will grant the exhumation faculty sought by the petitioner. The faculty will be granted subject to the following conditions:

(1) The exhumation is to be undertaken within three months after the grant of this faculty.

(2) The exhumation is to be conducted by an appropriately qualified, and reputable, funeral director, and under the supervision of the incumbent, or a priest nominated by him.

(3) The exhumed remains of Mr Hodgkin are to be reinterred immediately in the existing grave of his late wife.

(4) All of the deceased's close relatives are to be given appropriate, and sufficient notice, of the date and time of the exhumation and re-interment; and they are to be permitted to attend if they so wish.

(5) At all times, Mr Hodgkin's cremated remains are to be treated with all due respect and dignity.

(6) At or about the same time as the exhumation, any existing memorial stone commemorating Mr Hodgkin is to be safely removed from his grave and returned to the petitioner for safekeeping.

(7) Within 14 days after the exhumation, the petitioner is to release Mr Hodgkin's cremated remains space back to the parish, and to renounce any and all rights thereto, so that it may become available for re-use.

(8) The petitioner is to inform the Diocesan Registrar upon completion of the exhumation.

30. The petitioner must pay the costs of this application; but, in the usual way, I charge no fee for this written judgment.

David R. Hodge

The Worshipful Chancellor Hodge KC

The Fourth Sunday After Easter

3 May 2026