

removal from their current location would enhance mission and worship by enabling reception of Communion from the intended nave altar that was to replace the inaccessible and poorly visible high altar. Nevertheless, the significance of the pews meant that a faculty would be granted only on condition that they be retained within the church and proposals for their relocation be submitted to the chancellor within 56 days of the judgment for consideration. [Catherine Shelley]

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### **Re Southern Cemetery, Manchester**

Manchester Consistory Court: Tattersall Ch, 27 July 2012

#### *Exhumation*

The petitioner, who was the foster daughter of the deceased, sought a faculty to authorise the exhumation of his remains from a grave in Southern Cemetery where they had been interred in 1993. Her intention was that they should be re-interred in another cemetery, in the grave where the deceased's wife had been buried following her death in 2011. The grounds advanced in support of the petition were that when the deceased's wife was alive she was unhappy with the maintenance of Southern Cemetery and that prior to her own death she had expressed the wish that she should be buried in the other cemetery and that her husband's remains should be removed to her grave. She had made some enquiries about the possibility of such removal in the year prior to her own death but had not taken any steps in that regard. The chancellor held that there was no case for granting a faculty on the grounds of a mistake in relation to the burial on the narrow basis established by *Re Blagdon Cemetery* [2002] Fam 299. As to other applicable principles, almost 19 years had elapsed since the deceased had been buried; there was no evidence that family members had been dissuaded from visiting his grave in Southern Cemetery; his wife could, had she wished, have been buried with him; no consideration had been given to exhumation for over 17 years after the deceased had been buried; and it could not be said that his wife had been buried in the other cemetery in any real expectation that he would be exhumed and re-interred with her. Accordingly, the facts did not justify an exception to the presumption of the permanence of Christian burial and the petition was dismissed. [Alexander McGregor]

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