

In the Consistory Court of Bristol

In re a burial and in re AB on behalf of XY

JUDGMENT

This judgment is anonymised. The unredacted judgment is held by the Registry and will be released on the death of XY

1. XY is the sister of the late RQ. RQ was the widow of PQ. XY is in her early 90s. She is frail and the facts of this petition are such that they have been kept from her so that she should not be so affected by them that her health deteriorates, possible even terminally. After her death an unredacted copy of this judgment may be released. The petitioner in this case is AB, a close friend to XY. She is to be commended for her determination and loyalty in the manner with which she has dealt with these matters. I suggest that there are very few people lucky enough to have a friend as good as AB to fight so doggedly on their behalf. That XY will never know of her actions is even more commendable.
2. XY and RQ were exceptionally close. XY was engaged but her fiancé died before they could get married when she was 19. XY and RQ lived together for all their lives, even after RQ married PQ. They had all shared the same house since 1988.
3. I have read correspondence from AB that indicates, in the most touching terms the close relationship between XY and RQ
4. PQ died in 2003 and was buried in a double depth grave, AAB04. It was intended that RQ would be buried with him when she died and, it is claimed, XY was to be buried next to them in AAB03.
5. RQ died in 2011 and was buried with PQ in AAB04. I am told that every week XY would go to tend her late sister and brother in law's grave, and would indicate the adjacent vacant plot and say: "*That is where I am going to go*". Significantly, over the years, as the churchyard has filled up, AAB03 has remained untouched whilst the greater proportion of the nearby plots have been used.
6. In 2018 XY broke her hip and had to then rely on friends and family to help her get to her sister and brother in law's grave.

7. In late 2024 XY had a series of health crises which have on two occasions caused her to be hospitalised. Since then she has not been able to visit her sister and brother in law's grave.
8. On 10 September 2024 ST was buried in AAB03. It was only then that it became clear that there had never been a formal recording of the reservation of the grave space. I have seen a lot of evidence, including the wills of PQ, RQ and an edited extract from XY's will. It is abundantly clear that all three believed that AAB04 was reserved for PQ and RQ and AAB03 was reserved for XY. There has been correspondence in relation to payments made to the parish which, it is submitted, establish that reservations had been made. I make no findings of fact about that. The wills I have seen simply refer to bequests made to the parish church. They are generous, indeed so generous they exceed what would be normal for the reservation of a large number of grave spaces.
9. The Archdeacon, on behalf of the Parish, which is in vacancy, has accepted that a mistake was made and has made appropriately fulsome apologies. I have caused enquiries to be made of previous incumbents and other priests licensed to the parish over the relevant periods, but none can assist me about any such reservation for XY. There is no formal record of the grave reservation for XY in the parish.
10. If a formal record of grave reservations is not kept by a parish this sort of mistake can occur. The possible very serious consequences of this failure to make accurate records are exemplified here. If it happens again, I will have to consider making a costs order against the relevant PCC and/or incumbent. As it is the Diocese have agreed to support the parish with the reasonable costs of exhumation and reburial which exceed the parish's ability to pay.
11. The family of ST have been approached and all bar one relative have graciously agreed to his proposed exhumation and reburial next to his wife's parents who are buried in the same churchyard. I asked that the relative be approached so that I could consider their objections but there has been no response from them.
12. In this case I am quite satisfied that there has been a mistake here in allowing ST to be buried in AAB03. The mistake has arisen because accurate records of grave reservations have not been maintained. As is so often the case the two parties most affected by this mistake are entirely innocent.
13. I grant the Faculty as prayed. ST is to be exhumed and reburied in the plot identified next to his parents in law, and AAB03 is to be reserved for XY.
14. When the time comes for her funeral then can be fulfilled the words of Ruth; *'whither thou goest, I will go; and where thou lodgest, I will lodge: thy people shall be my people, and thy God my God:*

*Where thou diest, will I die, and there will I be buried: the Lord do so to me, and more also, if
ought but death part thee and me.'*

Corpus Christi
19th June 2025

Justin Gau
Chancellor