

**IN THE CONSISTORY COURT OF THE DIOCESE OF LIVERPOOL
IN THE MATTER OF CHRIST CHURCH PADGATE
IN THE MATTER OF THE EXHUMATION OF THE REMAINS OF THE LATE
JEAN ATKINSON**

JUDGMENT

1. A petition has been presented seeking the exhumation of the remains of the late Jean Atkinson which were interred in a graveyard in Christ Church Padgate as recently as July of this year.
2. This will be a brief judgement for reasons which will become apparent. I propose to grant the faculty.
3. Whenever an application is made for the exhumation of mortal remains buried in consecrated ground, the consistory court in the exercise of its discretion as to whether such a course of action is permitted, will usually require very compelling reasons, whether the remains are cremated or interred in a coffin, before the grant of a faculty. It is established by clear ecclesiastical authority (set out succinctly in the letter from the diocesan registrar) that the finality of Christian burial is to be respected and disturbance, should only take place in exceptional circumstances which usually arise where a significant mistake has occurred, and where application was made promptly.
4. The circumstances pertaining to this burial were not only exceptional but distressing for the family. There was a clear failure on the part of the gravedigger/funeral directors to ensure that the family grave, which was intended to accommodate not only the deceased, but also other family members at an appropriate time, was dug to a sufficient depth and width. This may have arisen from poor communication or misunderstanding, but that is immaterial. The family were required to endure the upsetting experience of an interment which took place seemingly several hours after the funeral ceremony because of the delay in attendance by the gravedigger, and the dislodging of the coffin lid, as the coffin was lowered into the grave space, clearly insufficient to accommodate it. This undoubtedly compounded their grief.

5. I am told and have no reason not to accept this, that the grave was subsequently overlaid to a very shallow depth, and certainly leaving insufficient space for subsequent interments.

6. The application for this faculty was made extremely promptly, with only a minor delay caused by a procedural technicality relating to the delayed PCC resolution. It is supported by the incumbent and the funeral directors. Clearly an early exhumation will mean that the coffin is still in a sound condition and the process will be relatively straightforward. It is obvious to me that this is not a case where notice is required, but in the interests of fairness and the well-being of the family, the situation requires urgent correction.

7. I have no hesitation in coming to the conclusion that the necessary criteria for exceptional circumstances are fulfilled and that a faculty should issue. No conditions need be attached other than that the exhumation is completed within three months of the date of grant.

8. I note that an application was made for an MOJ licence, which of course is unnecessary because the burial took place in consecrated ground.

HHJ Graham Wood KC

Chancellor of the Diocese of Liverpool

9th December 2022