

In the Consistory Court of the Diocese of Bradford

In the Matter of a Petition by Charles Harry Rodley for a Faculty to exhume the remains of Allan Godfrey Rodley

### JUDGMENT

1. This is a Petition by Charles Harry Rodley for a faculty authorising the exhumation of the cremated remains of his father, Allan Godfrey Rodley who died on 24<sup>th</sup> August 2000 and whose remains were interred on 1<sup>st</sup> September 2000, from Scholemoor Cemetery, Bradford to be re-interred in Thornton Cemetery, Bradford. The reason for the application is to fulfil the wish of the Petitioner's mother that her late husband's ashes be placed with hers in Thornton Cemetery. The Senior Bereavement Officer of the Bradford Metropolitan Council has given his consent in a letter written on Scholemoor Cemetery headed notepaper.
2. In determining this Petition, the question which I have to decide is whether there are special circumstances which justify the making of an exception from the norm that Christian burial [that is, burial of a body or cremated remains in a consecrated churchyard or the consecrated part of a local authority cemetery] is final. The Petitioner needs to satisfy me on a balance of probabilities that there are such special circumstances.
3. The leading decision of the Court of Arches of in re Blagdon Cemetery sets out factors which commonly arise in connection with petitions for faculties for exhumation and identifies those which should and those which should not properly be taken into account. These identified factors are not intended to be exhaustive, but they do provide guidance. I must exercise my discretion in the light of all the facts of the case, but having due regard to the principle that a faculty for exhumation should only exceptionally be granted.
4. In this case, applying the relevant law and adopting the proper approach to the reasons advanced by the Petitioner for making the application I regret to conclude that I can identify no exceptional circumstances which could enable me properly to

exercise my discretion to grant a Petition in this case. A wish ( however understandable ) to reverse a decision made several years ago ,which although regretted since was perfectly valid at the time it was made , is not sufficient , in my judgment , for these purposes.

John Law

Chancellor of the Diocese

12/1/11