

IN THE CONSISTORY COURT OF THE DIOCESE OF BRADFORD  
IN THE MATTER OF A PETITION BY MRS KATHRYN WILKES

JUDGMENT

1. This is a petition by Mrs Kathryn Wilkes for a faculty authorising the exhumation of the cremated remains of her deceased husband , Christopher John Wilkes, from Thornton Cemetery in Bradford with a view to their reinterment in Bridlington Cemetery . Mr Wilkes died at the tragically young age of 46 on 25<sup>th</sup> August 2010 and his cremated remains were interred in November 2010. The faculty is sought for this stated reason :

“ we are all moving to Bridlington and all his family is over there . So we want to take him with us . Otherwise there will be no-one here for him . Its too far to travel as noone drives .”

- 2 . The presumption is that the initial burial of human remains in consecrated ground is permanent and they should not be disturbed. The principles governing the circumstances in which that presumption can be displaced and exhumation can be permitted are set out in the leading case of *In re Blagdon Cemetery* [ 2002 ] which has been followed and applied ever since. In determining this petition in accordance with the authorities , therefore , the question which I have to decide is whether there are special circumstances which justify making 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.

- 3 . Unfortunately , the reason for exhumation which Mrs Wilkes gives , namely to make it easier to visit her late husband's grave following her intended move to Bridlington from Bradford , is expressly rejected , in more than one passage in the judgment in *In re Blagdon* , as the sort of reason which could ordinarily constitute a special reason to displace the presumption of permanence . What is being sought is portability , contrary to the Christian theology of burial.

4 . I regret having to disappoint Mrs Wilkes but I am unable to find a proper justification for granting this petition. I must therefore refuse this application.

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John Long

27/2/13