

Re Kenilworth Cemetery

Coventry Consistory Court: Eyre Ch, 26 September 2017

[2017] ECC Cov 3

Exhumation – written representations

The petitioner sought a faculty for the exhumation of the cremated remains of her father in order that they might be interred at the same time and in the same plot as the cremated remains of her mother elsewhere in the cemetery. Over time, her mother had become unhappy with the location of burial of her father's remains as the memorial tablets in that area were placed close together, such that she could no longer visit the grave as she needed to use a walking frame. Her mother had indicated a desire to be buried elsewhere within the cemetery in the hope that her father's remains could join hers. The petitioner did not respond directly to the chancellor's invitation to make further written representations nor to consent to the determination of the petition on consideration of written representations, but instead indicated, through the bereavement services manager of the local authority that she did not wish to make any further representations but was resigned to receiving a decision of the court which might be a refusal. The chancellor took this to amount to an agreement in writing to the use of the written representations procedure. Upon considering the principles laid down in *Re Blagdon Cemetery* [2002] Fam 299, the chancellor considered that this was a case in which there had been a change of mind by family members as to the location of the grave. Although a family grave was to be established, the fact that that family grave could be established at the site of the existing burial militated against the grant of a faculty. If the petitioner's mother had petitioned for the exhumation in her lifetime, that petition would have been refused as disclosing no special circumstances justifying an exception to the norm of permanence. The same circumstances still existed. The faculty was refused. [RA]

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J20 v Facebook Ireland Ltd

Northern Ireland Court of Appeal: Morgan LCJ, Weatherup LJ and Horner J, 5 October 2017

Misuse of private information – tort – disclosure of religious affiliation

At first instance, the respondent, J20, had been awarded £3,000 general damages for Facebook Ireland's misuse of private information. Facebook appealed. The action related to a series of posts from September 2013 on two Facebook pages, entitled 'Irish blessings' and 'Belfast banter', which had all