

**Re St Oswald, Methley with Mickletown**

Leeds Consistory Court: Hill Ch, 29 January 2016

[2016] ECC Lee 2

*Reservation of grave space – non-parishioners – lack of PCC support*

The petitioners, who lived outside the parish but had relatives buried in the churchyard, sought a faculty for the reservation of a grave space. There was approximately three years' worth of space for burials remaining in the churchyard. The Parochial Church Council and the incumbent did not support the petition. The chancellor held that the petition must be dismissed where the incumbent had refused her consent. In addition, where so little space remained in the churchyard the court was further constrained from granting the faculty. The petition was dismissed. [RA]

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**Re Holy Cross Cemetery**

Newcastle Consistory Court: Wood Dep Ch, 29 January 2016

[2016] ECC New 2

*Exhumation*

The petitioner sought a faculty for the exhumation of the remains of his sister (who had died as a child in 1981) and for their re-interment in an unconsecrated part of the same cemetery. The petitioner and his sister were part of the local Chinese Christian community and, at the time of the interment, their parents were relatively new immigrants who did not speak English. At that time there was only a small Chinese community locally and there was no identifiable burial ground for that community. The petitioner sought to re-inter his sister's remains in a section on the far side of the cemetery now used for Chinese burials, in which family members had already been buried or had acquired the rights of burial. In granting the faculty the chancellor found that exceptional circumstances existed and identified a number of relevant factors: the sudden death of a young person in circumstances when her parents were unable to consult and communicate the family's wishes and feelings effectively; the absence of any link between the sister and the community in which she was buried; the strong cultural importance of establishing family graves to members of this community; the economical use of land by the use of a family grave; and the fact that the delay was credible and understandable given the petitioner's difficulty of speaking about his sister's death with older members of the family and the recent death of his grandmother. [RA]

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