

Council that the names on the memorial should once again be clearly legible should be respected. [RA]

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Re Cheshunt Cemetery (No.1)

St Albans Consistory Court: de Mestre Dep Ch, 18 July 2018

[2018] ECC StA 1

Exhumation – mistake – atheism

The petitioners were the parents of the deceased infant who had died tragically at the age of ten months. Their distress at the time of the death was such that the funeral arrangements for their daughter were made by the paternal grandparents. The child's cremated remains were buried in the consecrated area of the local municipal cemetery in 1982. The parents, who moved to St Ives, remained unaware of the fact that the grave was in the consecrated area of the cemetery. It was only when the mother began to make enquiries about the possibility of being buried with her daughter, when her time came, that she discovered that the burial had been in consecrated ground. As convinced atheists, both parents would not have consented to their daughter's burial in consecrated ground had they known. They therefore sought the exhumation of their daughter's remains so that they could be re-buried in unconsecrated ground in St Ives and a family grave established. The petition was supported by other family members.

The deputy chancellor considered the principles of the permanence of Christian burial as set out in *Re Blagdon Cemetery* [2002] Fam 299. She held that in this case the fundamental mistake made at the time of burial as to the nature of the ground in which the infant was buried justified the exhumation. Despite the lapse of time and fears of deterioration the funeral director gave evidence that the interred remains could be sufficiently identified to exhume and re-inter them in a new box. Accordingly the faculty was granted. In addition, the order directed that a copy of the judgment be made available to all cemetery managers in the diocese to ensure that they were aware of the need to explain to families the consequences flowing from burial in consecrated ground. [Catherine Shelley]

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