

IN THE CONSISTORY COURT OF
THE DIOCESE OF OXFORD

Date: 26 June 2015

Before:

THE REVEREND AND WORSHIPFUL ALEXANDER McGREGOR
CHANCELLOR

In the matter of :

Twyford Cemetery

Between:

(1) and (2) Mr and Mrs Reginald King
(3) Mr Mark King

Petitioners

– and –

(1) Mr Andrew Watkins
(2) Mrs Sian Alward
(3) Mr Russell Watkins
(4) Ms Mandy Watkins
(5) Mr Matthew Watkins
(6) Mr Christopher Neilson

Parties Opponent

– and –

Twyford Parish Council

Party by special citation

Determined at a hearing

The first and second petitioners did not appear; **the third petitioner in person**
The first, second and third parties opponent in person; the other parties opponent did not appear
The Clerk to Twyford Parish Council appeared for the Council

JUDGMENT

Transcript of extempore judgment approved by the Chancellor

The Chancellor:

1. A very unhappy situation has arisen. The essential facts of the matter are not in dispute. As explained in a letter from Andrea Curtis the clerk of Twyford Parish Council dated 12 April 2015 to the Diocesan Registry, on 10 May 2014, Mr and Mrs King contacted Twyford Parish Council to enquire about reserving a double depth burial plot within the consecrated burial ground managed by Twyford Parish Council. Their request was for a plot for themselves, that is Mr and Mrs King, as near as possible to the grave of their son Alan who had died some years earlier. Ms Curtis says that upon investigation it was found that the plot next to Alan King was available and she gives the number of that plot as E5 and says that the plot was then duly reserved for Mr and Mrs King and a certificate provided.
2. In evidence, a document which I think is what Ms Curtis refers to as a certificate has been identified; that is a document headed Grant of Exclusive Right of Burial. It states that the grant of an exclusive right of burial is conferred on Mr and Mrs King in consideration of the sum of £280 and identifies the grave space in question as that numbered E5 in Twyford Parish Council Burial Ground. The length for which the grant exists is expressed to be 99 years and the grant is signed by Ms Curtis as clerk to the council and dated 10 May 2014. I would add that the grant makes it clear that it is made by virtue of the powers conferred by Section 214 of the Local Government Act 1972 and the Order made by the Secretary of State under that section.
3. The next relevant event was in October 2014 when Twyford Parish Council were asked for a burial plot by Bicester Funerals in order to carry out the burial of Mrs Patricia Watkins the following week. In the words of Andrea Curtis, “due to human error the wrong plot number was given and as a direct result Mrs Watkins was interred in the plot reserved for the King family.” She goes on to say that the Parish Council remained unaware of the error until January 2015 when they were contacted by David King, son of Mr and Mrs Reginald King to say that someone had been buried in his parents’ plot. The discovery that Mrs Watkins had been buried in plot E5 was made when a visit was made by a member of the King family to the grave of Alan King. When the mistake had been disclosed some efforts at mediation were made between the King family and the family of Mrs Watkins. Unfortunately, those efforts at mediation were not successful. Various reasons are given in the papers that have been submitted to the Court, but I have looked at those reasons and I am satisfied that they are not material to the questions that I have to decide today.
4. Following the breakdown of the attempts at mediation coming to a common position between the two families, on 23 April 2015, Mr and Mrs King submitted a Petition to the Registry seeking a Faculty to authorise the disinterment of Mrs Watkins’ body with the intention that it should be reinterred in the same consecrated burial ground, but in a different grave space. That Petition came before me on paper shortly afterwards. Public Notice was dispensed with and I directed that special notice of the

Petition was to be given to the near relatives of the deceased under Rule 5.6(4) of the Faculty Jurisdiction Rules. Following that direction, notices were sent out to the near relatives of the deceased on 18 May. In reply, six letters of objection were received by the Registry between 28 May and 16 June, and I will come to the substance of those objections in due course.

5. Shortly over a week ago, the Registry was contacted by Mr Mark King, the son of Mr and Mrs Reginald King, to say that his father was an inpatient in hospital, that he was terminally ill and asking whether there could be some urgent resolution to the Petition. In the light of that application and that information, on 17 June I gave directions which shortened the time for particulars of objection in Form 5 to be submitted so that they had to be submitted to the Registry by 4 o'clock in the afternoon on 24 June. At the same time, I gave notice of a hearing of the Petition today which said that all the parties should be ready to deal with all aspects of the Petition today. I also included in the Order a special citation of Twyford Parish Council. That was on the basis that it was alleged that they were responsible for an act of default or some other act as a result of which the proceedings had become necessary.
6. At the same time as the directions were sent out, I also asked the Registry to send all the parties a copy of the Judgment of the Leicester Consistory Court in a case called Burgess – v – Garrett which involved somewhat similar circumstances, albeit not identical with those with which the Court is concerned today. Because there is a suggestion to the contrary in one of the letters that has been submitted to the Court, I should make it clear that my reason for circulating a copy of that Judgment was not because I had already decided the outcome of the Petition in this case, but because I thought that the way in which the matters were set out in the Judgment might assist the parties – none of whom are legally represented – in the way in which they would present their evidence and arguments to the Court today. And, as it turns out, it has been of some assistance because enabled Mrs Alward to use the reference made in that Judgment to certain principles that were established by the case of Blagdon.¹
7. I realised that having to deal with matters at such short notice has made it difficult for the Watkins family to prepare for today's hearing and therefore some consideration was given at the beginning of the hearing to allowing a further document to be put in after the time allowed and to allow members of the Watkins family to become parties opponent at this stage. All of those applications were allowed. They were not objected to by Mr Mark King on behalf of the Petitioners.
8. Some consideration was given to the question of whether the proceedings today should be adjourned in order to give members of the Watkins family time to consider their position in more detail and if they wished to obtain legal advice, but having considered those matters, they decided that they would

¹ [2002] Fam 299

prefer the matter to be resolved today if possible rather than adjourned. For that reason I agreed to continue with the proceedings and that is therefore what happened. At my request, the parties were represented on each side by a single individual with whom any other parties taking the same position could confer during the course of the proceedings. The Petitioners were represented by Mr Mark King the son of Mr and Mrs Reginald King. I agreed that he should be joined as a Petitioner given the incapacity of his father and the inability of his mother to come to Court. That was not opposed by the Watkins family.

9. The Watkins family was represented by Mr Andrew Watkins. He is one of the sons of the deceased, the late Mrs Watkins.
10. Twyford Parish Council were represented by their Parish Clerk, Andrea Curtis.
11. I am very grateful to everyone who has participated in today's proceedings, as I said at the very beginning, I do not underestimate in any way how distressing the situation which has arisen must be for all of those concerned. It has therefore been very helpful indeed for the Court that those who have represented the parties have put forward their cases in a very helpful, straightforward and clear way.
12. So far as the case for the Petitioners is concerned, Mr Mark King gave evidence on oath. He identifies in evidence a letter written to the Court a few months ago. The letter is signed from Mr and Mrs King. Reading it makes it clear that it is actually in the words of Mrs King rather than both of them, but it is written by her from the point of view of both Mr and Mrs King. In response to a question from me, Mr Mark King said that so far as he was aware that all of the facts stated in that letter were true. Mr Mark King also said the same of the facts that were stated in the Petition. He identified a copy in the trial bundle of the Grant of the Exclusive Right of Burial granting to his parents such a right in respect of plot number E5. **He also produced medical evidence relating to his father.** The first piece of medical evidence is a letter dated 15 May 2014 and that is from a Dr Sarada Krishnan, a Consultant Psychiatrist at the Whiteleaf Centre in Aylesbury and it appears to be to Mr King's GP. **That letter is concerned with a diagnosis of Mr King as having Vascular Dementia.** The second piece of medical evidence that has been produced to the Court by Mr Mark King is a letter dated 19 June 2015 addressed 'To whom it may concern' from a Dr Matthew Maton-Howarth at Stoke Mandeville Hospital where Mr Reginald King is currently an inpatient. **The letter explains that Mr King is an 85 year old gentleman who is currently an inpatient at Stoke Mandeville; that he has a background history of dementia diagnosed in May 2014; that he was admitted on 10 June this year with acute confusion and he has been found to have metastatic cancer of likely lung primary, with metastases in multiple organs including the brain and investigations are ongoing.** It also says Mr King has severe behavioural issues and this is undoubtedly affected by the above pathologies, which unfortunately are irreversible.

13. The letter which I have already referred to signed in the names of Mr and Mrs King sets out their case. I won't read the letter out in full but so far as relevant, the main points made in the letter are that on 12 January 1998, one of Mr and Mrs King's sons died at the age of 37. It took Mrs King many years to come to terms with that loss and she was taking anti-depressants for many years, she says 19. She then goes on to say that the years have passed and now that she and her husband were reaching an age where they wanted to start getting things in order for when it was their turn, as she put it, and that they were both in their 80s and didn't lead much a life these days and that her husband was ill, they wished to reserve a burial plot in Twyford Cemetery next to their beloved son who is deeply missed – those are her words in her letter. She goes on to explain how they purchased the plot on 10 May last year and she says that she felt at ease knowing that when her time came she could lie at rest next to her much missed son. She then explained how they were surprised when flowers were taken to his grave plot to find that their own plot was no longer available because it turned out another body had been buried there. She says that this had brought a great deal of damage to herself and to her husband and that they don't really have any life left. The matter plays on their minds. She says that they understand how tragic the matter is for “those parties” – by which I assume she means the Watkins family – as well as the King family, “and for the deceased that has been laid to rest”. But she says that they have come to the conclusion that “no matter hard and devastating the matter is, we want to lay in peace with our child. We don't want to cause any upset to anybody, but knowing that we will be laid to rest with our son, we will hopefully be able to enjoy the time we have left of life.”
14. In his submissions, Mr Mark King said that he didn't have a great deal to add to the case put forward by his parents in their letter. He expressed that this parents want to be buried in the plot which they had reserved. They don't wish to be at war with the Watkins family as he put it. He stressed that they weren't bringing these proceedings because they were angry with the Parish Council, but that he was simply following his parents beliefs and what they wanted and referred to the stress at what had happened suffered by his father and his mother.
15. I now turn to the case of the Watkins family. All the relations of Mrs Watkins who were given special notice of the Petition strongly oppose it. They oppose it on a number of grounds which I won't proceed to read out word for word from each of their letters because that would take too long apart from anything else, but what I shall do is seek to summarise the grounds on which they object.
16. One of the principal grounds on which the Watkins family object is that their mother, the late Mrs Watkins, regarded her last resting place as sacrosanct and inviolable. Mr Andrew Watkins himself says that he considers that a person's final resting place should properly be regarded as absolute. They point out that Mr and Mrs King had waited 16 years following the death of their son Alan before they reserved the plot next to him. They also pointed out the availability of alternatives, including the use of the existing grave of their son Alan by deepening it or the selection of another plot nearby.

They point to the failure of Twyford Parish Council to mark the plot as one which had been the subject to a grant of exclusive right of burial. They draw attention to the effect that these proceedings and any exhumation that might follow them would have on the mental wellbeing of members of the family. They also say that the circumstances in this case are not exceptional circumstances in the terms of the guidance set out by the Court of Arches in the Blagdon case. A point has been taken in one of the documents submitted on behalf of one of the Watkins family which amounts to a complaint that the situation has arisen as a result of what is referred to as “poor church administration”. As I made clear at the beginning of this hearing, this is a municipal cemetery under the control of Twyford Civic Parish Council which is a burial authority for the purposes of the Local Government Act and it is they who have control over and manage the cemetery in question. The reason why this Court has jurisdiction over the plot in question is because the ground in which the body has been buried is consecrated ground and having been consecrated by the Bishop of the diocese, automatically as a matter of law comes within the jurisdiction of the Consistory Court.

17. During the course of the hearing, a point emerged which had not been obvious at the outset. I make no criticism of Mr Andrew Watkins for taking this point when he did, given the short length of time with which he and other members of the Watkins family had in order to prepare their case. The point taken was that there seemed to be a lack of clarity, it was said, as to whether Mrs Watkins had in fact been buried in plot E5, the plot in respect of which Mr and Mrs King had been granted an exclusive right of burial. The reason for saying that there was a lack of clarity in that regard arose from some of the things that are said by Andrea Curtis, the Clerk to Twyford Parish Council in a report produced by her on 31 January this year. What she says in that report is that she received a message on the answer phone from Bicester Funerals requesting a burial place for Patricia Watkins the following week, that she was unable to access the burial records at that time due to extensive building work in her house and decided to go to the burial ground and identify the next available plot. She said that plot E4 was free and that she counted the plot number from E5, but made an error and counted the wrong way giving the funeral home plot number E6 instead of E4. It is that which has led to Mr Watkins very properly querying whether it was in fact clear that his mother had been buried in plot E5.
18. As a result of that point being raised, Mr Watkins suggested that I might like to call for a copy of the plan of the cemetery showing the plot numbers and go and carry out a site inspection in order to compare the plan with the position on the ground. Before I decided whether or not that ought to happen, I recalled Andrea Curtis, the Clerk to the Parish Council, to give further evidence. She – in response to questions from me – said that since the issue which is the subject of these proceedings arose, she had taken out the plan and had gone to the cemetery with the plan and having done so, she had ascertained that Mrs Watkins was buried in plot E5, that she was squarely buried within that plot and that she had no doubt at all about that matter. In the light of that unequivocal evidence from Andrea Curtis – who as parish clerk is familiar with the burial ground and the plan – I did not

consider that there was in fact such doubt as to the location of the burial which meant that I should adjourn the proceedings following today's hearing and go and inspect the cemetery along with the plan myself. **Having heard Andrea Curtis' evidence, I am satisfied on the requisite standard – which is to say the balance of probabilities – that Mrs Watkins is indeed squarely buried within the plot numbered E5.**

19. Before I go on to the Parish Council, I need to refer to the evidence Mr Watkins has given. He adopted the letter of objection and particulars of objection in Form 5 which he had submitted. He explained his own unhappy circumstances, whereby he has outlived his wife and two sons, and that he understands the pain involved in these sorts of situations. He expressed his sympathy and said that it is a shame that we are here today through no fault of anyone here.
20. I then heard evidence from Mrs Alward who is Andrew Watkins sister and a daughter of the late Mrs Watkins. She adopted her objections in Form 5 and the covering letter submitted with that and she adopted her previous letter of objection which she sent to the Registry at an earlier stage. Significantly, she referred in her evidence to the evidence that had been given by Bishop Christopher Hill in the Blagdon case in the Court of Arches and she pointed out, quite rightly, that Bishop Hill had in that case referred to burial as entrusting a person to God for the resurrection and this didn't sit easily with portable remains and she said that this was a strong matter going against the case for exhumation in the present case.
21. In addition to that evidence, I have also read all of the written submissions and evidence submitted by other members of the Watkins family to which I hope I have done justice in summarising their case a few moments ago. The fact that they haven't been here today to give evidence has not disadvantaged them in any way and I am happy to accept the accuracy of what they say in their statements so far as those matters are material to anything I have got to decide.
22. Following the evidence of the Watkins family, Andrea Curtis, Clerk to Twyford Parish Council was then called and sworn and gave evidence. She adopted the letter that she had written in April 2015 which I referred to earlier and the written statement which she had made on 31 January this year. **She also identified the Grant of Exclusive Right of Burial to Mr and Mrs King in respect of plot E5. She was asked some questions in cross examination by Mr Andrew Watkins as a result of which it became apparent that the following was the case.** First, that the Parish Council didn't give a copy of the cemetery plan to Mr and Mrs Watkins at the time that they were granted the exclusive right of burial and she explained that **that was not standard practice.** **She also said that neither she nor anyone else had marked the reserved grave in this case, and again said that that was not standard practice at that time but that it was now.** She explained that the cemetery plan is available at the front of the burial register but no other plan exists save for that one which is in her custody as Parish Clerk and

that she marked the relevant plot E5 on the plan on the day that Mr and Mrs King paid the fee for the grant of an exclusive right of burial.

23. In her submissions later in the proceedings, Andrea Curtis said that the Parish Council had held an extraordinary meeting to consider these proceedings, but that they had said that they do not wish to express a view on the outcome. They did however agree that they should accept responsibility for what had happened and that they would not oppose an order for court costs and other costs being made against the Parish Council.
24. I turn now to the law which is applicable to this case. The leading authority is the case of Blagdon which has already been referred to as part of the Watkins family's case. That is a decision of the Arches Court of Canterbury which is the appeal court for all the Consistory Courts in the south of England. As such it is legally binding on this Court, the Oxford Consistory Court. I referred earlier to what had been said about Bishop Christopher Hill's evidence in that case. I particularly draw my own attention to the evidence of Bishop Hill in paragraph 23 which is as follows: 'The permanent burial of the physical body or the burial or cremated remains should be seen as a symbol of our entrusting the person to God for resurrection. We are commending the person to God, saying farewell to them (for their "journey"), entrusting them in peace for their ultimate destination, with us, the heavenly Jerusalem. This commending, entrusting, resting in peace does not sit easily with "portable remains" which suggest the opposite: reclaiming, possession and restlessness; a holding on to the 'symbol' of a human life rather than giving back to God'.
25. I now turn to paragraph 28 of the Blagdon Judgment where the Court of Arches says that they have explained that the norm is permanence in relation to Christian burial, but the question then arose as to how to determine what would amount to exceptional circumstances to justify any departure from that norm. They go on after some discussion in paragraph 33 to say that they have concluded "that there is much to be said for reverting to the straightforward principle of a Faculty for exhumation will only be exceptionally granted. Exceptional means forming an exception (Concise Oxford Dictionary 8th Edition 1990) and guidelines can assist in identifying various categories of exception, whether the facts in a particular case warrant a finding that the case is to be treated as an exception is for the Chancellor to determine on the balance of probabilities." Then the Court of Arches went on in paragraph 35 to say: "We consider that it should always be made clear that it is for the Petitioner to satisfy the Consistory Court that there are special circumstances in his/her case 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 consecrated part of a local authority cemetery) is final. It will then be for the Chancellor to decide whether the Petitioner has so satisfied him/her.'

26. Therefore, what I have to do is to decide whether or not Mr King on behalf of his parents, the Petitioners, has so satisfied me. The onus is on them to show that a Faculty should be granted not on the Watkins family to show that one should not be granted.
27. The Court of Arches went on to consider in turn various factors which they said can arise in connection with a Faculty for exhumation. The third of those categories they have labelled ‘mistake’ and they say: “We agree with the Chancery Court of York that a mistake as to the location of a grave can be a ground upon which a Faculty for exhumation may be granted”. Later in that same paragraph they also say: “Sometimes genuine mistakes do occur, for example, a burial may take place in the wrong burial plot in a cemetery or in a space reserved for someone else in a churchyard. In such cases, it may be those responsible for the cemetery or churchyard who apply for a Faculty to exhume the remains from the wrong burial plot or grave.” Faculties can in these circumstances readily be granted because they amount to correction of an error in administration rather than being an exception to the presumption of permanence which is predicated upon disposal of remains in the intended not an unintended plot or grave”.
28. As I explained earlier, the decision in Blagdon is a binding authority on me in this Court and I have drawn attention to what appear to be the most significant points of that decision which are binding. Whilst mistake as to burial in the wrong plot is in itself an exception, it doesn’t automatically follow from that that a Faculty must be granted. Unfortunately in Blagdon, the Court of Arches does not provide any guidance as to how Petitions such as the present – where exhumation is opposed – ought to be dealt with. That means that I have to consider myself, as a matter of principle, those matters which should be taken in to consideration in deciding whether or not a Faculty should be granted in this particular case notwithstanding that a mistake as described by the Court of Arches has been made out in this case.
29. In this case, there has not been any very significant lapse of time within the use of that term by the Court of Arches in Blagdon. The mistake was discovered early this year and the Petition was submitted to the Court by April. I don’t consider that to be a significant lapse of time in seeking to Petition.
30. Particularly relevant in this case is the distress and anguish that would be caused to members of the Watkins family were a Petition to be granted. I would have thought that that distress and anguish will be very significant. In the same way, I would also have thought that the anguish that would be caused to the King family – in particular to Mrs King and so far as he is capable of understanding the matter, Mr King – as a result of not being able to be buried next to their son as they had expected, would also be very significant and the distress would be significant. The Court is not in a position to weigh up the different levels of anguish that will be caused to the differing parties in this case and I do not think it is likely to be able to do so in any case because distress and anguish are very much subjective

matters for the person suffering from them. It would be difficult for the Court to put itself in the place of the respective parties and to form an assessment about whether one side is more likely to be distressed than the other. My conclusion is that both sides would be distressed according to how the Petition went and causing distress or anguish can't be avoided to one side or other if this Petition is to be determined.

31. As to other factors that should weigh in the Court's determination, as this is a Court of law, the most weighty factor must be the legal position. The assignment to Mrs Watkins (or more strictly speaking to the funeral directors) of plot E5 – or at least their use of that plot even though it may not have been assigned to them because they were supposed to use plot E4 – amounted to a breach of a legally enforceable right which had lawfully been granted to Mr and Mrs King under the provisions of the Local Government Act and the Local Authority Cemeteries Order.
32. Particularly relevant to this case are the following articles of the Local Authority Cemeteries Order 1977. Article 9 of the Order imposes a duty on the burial authority – in this case the Parish Council – to “maintain a plan showing and allocating distinctive numbers to (a) all graves or vaults in which burials are made after the coming in to operation of this Order or are known to have been made before that event; and (b) the grave spaces subject to the specified rights.” “Specified rights’ is defined as meaning the right granted by the burial authority under Article 10.
33. Article 10 provides that a burial authority may grant on such terms and subject of such conditions as they think proper to any person “the exclusive right of burial in any grave space or grave or the right to construct a wares grave or vault together with the exclusive right of burial therein”. It goes on to provide, at paragraph (2) of Article 10, that (subject to certain exceptions which aren't relevant here), a right granted under this Article (other than another exception which is not relevant) should subsist for the period specified in the grant which has to be a period not exceeding 100 years. The grant in this case of 99 years was therefore valid and within the relevant legislation. Paragraph (6) of Article 10 of the Order says: “No body shall be buried or cremated human remains interred or scattered in or over any grave or vault in which an exclusive right of burial for the time being subsists, except by or with the consent in writing of the owner of the right.” There is then an exception which says that that paragraph doesn't extend to the body or remains of the person who immediately before his death was the owner of the right or any other person specified in the Deed of Grant or an endorsement on that grant made at the request of the owner.
34. The burial of Mrs Watkins' body by the funeral directors in plot E5 was in clear breach of paragraph (6) of Article 10 of the Local Government Cemeteries Order and was therefore an unlawful act on the part of the funeral directors. It wasn't an intentional unlawful act on their part, I should stress. It arose as a result of an unfortunate mistake, wholly unintentional and it certainly was not done as a result of any fault or neglect on the part of the Watkins family: I would wish to stress that too.

35. I also must stress that there is no question here of anyone being punished by the Court in the decision that it will reach today. Neither of the families are in the wrong. Both are victims of accidental circumstances for which they have no responsibility at all and that makes matters all the more sad. **So far as the law is concerned, what the Petitioners are doing is no more than seeking to secure a right that legally belongs to them and has been properly granted to them under legislation approved by Parliament and made by the Secretary of State and there is nothing to suggest that they are doing that for anything other than entirely proper motives.**
36. **Given what I have already said about most weight here being given to the legal position of the parties, I have had to conclude that I should give Judgment for the Petitioners.** I therefore Order that a Faculty should issue as sought. I can only say how very sorry I am to the Watkins for what has happened. They should never have been put in this position and have had to suffer the anguish and distress which inevitably has arisen. They have my sympathies.
37. I come now to the question of costs. In the light of what has already been said about costs, namely that I directed a special citation to be served on Twyford Parish Council on the basis that I would consider making a costs order against them, and the fact that they do not oppose such an order, I make an Order that Twyford Parish Council pay the court costs of this hearing to be assessed by the Registrar and that they pay the expenses incurred by the parties who are the members of the Watkins family that has been incurred in connection with this hearing. That includes their travel expenses, any subsistence expenses that have arisen and any costs in relation to stationery and postage etc. Again, those costs are to be assessed by the Registrar and I ask the Watkins family to submit their claims for costs within 28 days please.
38. I should mention the subject of appeal because that has been touched on in some of the correspondence. **The normal rule is that unless a particular case involves a question of doctrine, ritual or ceremonial, permission is required to appeal to the Court of Arches and that permission has to be made in writing in the first instance to me, the Chancellor within 21 days of giving Judgment.** Given the circumstances in the particular case, that would seem rather a long time and I would be prepared to entertain an application made by any of the Watkins family members who are parties this afternoon. If permission were granted, then they would immediately be able to give notice of appeal in the Court of Arches. If it were not granted, then they could immediately renew their application for permission to the Court of Arches and that would mean there was no hold up as there otherwise would be if the ordinary rules for written applications for leave to appeal were followed.

Chancellor: You may want to have some time to think about whether you wish to ask for permission to appeal. In asking for permission to appeal, you also have to ask for a certificate as to whether or not the case involves a question doctrine, ritual or ceremonial. I will hear you on that point as well if you wish to ask for that. All I point out is that in the Blagdon case in the Court of Arches they say there

that that wasn't a case involving a point of doctrine, ritual or ceremonial, it is just a question of law as to what amounted to exceptional circumstances. You can have as long as you need in order to consider the point.

Watkins: We won't oppose it, however we can't speak for the other parties

Chancellor: So as far as the three, you are not seeking permission to appeal but you can't speak on behalf of the others?

Watkins: No, we can't speak for the others

Chancellor: I understand that.

Chancellor: If they wish to appeal, can I ask that they let the Registry know about that within 7 days please? Again, because of the circumstances.

Chancellor: Are there any other ancillary matters which any party wishes to raise now?

Watkins: You haven't mentioned the cost of exhumation and reinterment of my mother within Twyford Parish

Chancellor: Sorry, I should have dealt with that as well. I also order all those costs are paid by the Parish Council.

Watkins: And there will obviously be costs for the family to re-attend the exhumation and reinterment as obviously we all come from different parts, so there will be overnight costs for all of us.

Chancellor: Does the Parish Council express any view about the

Parish Council: I spoke to the funeral home yesterday. They were under the impression that it wouldn't be attended by family

Watkins: We will

Chancellor: I think it is reasonable to say arrangements should be made for family to attend so far as they wish to do so, and I suggest that the Watkins family put in any expenses connected with that as part of the expenses claim they wish to put in for assessment. And then the Parish Council can make any submissions on the figures that have been put at that point. The assessment won't take place without notice to the Parish Council, and they will be asked if they wish to make any submissions in relation to what has been asked for. As there are no other applications for orders, the only other Order I would make is that the exhumation and reinterment must take place under the supervision of the Incumbent of the Parish or of another Priest nominated by him or her and that it is to be carried out with all due reverence.

Watkins: As regards timing, both my brother and myself will be out of the country. Directions on timing – out of the country from 24 July.....

Chancellor: If I were to direct that the exhumation and reinterment must take place by no later than 15 July, would that meet your concerns? Up to 15 July is alright as far as your family is concerned?

Chancellor: Mr King have you got any observations on the request that the exhumation take place either before a certain date or not until after a certain date?

Watkins: Can I just want to say one thing, not the 6 July, that is a sacrosanct date for us because that is thanksgiving of her birth.

Chancellor: I can see why that might not be a suitable date for this, yes, I understand entirely. Yes, your concern Mr King I assume is that because your father's condition is deteriorating ...

King: Deteriorating hourly.

Chancellor: Can I ask if the Parish Council has any got any view about dates?

Parish Council: No.

Chancellor: What I will say now is that the disinterment and reinterment should take place on 7 July or as soon as practicable after that date before 15 July or up to 15 July, but if anything happens between now and 7 July, which puts a different complexion on the matter, then an application could be made to the Court. And I am not saying that I will necessarily be able to bring it forward but we will have to then deal with the situation that has arisen as it arises. I hope that won't be necessary, but I am just saying that you can have permission to apply. But if you do apply I won't make any Order changing the dates without allowing the Watkins family to have their say on any change to the dates I have already specified.

As I said earlier, I am very grateful for everyone today for their co-operation and for a very helpful way in which they put matters to the Court and I am very sorry once again for the situation that you have found yourselves.