

RE MARJORIE KENNEDY DECEASED

FURTHER JUDGMENT

1. Marjorie Kennedy [‘the Deceased’] died on 10 March 1992, over 22 years ago, and on 16 March 1992 her remains were interred at Southern Cemetery Manchester. On 31 July 2014 I dismissed the application of John Kennedy [‘the Petitioner’], her widower, who sought a faculty to exhume such remains and to re-inter them at Mill Lane Cemetery in Cheadle.
2. The Petitioner was then 88 years old, In his application he stated that he now resided in Heald Green Cheadle and ‘would like my wife’s remains to be re-interred in a cemetery which is much nearer to my residence’. His three children supported his application on the ground that their father would find it much easier to visit their mother’s grave if her remains were re-interred in Cheadle and that the Petitioner was finding it increasingly difficult to access Southern Cemetery.
3. My own knowledge of the area together with reference to local maps revealed that the distance between Southern Cemetery and Mill Lane Cemetery was not much more than about 6 miles and the journey time by car cannot be much more than 15 minutes.
4. Having considered all the facts and the relevant legal principles I asked myself whether I was satisfied whether it had been established by the Petitioner, on a balance of probabilities, that the facts here justified an exception to the general presumption of the permanence of Christian burial and concluded for the reasons set out in paragraphs 20-22 of my judgment that I was not so satisfied. In particular at paragraph 22 I expressly recorded, as was the case, that the Petitioner’s application was not based on a desire to create a family grave.
5. The Petitioner seeks permission to appeal. He refers to the fact that soon driving to Southern Cemetery will not be an option for him and that he will have to travel by bus. To travel to Mill Lane Cemetery will involve only one bus and will take 7/8 minutes and he could walk there. By contrast to travel to Southern Cemetery will involve two buses and a journey time of 35/40 minutes.
6. The Petitioner also says that in due course he will be buried at Mill Lane Cemetery. This was not a matter raised by him in his application. In any event there is no reason why he himself could not in due course be buried in nearby Southern Cemetery with his wife rather than seeking her exhumation, some 22 years after her burial and re-interment at Mill Lane Cemetery a relatively short distance away.
7. In all these circumstances I do not adjudge that it is appropriate that I should grant the Petitioner permission to appeal and I dismiss the application for permission to appeal.
8. However, I grant a certificate under section 10(3) of the Ecclesiastical Jurisdiction Measure stating that this matter does not involve a question of doctrine, ritual or ceremonial.

GEOFFREY TATTERSALL QC

Chancellor of the Diocese of Manchester

3 October 2014