

to bomb damage. The Old Church was the secondary centre of worship and little used. Local groups and schools had expressed interest in using it but flexible space, more comfortable seating, heating and accessible facilities were needed to make the building usable and compliant with the Disability Discrimination Act. A faculty for toilet and kitchen facilities, heating, new flooring and storage of the font was uncontroversial, but the removal of Georgian box pews was opposed by the Georgian Group. The chancellor rejected as wrong in law the suggestion that no pre-1840 box pews should ever be removed from a church. Distinguishing the case of *Re Holy Trinity, Horwich* (2011) 13 Ecc LJ 383, the chancellor observed that a representative sample of pews were to be retained within the church, and that the works were reversible as the pew furniture was to be safely stored after disassembly. Further, the pews were so shoddy and in such poor condition that their removal would not adversely affect the character of the church. In addition, the presumption against change was displaced by the compelling Statement of Need. The faculty was granted. [Catherine Shelley]

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Re West Norwood Cemetery

Southwark Consistory Court: Petchey Ch, March 2012

Exhumation – lift and deepen – same grave

The petitioner sought a faculty for the exhumation of his mother's remains for their re-interment in the same grave at a greater depth. The grave in question contained the remains of four family members and the petitioner wished his remains to be interred in the same grave in due course. A change in practice when the cemetery was acquired by the local authority meant that the petitioner's mother had been interred at a depth that precluded a fifth burial in the grave, despite previous practice allowing five burials. The petitioner had challenged this at the time of his mother's burial but his complaints were rejected. The chancellor acknowledged the norm of permanence in Christian burial but observed that different considerations applied to proposals for exhumation and re-interment in the same grave. Those circumstances did not represent an exhumation to which the presumption of permanence applied. He referred to the Archbishops' Council's approval of the practice of lifting and deepening graves in order to create additional burial space where there is a shortage and granted the faculty. [RA]

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