

parents. At the time of the burial he had intended that his remains would be interred in the same grave in the fullness of time. In the two years following the burial of the deceased, the cremated remains of two further family members were interred in the grave. The petitioner became concerned that there would not be space in the grave for his remains to be buried with his wife. His wife was one of seven siblings and if they and their spouses all sought to be buried in the family grave there would need to be ten further interments in the grave. The petitioner wished for his wife's remains to be exhumed now for burial elsewhere in order that he could be sure of his remains being buried with her when the time came. All contactable family members consented to the proposal. The chancellor considered the decision of the Court of Arches in *Re Blagdon Cemetery* [2002] Fam 299 and held that the present case did not amount to exceptional circumstances such as to allow for a departure from the norm of permanence. Although there had been no delay in this case, it could not be said that there had been a relevant mistake. Further, the application sought to remove remains from a family grave, which demonstrated the very opposite of family unity. The application was refused. [RA]

doi:10.1017/S0956618X12000993

Re Bourne Abbey Churchyard

Lincoln Consistory Court: Bishop Ch, 19 June 2012

Exhumation – family grave

The chancellor granted a petition for the exhumation of the cremated remains of the petitioners' father for their re-interment with those of their mother in Essex. The whole family focus had been in Essex and the petitioners' parents had only moved to Bourne a relatively short time before their respective deaths. There was no question of mistake in relation to the burial, although the creation of a family grave was held to be adequate reason for a departure from the norm of permanence. [RA]

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Re St Michael and All Angels, Chell

Lichfield Consistory Court: Eyre Ch, 21 June 2012

Faculty jurisdiction – extension of time

The petitioners applied for an extension of time to complete works authorised under an unopposed faculty that was granted in February 2007 for the

replacement of all pews in an unlisted church with chairs and the introduction of a carpet over a period of six months. The work had not been completed owing to lack of funds. The chancellor directed that a fresh public notice should be displayed due to the lapse of time. Despite objections being received, the chancellor granted an extension of time because the change was justified by the greater flexibility created for mission, worship and community use. [Catherine Shelley]

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Re St Paul, Woldingham

Southwark Consistory Court: Petchey Ch, 26 June 2012

Telecommunications installation – licence fees

The petition of the team vicar and churchwardens sought a faculty to permit (1) the installation of telecommunications equipment (a mobile phone ‘base station’) in the bell chamber of a church and (2) the team vicar and PCC to enter into a licence agreement with New Edge Telecommunications (Net) Limited (NET) to maintain and operate and use the equipment. The proposed licence agreement was for a period of 20 years with an annual fee of £5,000, which was to be reviewed every five years to reflect the fee payable in the open market. Local opinion was divided on the proposals. A number of objections, including one from the governors of the local primary school, were received. Following *Re Emmanuel Church, Bentley* [2006] Fam 39, the court would not apply stricter requirements relating to health and safety risks than those of the Government and local planning authorities. The relevant policy in the National Planning Policy Framework was that local planning authorities ‘should not seek ... to determine health safeguards if the proposal meets International Commission guidelines for public exposure’. The proposal in the petition met those guidelines. Accordingly, the health concerns that were raised by objectors did not provide a basis for refusing the petition. Objections that the equipment would facilitate the transmission of pornography could not be sustained in the light of *Re St Peter and St Paul, Chingford* [2007] Fam 67. As to the proposed licence agreement, the chancellor was concerned that NET was effectively a monopoly purchaser of the right to put telecommunications equipment in churches. In practice, the petitioners were not in a position to sell the right to install the equipment to anyone other than NET so that their bargaining power was constrained. The annual fee of £5,000 was near the bottom of the scale in the chancellor’s experience but it was the best price that could be achieved in an imperfectly operating market. That being so, the chancellor identified as a matter of concern the adequacy of the way in