

support of a substantial majority of the worshipping community or the wider parish community. Strong objections existed to the annexe as being disproportionate to both the church building and the needs of the community. Neither churchwarden supported the petition and nor did the PCC secretary or treasurer. The chancellor held that the prospect of such a substantial project succeeding was fatally blighted by the lack of congregational or community support. The petition was refused. [RA]

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Re C (A Child)

Romford County Court: HHJ Platt, 11 May 2012

[2012] EW Misc 15 (CC)

Baptism – Jewish child – parental dispute

C is the ten-year-old daughter of Jewish parents who divorced in 2010 and agreed that their two children should live with each alternately. Neither parent was observant and, though C's brother had been circumcised, they did not teach the children about Judaism. The father then converted to Christianity and, with the mother's agreement, took the children to church on alternate Sundays.

In 2011 C decided that she wished to be baptised. Her mother applied – without notice to the father – for a prohibited steps order forbidding him from baptising, confirming or dedicating either child into the Christian faith. HHJ Platt made an order that neither child was to be baptised or celebrate a *bar/bat mitzvah* without the consent of the other parent until further order or final hearing and ordered Cafcass to report on C's wishes and feelings in the matter.

The father accepted that the children were and always would be Jewish. However, he was adamant that it was the children who had decided to go to church. Equally, the mother accepted that the children had been brought up in a non-religious household; and though she alleged that this was because her ex-husband had prevented her from practising her religion she conceded that since their divorce she had made no attempt to introduce the children to Jewish teachings and practices beyond lighting the *Shabbat* candle on Friday nights. Both agreed that C was a very bright and mature girl who knows her own mind. HHJ Platt observed that in Jewish law a person who is born a Jew cannot deprive himself of his Jewish status and that Christian baptism does not have any effect on that status. He was satisfied that C understood the nature of baptism and concluded that her wishes and feelings were genuine and entitled to proper respect, that baptism would not affect her family relationships or prevent her from learning more about Judaism should she so wish and that no irrevocable consequences would flow from it. He

therefore decided that it was in her best interests to be enrolled in a baptism class and to be baptised as soon as she was ready. In addition, however, because he regarded confirmation as being an issue of much greater significance to C he ordered that she should not be confirmed before her sixteenth birthday without her mother's consent. [Frank Cranmer]

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Re St Mary, Trentham

Lichfield Consistory Court: Eyre Ch, 10 June 2012

Exhumation – family grave – seemly and practicable

The petitioner applied to exhume his father's ashes in order to inter his parents in the same family grave. The father had died first and his ashes had been interred in the churchyard, the petitioner not knowing that his mother wished to be buried in a family grave at Trentham Cemetery. The petition was supported by the PCC and vicar and the local authority had confirmed that there was space in the family grave. The chancellor held that any exercise of discretion to allow exhumation from consecrated ground is a two-stage process. First, the court must consider whether the matters raised are capable in law of amounting to special circumstances. Second, it must be shown that exhumation is justified in the particular circumstances of the case. The facts of this case – the 57-year marriage of the petitioner's parents, the relatively recent burial of both parties and the fact that the family grave was already established – justified exhumation in this instance. However, exhumation must also be seemly and practicable, which was made difficult by the fact that the ashes had been poured into the grave rather than interred in a casket. Following evidence from the incumbent that the ashes could be exhumed in a seemly manner without disturbing other remains it was found that exhumation was seemly and practicable and the faculty was granted. [Catherine Shelley]

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Re Boston Cemetery

Lincoln Consistory Court: Bishop Ch, 18 June 2012

Exhumation – family grave

The petitioner sought a faculty for the exhumation of the cremated remains of his wife, who had been interred in a family grave containing the remains of her