

Neutral Citation Number: [2023] ECC Swk 1

IN THE CONSISTORY COURT

OF THE DIOCESE OF SOUTHWARK

JUDGMENT

This is a petition in respect of a family grave in Wandsworth Cemetery. The grave will accommodate four coffin burials.

It was used for three coffin burials in 1972, 1973 and 1977 respectively; and then for the interment of cremated remains in 1990.

As matters stand, the interment of cremated remains in 1990 prevents a further coffin burial. However if the ashes are disinterred, a further coffin burial is possible; it would then be possible to re-inter the ashes in the same grave. The re-interment of the ashes could take place on the same day as the coffin burial, and this is proposed.

Although human remains should never be disturbed without good cause, I do not think that, where they are to be reinterred after a short interval in circumstances like the present, the full force of the principle of exceptionality articulated in *In re Blagdon Cemetery* applies. However *Blagdon* makes clear that the principle of family solidarity is to be encouraged; as is economy in the use of grave space. This seems to me an appropriate case in which a faculty for disinterment of the ashes should issue; the faculty will be subject to a condition that they should be re-interred within a period of three months in the same grave. I allow a period of three months just in case, in the event, there are any complications in this happening on the same day as the burial.

PHILIP PETCHY
3 April 2023