

**Neutral Citation Number: [2022] ECC Swk 1**

**Re Streatham Park Cemetery**

**JUDGMENT**

Mrs Delseta James died recently and her remains were buried in the consecrated part of Streatham Park Cemetery on 4 March. It was intended that her remains should be buried with those of her son, who died in tragic circumstances when still a child. By mistake her remains were buried in a different grave, where the remains of someone else are buried (in 1965, of a Ms Winifred O Dupoix). The grave was owned by a Mr Leonard Dupoix, whom research has shown died in 1976 and is buried elsewhere. The current owner of the grave where Ms Dupoix is buried is not known; and I am not in fact sure whether Mr Dupoix's heirs would now have any residual rights in the grave.

The current situation is causing Mrs James's family considerable distress and obviously needs to be rectified as soon as possible. Arrangements have been made for the necessary exhumation and re-interment of Mrs James's remains to take place on Friday next (18 March) subject to the grant of a faculty.

I direct that a faculty should issue. Permission for exhumation from consecrated ground is only given in exceptional circumstances. However mistake is well recognised as the sort of matter which may constitute exceptional circumstances (see *In re Blagdon Cemetery*) and it is clear to me that it does so here.

I have carefully considered the position of whoever it may be who owns or otherwise has an interest in the grave of Ms Dupoix. Obviously the burial of Mrs James's remains should not have taken place where it did, and one may be confident that those who are interested in Ms Dupoix's grave will also want the mistake rectified as soon as possible. Although, of course, there should be no concealment of what has happened, I see no reason for any further steps being taken to identify those who have an interest in the grave. I am working on the basis that there is no obvious sign of continuing maintenance of this grave; if the position were otherwise, it might be appropriate to take further steps to identify who is maintaining the grave and notify them of what has happened.

Ms Kirsty Wilkinson, Crematorium and Cemetery Business Leader at Streatham Park Cemetery has told me that the Cemetery are improving their systems to try to ensure that the misreading of a number, which occurred in the present case, does not occur again. No system in practice is mistake proof but I am sure that, in the future, suitable checks will be made to try to ensure that a mistake such as happened here does not happen again.

Philip Petchey  
Chancellor  
14 March 2022