

**IN THE CONSISTORY COURT OF THE DIOCESE OF SOUTHWARK
IN THE MATTER OF STREATHAM PARK CEMETERY
AND IN THE MATTER OF A PETITION BY MS MIRIAM PANAYIOTOU**

JUDGMENT

1. This is the petition of Miriam Panayiotou for a faculty to permit the exhumation of the remains of Nicholas Panayiotou, her brother, from a consecrated plot in Streatham Park Cemetery and for their re-interment at a greater depth in the same plot. This will permit the use of the plot for the burial of the remains of Pavlou Panayiotou, Nicolas's mother, and in due course, of Nicos Panayiotou, Nicolas's father.
2. This petition comes at a very sad time for the Panayiotou family, as Pavlou has only just died. It also is urgent because the funeral arrangements for Pavlou depend on whether or not it is granted.
3. The facts are that Nicholas died in 1970 at the tragically young age of 5; and his remains were buried in a consecrated plot in Streatham Park Cemetery. If and insofar as they thought about it, Mr and Mrs Panayiotou thought that in due time it would be possible for their remains to be buried alongside those of their son, or nearby. The family investigated the position in the days of Pavlou's final illness and discovered that this would not be possible. Nor is it possible for Pavlou's remains to be interred in the same grave as Nicolas as there is insufficient depth. It would however be possible for Pavlou's remains to be interred there if the remains of Nicholas are exhumed and re-interred at a greater depth. This would also permit Nicos's remains to be interred there in due course. This is what Miriam's petition seeks. Her father, two sisters and remaining brother support the petition. It was also Pavlou's wish, expressed before she died.
4. The norm of Christian burial is permanence. As regards land which is consecrated according to the rites of the Church of England, this means that permission for exhumation of human remains once buried is granted only exceptionally¹. I am not sure that this restriction applies or applies with full force to the kind of proposal before me but, if it does, it does seem that the general circumstances arising are in themselves exceptional. Moreover as *Blagdon* recognised², family graves are intrinsically a good thing, as expressive of family unity and making economical use of grave space. The creation of a family grave formed part of the exceptional circumstances arising in *Blagdon*.
5. Accordingly it is appropriate that I direct that the faculty prayed for in this case should issue. I hope that the fact that the arrangements for Pavlou's funeral can go ahead as she would have wished will give the family some comfort in the necessarily sad days ahead.

PHILIP PETCHEY

Chancellor

22 June 2023

¹ See *In re Blagdon Cemetery* [2002] Fam 291 (Court of Arches).

² See paragraph 36 (vi) of the judgment.