

Neutral Citation Number: [2024] ECC Swk 1

IN THE CONSISTORY COURT OF THE DIOCESE OF SOUTHWARK

IN THE MATTER OF EAST SHEEN CEMETERY

AND IN THE MATTER OF A PETITION BY MATTEO MAZZOCCHI

### JUDGMENT

1. On 20 August 2000, Alessandro, the 16 month old son of Matteo Mazzocchi and Merijntje Schellekens suffered a fall and tragically died. He and his parents were staying with friends in the Netherlands at the time but his parents were working and living in England. His remains were brought back to England and buried in the consecrated part of East Sheen Cemetery. It was always the intention of Alessandro's parents that the interment of his remains there should be temporary and that, when they returned to Italy to live – as was their plan – Alessandro's remains should be exhumed and re-interred in a grave in Italy. They were not told that the plot in East Sheen Cemetery was consecrated or of the fact that, ordinarily, there is a strong presumption against exhumation from consecrated ground. Evidently, if they had been told these things, they would have arranged for Alessandro's remains to be interred in unconsecrated ground.
2. Alessandro's parents are now returning to live in Italy and wish for their son's remains to be exhumed and re-interred in a family grave in Montegrosso d'Asti. They have petitioned the Court to enable this to happen. All Alessandro's close relatives support the petition.
3. The interment of remains in consecrated ground is intended to be permanent and requests for exhumation are only granted exceptionally<sup>1</sup>. However a relevant mistake is one of the recognised cases in which it may be appropriate for an exception to be granted<sup>2</sup>. Moreover, the Court likes to encourage family graves, as indicative of family unity<sup>3</sup>.
4. In the circumstances, I direct that a faculty should issue. As is my general practice, I shall not make the faculty subject to any conditions. I know that experienced funeral directors are being instructed and I can rely on them and Alessandro's parents to ensure that everything is carried out with appropriate decorum.
5. I have not inquired into the circumstances in which the mistake occurred, more than 20 years ago. It does not seem profitable to do so and could only bring back unhappy memories.

PHILIP PETCHEY

Chancellor

15 August 2024

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<sup>1</sup> See *In re Blagdon Cemetery* [2002] Fam 299 (Court of Arches) at paragraphs 28 and 33.

<sup>2</sup> See *ibid* at paragraph 36 (iii).

<sup>3</sup> See *ibid* at paragraph 36 (vi).