



## Churchyard Regulations

### Introduction

This document aims to clarify the legal position with regard to churchyards, and, in particular, respecting the erection of memorials in them. It also aims to ensure that the distinctive character of a churchyard is maintained in the context of its setting around the parish church.

The policies of the Chancellor contained in this document will continue to ensure a consistent policy throughout the diocese, and reflect those commended nationally by the Council for the Care of Churches in 'The Churchyards Handbook'.

### Rights of burial

1. Parishioners, and other persons who die in the parish, have a right of burial in the churchyard provided there is room and it has not been closed by Order in Council.
2. The place of burial is at the discretion of the Incumbent, unless a particular grave space has been reserved by Faculty granted by the Chancellor of the Diocese.
3. The Incumbent may, at discretion and if there is sufficient room, permit the burial in the churchyard of persons other than parishioners or those who die in the parish.
4. These rights of burial extends also to the interment of ashes after cremation; but where a churchyard has been closed for burials by Order in Council, this may take place only if a Faculty has first been obtained for this purpose.

### Erection of memorials in churchyards

1. The erection of any memorial in a churchyard, or the alteration of any existing memorial, or the introduction of any other object in a churchyard, is a privilege and not a right. Bereaved people are frequently under the impression that they have actually bought the plot of land in which their loved one is buried. This is not so; they have simply paid for the work involved in the burial itself, and for a small part of the cost of the general maintenance of the churchyard. The whole churchyard remains in Church ownership.
2. Permission must therefore always be gained for the erection of (or alteration to) any memorial in the churchyard.
3. All churchyard memorials are subject to the jurisdiction of the Chancellor of the Diocese.
  - However, he delegates to Incumbents and Priests-in-charge (and during a Vacancy, the Rural Dean) the right to authorise simple memorials that fall within their delegated powers (see below for details).

- If a parishioner wishes to erect a memorial which falls outside these delegated powers, he or she is at liberty to petition the Chancellor for a Faculty to erect the memorial of their choice.
- Such a parishioner will, however, usually have to demonstrate to the Chancellor that there is some exceptional reason for him to depart from his own general Regulations and grant such a Faculty.
- Specially designed, beautiful and appropriate memorials are not discouraged, and application for such memorials will be sympathetically considered.
- It is important to note that the existence of a similar memorial or memorials to the one for which permission is being sought will not usually be a reason for the Chancellor to give such permission. To illustrate the point: the existence of older kerbs will not in itself be a reason for granting permission for another kerb; once immediate relatives of the deceased leave the area or themselves die, the burden of tending a grave falls on the Parochial Church Council, which will find the task of maintenance and mowing much more straightforward if there are no kerbs.
- If a memorial or other object is introduced into the churchyard without authority, the Chancellor has power to grant a Faculty for its removal and to order the person who introduced it to pay the expenses of removal and the costs of any proceedings.

### **The rationale for the regulations**

Churchyard Regulations (and they are very similar right across the country) represent the collective wisdom over many years of Chancellors and Diocesan Advisory Committees for the Care of Churches. They are in some respects different from the regulations which govern civil cemeteries. This is at least in part because of the different settings of the two types of graveyard. A churchyard almost always surrounds a church building; memorial stones which may be entirely suitable in an urban cemetery setting will frequently look quite out of place when close to a Grade 1 or 2 Listed building. In granting Faculties for churchyard memorials, the Chancellor has to consider not only the wishes of the bereaved family, but also his responsibility for the maintenance of an appropriate setting for a parish church for the next 200 years and more.

### **Procedure for the erection of memorials**

1. Anyone wishing to erect a memorial or make any alteration to an existing one, should consult the Incumbent as early as possible, and certainly before making any choice of design or material. A minimum of six months must elapse between the death of a person to be commemorated and the approval of a memorial by the Chancellor or Incumbent.
2. The scale of fees (authorised by the Church Commissioners) payable to the Incumbent and Parochial Church Council in respect of the erection of memorials may be consulted on application to the Incumbent.
3. Once the memorial is agreed in principle, the individual should then make formal application to the Incumbent on the standard diocesan form. This will include the full particulars of the design of the proposed memorial, cross, or alteration, including a description of the materials to be used, its measurements, shape, base, colour, and decoration, and the style, layout and lettering of the proposed inscription.

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4. If the proposed memorial falls within the powers delegated to the Incumbent, she or he may give consent to it; such consent shall normally be in writing. This permission must be obtained before placing an order with a stonemason.
5. If the proposed memorial does not fall within the Incumbent's delegated powers to grant, the applicant may (as indicated above) petition the Chancellor for a Faculty to erect it.
6. Faculty application forms and further advice may be obtained from the Diocesan Registrar, 1 The Sanctuary, Westminster, London SW1P 3JT (tel: 020-7222-5381; fax: 020-7222-7502; email: [enquiries@1thesanctuary.com](mailto:enquiries@1thesanctuary.com)). The Secretary of the Diocesan Advisory Committee for the Care of Churches may be contacted at the Diocesan Office, Bishop Woodford House, Barton Road, Ely CB7 4DX (Tel: 01353-652727).

### **Regulations respecting memorials**

*(effective from 1 March 2004 and superseding all previous directions. Issued on the authority of the Chancellor of the Diocese of Ely).* This schedule specifies those memorials which fall within an Incumbent's delegated powers.

#### **1. Dimensions of headstone**

Headstones shall be no larger than 1200mm (4ft) high, measured from the surface of the ground, 900mm (3ft) wide and 150mm (6in) thick. They shall be no less than 500mm (1ft8in) high, 500mm (1ft8in) wide, and 75mm (3in) thick – except in the case of slate memorials, which may be thinner but not less than 38mm (1½in) thick. These measurements are not intended to define standard proportions of memorials, and memorials may be of any dimensions within the given maxima and minima. Crosses shall not exceed 1500mm (5ft) in height, measured from the surface of the ground, and shall be set in a sufficient stone or concrete plate, the surface of which is below ground enabling a mower to pass freely over it. Memorials of smaller dimensions may be allowed to mark the graves of children under the age of 12, but such will be authorised only by Faculty.

Note: graves of the Commonwealth War Graves Commission are subject to different regulations.

#### **2. Base and foundation slab**

A headstone may stand on a stone base, provided that the base is an integral part of the design. The top of such a base should, for preference, be flush with the ground; if it is not, it is essential that its foundation slab must be flush with the ground to allow a mower to pass freely over it. A recess for flowers may be incorporated in the base. The width of the base should not exceed 100mm (4in) beyond the headstone in any direction, except where a receptacle for flowers is provided, in which case the base may extend up to 200mm (8in) in front of the headstone. Other methods of fixing the memorial in the ground should be considered; the base of the memorial may be so shaped that it can be inserted directly into the ground at sufficient depth to ensure stability.

### **3. Ledgers**

As an alternative to a headstone (but not in addition to it), a memorial ledger may be laid flat on the ground. Such ledgers shall be laid slightly below ground level. The permitted dimensions do not exceed 1800mm (6ft) by 600mm (2ft).

### **4. Flowers**

Any separate container for flowers must be level with, or below, the surface of the ground so that it will not obstruct the passage of a mower. Wreaths and cut flowers must be removed as soon as they appear to be withered. Trees and shrubs may be planted on or around a grave only with separate Faculty permission. No artificial flowers may be placed in the churchyard except for Remembrance Day poppies and traditional Christmas wreaths, and these shall be removed within two months. The PCC has authority to remove any artificial flowers which do not comply with these regulations.

### **5. Materials**

Headstones and crosses shall be made of teak or oak, or cast or wrought iron, or natural stone, and shall have no polished or reflecting finish. Traditional stones are normally to be used; recommended are Forest of Dean, Hornton Blue, Ketton, Nabrasina/Roman Stone, Portland, and York (limestones), Northumberland (sandstone), and Welsh Black and Westmoreland Green slates. No coloured or mottled granites are permitted under these regulations, nor any granite darker than Karin grey, nor marble, synthetic stone, nor plastics. Although the stone may not be polished nor finished in any way to give the effect of polished stone, the surface may be suitably prepared for an inscription.

### **6. Sculpture**

Figure sculpture and other statuary are not discouraged, but must be authorised by Faculty.

### **7. Designs**

Headstones need not be restricted to a rectangular shape, and curved tops are preferable to straight-edged ones. Memorials in the shape of a heart or book are not permitted other than by Faculty; nor are photographs, portraits, kerbs, railings, chippings or glass shades. Motifs and pictures are not normally allowed on headstones; if such are to be incorporated, however, they are normally to be of clear Christian significance.

### **8. Epitaphs**

Inscriptions must be simple and reverent, and preferably (but not necessarily) they should be of Biblical or Prayer Book origin. Inscriptions should be incised, or in relief, and may be painted. Plastic or other inserted lettering is not permitted. Additions may be made to an inscription at a later date following a subsequent interment in the same grave or for some other suitable reason. However, any such alteration must be separately approved. The lettering, layout and wording must be consistent with the original inscription.

## **9. Trademarks**

No advertisement or trademark shall be inscribed on a headstone. The mason's name may be inscribed at the side or on the reverse in unleaded letters no larger than 13mm (½in) in height.

## **10. Commemoration after cremation**

Ashes after cremation may be interred, but not scattered, in a churchyard. For this purpose an area in the churchyard should be set aside under the authority of a Faculty. If the ashes are interred in a container, the container must be of perishable material. In general, the previous paragraphs apply to memorials in respect of cremated remains. Where an area is set aside for the interment of cremated remains under the authority of a Faculty, the Faculty will lay down conditions under which cremated remains may be interred. If the conditions allow memorial slabs to be laid, the previous paragraphs apply (as appropriate) to such, and they must be of uniform size, and laid flat 25mm below ground level. The permitted size does not exceed 525mm (21in) by 525mm (21in).

In all cases the Incumbent must be consulted before cremated remains are interred.

**Amended February 2004**