

CHURCHYARD REGULATIONS
PARISH OF ST JOHN THE BAPTIST
CAPEL

Introduction

1. The purpose of these regulations is to summarise the relevant law relating to churchyards; provide a framework of rules so that the beauty of our churchyard heritage is maintained; give practical guidance for Health & Safety as well as maintenance issues. The churchyard is the setting for the Parish Church and it needs to be a place where people can be quiet, remember and pray, without the distraction of things that are unsightly or inappropriate.
2. The word 'Incumbent' is used in these regulations to refer to the vicar, rector, priest-in-charge, team vicar or, in the case of an interregnum, the rural dean. It does not include the curate who does not have the Incumbent's delegated authority.

Burials

3. Parishioners of the ecclesiastical Parish of Capel (*including all those on the Church Electoral Roll*), have a right to burial in the churchyard if there is still space available and if the churchyard has not been closed by Order in Council. This right applies to bodies only.
4. Permission for others to be buried may be granted by the Incumbent, who must have regard to any general guidance given by the Parochial Church Council (PCC). The PCC passed a motion at its meeting on 24th July 2010 stating that this should not normally be granted.
5. The Incumbent is responsible for deciding where in the churchyard burials will take place. It is not possible to reserve a particular grave space.
6. The exercise of a right of burial and the erection of a memorial do not alter the ownership of any part of the churchyard, which remains the legal property of the Incumbent. Any fee paid in connection with the use of the churchyard is solely for services rendered or in return for permission granted. It is not possible to 'buy' a space under any circumstances.
7. All burials must be recorded in the Burial Register.

Graves and memorials

8. Incumbents have discretion to authorise the erection of any headstone which falls within the types and classes authorised in Appendix A (Memorials in Churchyards). They may refuse to permit the erection of an authorised headstone if they believe it would be detrimental to the churchyard. However they have no discretion to allow the erection of a headstone that falls outside those authorised.
9. No memorial should be erected within six months of a burial (the Incumbent may increase this minimum to 12 months depending on the type of soil in the churchyard).
10. If a family (*or executor*) wishes to erect a memorial which falls within the Incumbent's discretion they should apply on form CRI (*available from the stonemason or Incumbent*). Permission is always required and no work should be ordered or put in hand until permission has been granted.
11. If a family (*or executor*) wishes to erect a memorial which falls outside the Incumbent's discretion they may apply for a Faculty giving the grounds for their request. The Incumbent will advise them how to approach the DAC.
12. Graves should normally be on a 9ft (2700mm) by 4ft (1200mm) grid unless ground conditions dictate otherwise. No grave or memorial should be placed within 4 ft (1200mm) of the church so as to facilitate access and help reduce damage during maintenance and repair of the building.
13. Local Authorities have regulations regarding the minimum depth of a grave. Generally the depth must be not less than 750 mm (30 ins) above the coffin.
14. In the event of any memorial being erected or placed in the churchyard without the written consent of the Incumbent or a Faculty granted by the Chancellor, those responsible may be required to remove the same and pay the costs (*including the costs of any legal proceedings compelling them to do so*).

Reserving a grave space

15. There is no facility to reserve grave space. Where a double space is required, this will be vertical (*not horizontal*), and must be requested at the time of the first burial.

Exhumations

16. No human remains (*including cremated remains*) may be moved (*exhumed*) without a Faculty and sometimes a Home Office Licence.
17. The process of obtaining a Faculty to permit an exhumation, which can only be granted in exceptional circumstances, is often lengthy and complex. Anyone contemplating applying for such a Faculty must contact the Diocesan Registrar.

Interment of Cremated Remains

18. There is no Faculty for cremated remains to be interred in the churchyard.

Plan

19. Incumbents and Churchwardens are responsible for ensuring that the Churchyard Plan and related faculties are kept securely in the church or elsewhere, a note being kept as to where they may be found. During a vacancy in the living, it is the responsibility of the Churchwardens to ensure that any Priest-in-Charge or other clergy person responsible for burials is kept fully informed about the Churchyard Plan.
20. If there is no Churchyard Plan or the existing Plan is not up-to-date the PCC must take steps to create an up-to-date plan. It should record the location of the church in the churchyard, the location of all trees, bushes, hedges and fences as well as the location of all memorials. The DAC is willing to give advice as to the preparation of such a plan.
21. All parishes should maintain a record of all memorials in the Churchyard including the inscriptions and the names and addresses both of the persons who caused the memorial to be erected and the mason who carried out the work. This will help the PCC both to locate the appropriate person should repairs to the memorial be required and to assist those carrying out family or other research. The DAC is willing to give advice as to the preparation of such a record.

Closure of a Churchyard

22. Where a churchyard becomes full of burials and there is no further usable space, the Incumbent and FCC may seek to have it closed. Closure of a churchyard for further burials can only be ordered by Her Majesty in Council. Application should be made in the first instance to D Division of the Home Office. The fact that closure is irreversible should be borne in mind, as well as the fact that closure imposes significant limits on the future use of the land, for example for any form of building. The Registrar should be consulted before any action is taken.

23. Alternatively the Incumbent and PCC may prefer to adopt a policy for the reuse of graves where burials took place at least, say, 75 years ago. This is to be encouraged in view of the increasing shortage of land for burials but requires very careful and sensitive treatment. It will probably involve a Faculty as memorials may have to be moved. Advice should be sought from the Registrar as to the legal position and the Secretary of the DAC as to the manner in which it should be carried out.

Memorials in Churchyards

24. An appropriate variety of design is encouraged in choosing memorials. Relatives should take the surroundings of the grave and churchyard into account. A suitable choice can often be made from the range of memorials offered by some masons, but individually designed memorials are encouraged. In order to ensure quality and suitability of material and design, memorials which are outside the range of simple designs commonly found in churchyards, whilst not necessarily discouraged, must be authorised by Faculty. The Faculty process will be explained by the Incumbent or speak to the Secretary of the Diocesan Advisory Committee on 01483 790313.

25. Incumbents may authorise the erection of memorials which comply with the following provisions provided the Inscription is acceptable to them.

Materials

26. Memorials must be of weathering natural stone (*excluding onyx, marble, slate, and similar materials*) or hardwood, so that they harmonise with the surroundings. Stones traditionally used in local buildings or closely similar to them in colour and texture are to be preferred. The stone (*including the lettering surface*) shall not be finished with a polished or reflecting surface. It may not be black, dark grey, white or red. and no memorials or vases shall be of synthetic stone or plastic.

Design

27. Memorials may comprise a simple headstone or cross. A headstone may have maximum dimensions of 1200mm high above ground level, 900mm wide, 150mm thick (4ft x 3ft x 6ins). A cross may have a maximum height of 1500mm above ground level 900 mm wide and 150 mm thick (*5ft x 3ft x 6 ins*). The permitted design requires the cross to be made from a single piece of stone whose width in the earth is at least equal to the width of the cross.

28. The Incumbent may specify a minimum size in the regulations given to the bereaved,

for all memorials (*consistent with other memorials in the churchyard*). A typical minimum size would be 350 mm high, 500 mm wide and 50 mm thick (*and usually smaller for a child*).

29. All headstones and crosses must be securely fixed in the ground and due regard must be paid to the nature of the ground and the risk of settlement. Masons/funeral directors must have regard to the Guidelines issued by the Association of Burial Authorities. The PCC may decide to lay flat any memorial which, in its opinion, is unsafe.
30. A headstone or cross may stand on a base provided that it is an integral part of the design and firmly fixed to it with non-ferrous dowels. The base may project no more than 100 mm (4ins) beyond the headstone in any direction, except where a receptacle for flowers is provided, in which case this must be flush with the top of the base and may extend up to 200 mm (8ins) in front of the headstone. The base must be securely fixed on a foundation slab which is flush with or below the ground so that a mower may pass freely over it. The foundation stone must extend from 75 mm (3ins) to 150 mm (6ins) all round the base.

Exclusions

31. There are many practical reasons (e.g. *maintenance, appearance*) why horizontal ledgers, raised kerbs, railings and stone or other chippings are not permitted as part of memorials. Similarly, memorials in the shape of a statue or bird bath, or including any image of the deceased or any photograph or coloured drawing are specifically excluded from the delegated authority given to the Incumbent.

Inscriptions

32. Inscriptions must be simple and reverent and appropriate to a churchyard. The Christian and surnames of the deceased should be given, with the dates of birth and death (*or age and date of death*). Relations named should normally be limited to parents, children and spouse or partner. Quotations compatible with the Christian faith are permitted. The terms of any epitaph must be agreed with the Incumbent as part of the necessary permission.
33. Lettering must be incised and not painted, but left natural.