

Churchyard Regulations (1994)

1. Introduction

The purpose of the regulations is to preserve the amenity for the parish and the community for its benefit and enjoyment and to ensure good practice is observed and to help the management of parish churchyards in the Diocese. Most of our churchyards are situated adjacent to a Parish Church building, and so there is a need to ensure that all monuments, tombstones and memorials are in sympathy with the Church building they surround.

The Chancellor understands the pastoral difficulties often faced by the clergy and lay officials in trying to apply the regulations and at the same time offer a sensitive and personal ministry to those who are newly bereaved. He therefore wishes to point out that, when an application for a memorial involves a departure from the regulations, a faculty should be applied for. In cases of doubt, the Chancellor's advice may be sought.

In recent years there has been an increasing awareness of the importance of exercising proper control over all manner of development. Churches and churchyards are seen as important features of any community. The Government has, so far, been prepared to permit the Church to retain almost complete control over what is and is not done on its own property through the Faculty Jurisdiction of the Consistory Courts. If this jurisdiction is not rigorously enforced then we could well lose this ecclesiastical exemption. It is for this reason that notwithstanding a more lax approach in former years, it will be necessary to require a more thorough compliance with the regulations.

The Chancellor also understands that some churchyards already have many memorials which do not comply with the regulations. This makes it all the more difficult to apply the regulations in new cases. It may therefore be

appropriate, in certain cases, for the Incumbent and PCC to apply for a faculty to suspend the regulations in a designated area of the churchyard. Each application will be determined on its merits.

The Chancellor wishes to encourage good pastoral practice by the clergy. There is a need for the Diocese to show interest and concern for people as well as for property. The clergy are therefore encouraged to offer advice to the parishioners concerning churchyard memorials at the time of arranging a funeral. A suitable letter might be given to the chief mourner at this time. Such a letter would need to help people to understand the difference between a churchyard and a municipal cemetery, and so appreciate the need for these regulations. An example of the type of letter required is given as an appendix to these regulations.

Incumbents should also try to build up a good relationship with their local funeral directors and monumental masons. Such liaison will go a long way to overcoming the problems which occur from time to time. Those who are bereaved have a right to expect that they will be helped in their sadness by a 'team' of people working together – funeral director, clergy and monumental mason. It is therefore essential that all those who are concerned with funerals and churchyards should have copies of the regulations and be familiar with them. Archdeacons and Rural Deans should keep lists of funeral directors and monumental masons operating within the Diocese and put newly-arrived clergy in touch with them.

2. Management and maintenance of the churchyard

- a) The Parochial Church Council, which, under the Parochial Church Councils (Powers) Measure 1956 is responsible for the care and maintenance of the churchyard, is encouraged to make its own rules to meet the needs of the local situation. Such rules must not be contrary to these regulations without the authority of a faculty.
- b) No scheme for the removal of gravestones or monuments or other alterations to the churchyard may be undertaken without the authority of a

faculty. Neither may individual stones be removed except for temporary removal for inscription or repair, without the authority of a faculty.

- c) Spring flowering bulbs may be planted in the turf of any grave provided that they do not interfere with churchyard maintenance.
- d) Receptacles for plants or cut flowers are allowed only where they form an integral part of the design of a headstone – except that, when a grave does not bear any memorial, a flower container may be sunk completely into the ground at the head of such a grave. Wreaths and cut flowers may be placed in such receptacles or containers or laid on any grave, but must be removed as soon as they appear to be withered.
- e) The judicious planting of trees enhances the appearance of a churchyard. Attention is drawn to the Chancellor's guidance on trees in churchyards circulated to all Parochial Church Councils under Section 6(3) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991.

3. Burial in the churchyard

- a) The parishioners (including those on the Electoral Roll) and others who die in the parish have a right of burial in the churchyard. The right also extends to the burial of cremated remains.
- b) The Incumbent may also grant permission for the burial of other persons at his discretion, with the consent of the Parochial Church Council.
- c) A grave space may be reserved by faculty, but not otherwise.
- d) Neither the reservation of a grave space, nor the exercise of right of burial nor the erection of a monument, confers any right of ownership upon the relatives of the deceased or any other person. The whole churchyard is vested in the Incumbent alone, and the erection of any monument is a privilege. Monuments remain the property of the 'heirs at law' who are responsible for maintaining them. Once a monument has been introduced into a

churchyard it can only be removed by faculty.

4. Powers of the incumbent

- a) Incumbents are authorised under delegated powers from the Chancellor of the Diocese to permit the placing of a monument in their churchyard provided that:
 - The monument accords with these regulations.
 - They consider the proposed monument to be suitable.

Otherwise any proposed works require the authority of a faculty granted by the Chancellor of the Diocese.

This delegated authority does not relate to monuments proposed to be erected within the Church itself.

- b) Every applicant relating to the churchyard shall in the first place be made in writing to the Incumbent stating a full description of the proposed works including designs, measurements and inscriptions.

Applications for the erection of gravestones must be made on the official form. When the authority of a faculty will be required, application shall be by petition to the Diocesan Registrar.

- c) No work in any churchyard shall take place until the application has received the consent of the Incumbent in writing, or until a faculty has been received, as the case may be.
- d) During a vacancy or where there is a Priest in Charge, the authority normally exercised by the Incumbent shall pass to the Rural Dean.

5. Monuments

Introduction

The Chancellor wishes to introduce all those concerned with monuments – clergy, bereaved families, funeral directors and monumental masons – to a wider range of designs than those most commonly seen. The 'Churchyards Handbook' shows an excellent range of designs, and the Advisory Committee can help with

names and details. A very wide range of design is possible within the following regulations.

General

The overall requirement is that the monument should be sympathetic with and blend into both the churchyard as a whole and the part of the churchyard where it will be situated in particular.

Materials

All memorials should be made of natural stone with no reflecting finish, or of hardwood. Stones traditionally used in local buildings or stones similar to them in colour and texture are to be preferred. Unpolished granites are permitted but marble, synthetic stone or plastic are not permitted.

Size

Headstones shall not be larger than 1200 millimetres (4 feet) high, 900 millimetres (3 feet) wide and 150 millimetres (6 inches) thick. They should be no less than 750 millimetres (2 feet 6 inches) high, 500 millimetres (1 foot 8 inches) wide and no less than 75 millimetres (3 inches) thick. In the case of slate memorials the minimum thickness is 38 millimetres (1.5 inches). These measurements are not intended to define standard proportions of memorials, and memorials may be of any dimensions within the given maxima and minima.

Fixing

A headstone may stand on a stone base, provided that such a base is an integral part of the design and does not project more than 102 millimetres (4 inches) beyond the headstone in any direction, except where a receptacle for flowers is provided, in which case this should be flush with the top of the base and may extend up to 200 millimetres (8 inches) in front of the headstone. Due regard should be paid to the nature of the ground and the problems of settlement.

Note:

Other methods of fixing the memorial in the ground are not discouraged and the base of the memorial may be so shaped that it can be inserted directly into the ground at sufficient depth to ensure stability.

Crosses

A simple wooden cross not more than 750 millimetres (2 feet 6 inches) high is allowed. In the case of a stone cross an application for faculty must be made supported by a drawing of the individual design.

Around the monument

No kerbs, railings, paving, plain or coloured chippings, built-in case containers (except those permitted in 2(d)) are permitted.

Sculpturing

Sculptures such as bird baths, hearts, horseshoes, and books are not permitted. Figure statuary, cameos, photographs or portraits are not permitted.

Etching

Etching/sculpturing on a headstone within accepted Christian symbolism is permitted.

Inscriptions

The Christian name(s) and surname of the deceased should be given with an indication of the dates of birth and death. Inscriptions must be simple and reverent. 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 other suitable reason. However, any such addition must be separately approved. The lettering, lay-out and wording must be consistent with the original inscription.

Advertisements

No advertisement or trademark shall be inscribed in a gravestone. The mason's name may be inscribed at the side or the reverse of a headstone in unpainted and unfilled letters no larger than half an inch in height.

6. Cremated remains

- a) Interment is the recommended method for the disposal of cremated remains. Strewing is allowed; scattering in a churchyard is forbidden (see Canon B.38 (4b)).
- b) Unless cremated remains are interred in an existing grave they must be interred in a part of the churchyard specifically reserved for the purpose. The reservation

of a part of the churchyard for this purpose requires the authority of a faculty. The area reserved must be strictly limited in its dimensions, and, when full, a new area must be authorised by faculty.

- c) Where cremated remains are interred it is generally desirable that there shall be no memorial stone at the place of interment. Details should be recorded in a Book of Remembrance kept in the Church, but this will depend on the terms of the faculty granted in respect of each churchyard.
- d) Any casket in which cremated remains are to be interred should be of a perishable material. If they are presented in a non-perishable container, then the ashes should be tipped out of the container directly into the ground.
- e) If it is desired to erect a memorial stone in the cremated remains area itself, then wherever possible a single communal stone as a central feature of the area, is to be preferred to individual memorial stones. It is suggested that the names and dates of individuals may be added to this communal stone and an appropriate fee payable to the PCC.
- f) If individual memorial stones are authorised by the faculty establishing the cremated remains area, then the Incumbent may grant permission on behalf of the Chancellor of the Diocese provided that the stone is not more than 18 inches by 18 inches nor less than 9 inches by 9 inches in size and is laid flush with the surrounding ground and is properly bedded. Inscriptions on such individual memorial tablets should be limited to the full name of the deceased, with the dates of birth and death.
- g) Receptacles for plants or cut flowers are not permitted except as may be provided by the faculty authorising the interment of cremated remains.
- h) In addition to an entry in the Book of Remembrance and also in the Burials Register all interments of cremated remains must be precisely recorded on a plan of the cremated remains area.

P N Collier, 1 August 1994

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(A sample letter to be handed to the chief mourner at the time of a burial)

Parish Church of

In the weeks and months following the death of someone we have loved there are many different emotions that we can experience. Shock and disbelief can give way to sadness, anger, guilt, or a strange kind of numbness which seems to make everything more difficult to face. Above all, there can be a real sense of loss and a desire to have something tangible to remember our loved one by.

It is at this point that the question of whether or not to erect a memorial or gravestone can arise. If there is already a stone marking a family grave then it may be a matter of adding a name to the existing inscription, but often it is a question of a new stone being erected. Memorial stones are expensive, and so it is important that whatever memorial is chosen is right for everyone concerned.

As in all churchyards in the Wakefield Diocese, there are regulations at church about what kind of memorial stone might be appropriate. These regulations cover the size and shape of the stone, the material from which it is made, and the inscription. These regulations have been drawn up so as to make sure that whatever monuments are placed in a churchyard take account of certain important considerations.

- A churchyard, unlike a cemetery, is not only a place for burials, it is primarily the area around a CHURCH which is a living place of worship, daily for some, weekly for others. A churchyard is thus concerned equally with the living as with the dead.
- A churchyard is also a public place, and all that is erected in it must show sensitivity as to its context and to its neighbourhood. Beauty, harmony, grace and tranquillity are important attributes of a churchyard.
- The care of the churchyard embraces many of the factors which most closely touch our present generation... a concern for conservation, both of wildlife and of our artistic and architectural heritage; a

concern for visual values and for good design; a need for solitude and quietness; a desire for a visual presentation of the interdependent mysteries of life and death.

Although local monumental masons may be generally aware of the regulations, and will be able to give advice about which stones are appropriate, it is vital that you and they submit a full description of the memorial to the church authorities BEFORE any work is begun. In this way possible disappointment or needless expense may be avoided.

May God show you his love, now and always.

The Incumbent and Churchwardens of your parish church will have copies of the Diocesan Regulations, and Application Forms for the Erection of Gravestones in a Churchyard.