

DIOCESE OF LINCOLN



CHURCHYARD REGULATIONS

2008

**Issued on the direction of the
Chancellor of the Diocese**

Updated 2012

CHURCHYARD REGULATIONS 2008

Preliminary

1. This document comprises the following sections:
 - (i) Introduction : paragraphs 2-9
 - (ii) who has the right to be buried in a churchyard: paragraphs 10-14
 - (iii) erection of memorials in churchyards: paragraphs 15-30
 - (iv) The Regulations.

Introduction

2. This document aims to clarify the legal position with regard to churchyards, and in particular, in respect of the erection of memorials in them. It also aims to ensure that the distinctive character of a churchyard is maintained, particularly in the context of its setting around the parish church.
3. Our churchyards, like our churches, form part of our heritage as a community of Christian people. We are trustees of what we have received from earlier generations. So it is our duty for the sake of generations to come, and for relatives of those who have died and who are buried in a churchyard, to preserve the churchyard's distinctive character as a resting place for the dead of the parish, and also as the setting for the physical presence of the church in the community.
4. The land which is used for burials in a churchyard has been consecrated by a Bishop. It thus has a special significance as a place 'set apart' for sacred use forever. The churchyard is rightly known as 'God's Acre'.

5. The reason for Regulations such as these is that they represent the collective wisdom over many years of Chancellors and Diocesan Advisory Committees for the Care of Churches who have had the care of churchyards and the maintenance of the fabric of a Christian presence within our communities.
6. The Regulations differ from those which govern municipal cemeteries where the land is not consecrated and where the setting will be different (although sometimes part of a municipal cemetery may contain consecrated land). A churchyard almost always surrounds a church building. Memorial stones which may be entirely suitable for an urban cemetery may be out of place when close to an ancient parish church, especially in a rural setting.
7. All consecrated ground falls within the jurisdiction of the Chancellor of the Diocese. In granting faculties for churchyard memorials, the Chancellor has to consider not only the wishes of the bereaved family, but also the families of those who are buried in the churchyard, and the responsibilities of the church to future generations to maintain the area as an appropriate setting for a parish church.
8. The Chancellor delegates his power to grant permission for memorials in churchyards to the parish priest as long as the memorial proposed falls within these Regulations. If it does, and the parish priest agrees, no application for a faculty to the Chancellor is required. However if the proposed memorial falls outside these Regulations, or the parish priest refuses the memorial for some other reason, an application to the Chancellor for a Faculty is required. Such an application will usually have to demonstrate that there is some exceptional reason for him to depart from the requirements of the Regulations.

9. In these Regulations the term 'parish priest' includes incumbent, priest-in-charge or other priest holding a licence in the parish.

Who has a right to be buried in a churchyard?

10. Parishioners (including those on the Church electoral roll), and other persons who die in the parish have a right to be buried in the churchyard provided that there is room and it has not been closed by Order in Council.
11. The place of burial is at the discretion of the parish priest, unless a particular grave space has been reserved by Faculty granted by the Chancellor.
12. The parish priest may at his or her 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. The PCC will also provide general guidance on this to the parish priest, should the PCC wish to do so.
13. These rights of burial extend 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.
14. It is important to realise that once there has been burial or interment of ashes in consecrated ground, it is permanent. There is to be no disturbance of the remains, save for exceptional reasons. This is because permanent burial of the body or the cremated remains should be seen as a symbol for our entrusting of that person into the eternal love of God, to abide in refreshment, light and peace.

Erection of memorials in Churchyards

A: General points

15. The erection of any memorial in a churchyard, or the alteration of any existing memorial, or the introduction of any object in a churchyard, is a privilege and not a right. However the parish priest and the PCC will want to do all they can to assist the process within the terms of these Regulations.
16. Those that are bereaved may sometimes be under the mistaken impression that they have bought the plot of land in which their loved one is buried, or where their ashes are interred. In fact 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 the ownership of the Church.
17. Specially designed, beautiful and appropriate memorials are encouraged and applications for such memorials will always be sympathetically considered. Helpful advice can be obtained from the Churchyards Handbook obtainable from Church House Bookshop, Great Smith Street, London SW1 and from other religious bookshops. Advice on design may always be sought from the Archdeacon or the Diocesan Advisory Committee (The Secretary, DAC, Church House, The Old Palace, Lincoln, LN2 1PU). Charities such as The Memorial Arts Charity, Snape Priory, Snape, Suffolk IP17 1SA can assist bereaved people in choosing a design and commissioning an artist.
18. It is important to note that the existence of a similar memorial in the churchyard to the one for which permission is being sought will not necessarily be a reason for the Chancellor to give such permission. For example, the existence of old kerbs around a memorial would not be a

reason in itself for permitting kerbs around a new memorial. Kerbs make the tending and mowing of the churchyard by the Parochial Church Council more difficult.

19. If a memorial or other object is introduced into a churchyard without permission, the Chancellor has the power to grant a faculty for its removal and to order the person who has introduced it to pay the expenses of removal and the costs of any proceedings.
20. The Parochial Church Council has a duty to care for and maintain the churchyard and subject to the approval of the Chancellor, is encouraged with the parish priest to make rules for the benefit of the churchyard for which it is responsible.
21. It is the duty of the monumental mason to ensure that the memorial is safe when erected. Stability should be to the standard BS8415 or an equivalent safety standard.
22. The owner of the memorial, being the person who set it up and thereafter the heirs of the deceased, is responsible for its maintenance in a safe condition. Monuments which become insecure and dangerous may be dismantled and/or removed by the PCC under the authority of a faculty.
23. Permission to place a monument on a grave extends for a period of 100 years. After that time the monument may be removed under the authority of a faculty.

B: Procedure for erection of memorials

24. Anyone wishing to erect a memorial should always consult the parish priest as soon as possible. If there is no parish priest then the Rural Dean should be consulted. This should happen before the formal application is made. The

purpose of the consultation is to reach an agreement in principle before a formal application is made.

25. A minimum of 6 months must elapse between the death of the person to be commemorated and the approval of a memorial by the Chancellor or parish priest. This time provides a period for reflection following the initial shock of bereavement.
26. The application for a memorial may be approved by the parish priest if it falls within these Regulations. All applications for a memorial should be made to the parish priest on form CR1 before a stone has been ordered. The form should be signed by the stone mason concerned confirming that the memorial falls within these Regulations.
27. If the proposed memorial falls within these Regulations, and the parish priest agrees, the parish priest may give consent to the memorial. Such consent must be in writing. Such consent should be obtained before placing the order with the stone mason.
28. If the memorial falls outside the Regulations, and/or the parish priest does not give his or her consent, then application for a Faculty to the Chancellor is required.
29. Further advice may be obtained from the Diocesan Registrar, Roythornes Solicitors, Enterprise Way, Spalding PE11 3YR (tel: 01775 842557). Faculty application forms are issued by the DAC Secretary and are usually sent to petitioners after the Diocesan Advisory Committee for the Care of Churches has considered the matter.
30. All undertakers and monumental masons likely to be concerned with burials in a churchyard in the diocese should be supplied with copies of this document including these Regulations and requested to co operate so as to ensure

that, as far as possible, disappointment and misunderstanding does not arise over these issues.

The Regulations

These Regulations specify those memorials which fall within a parish priest's delegated powers to approve.

1. Dimensions of headstone

- (i) Headstones shall be between 750mm (2ft 6 inches) and 1200mm (4ft) high measured from the surface of the ground. They shall be between 500mm (1ft 8 inches) and 900mm (3 feet) wide and 75mm (3 inches) and 150mm (6 inches) thick. In the case of slate memorials, they may be thinner but not less than 38mm (1.5 inches) thick. The memorials may be any dimension within these measurements.
- (ii) Crosses should not exceed 1500mm (5 feet) 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.
- (iii) Memorials of smaller dimensions may be allowed to mark the graves of children under 12, but such will be authorised only by the Chancellor.

2. Materials

- (i) Headstones, crosses or other memorials should be made of natural stone (with no reflecting finish), teak or oak or cast or wrought iron. Traditional stones are normally used. Those recommended are sandstones and limestones like Forest of Dean, Hornton Blue, Ketton, Nabrasina, Portland, York and Northumberland stones and Welsh Black and Westmoreland Green slates. Neither black nor dark grey granites (including Rustenberg) are permitted (except for honed black and dark grey granite, which are

permitted), nor marble, synthetic stone or 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 inscription.

- (ii) The reason for these requirements are explained in the introduction to this document, particularly paragraphs 1-7. We are seeking to preserve the overall distinctive character of a churchyard as a whole, as a resting place for all those who have died and also for the physical setting of the church presence in the midst of the community. We look for the use of stone which will meld into this distinctive character and weather well with its surroundings. The stones we recommend are those which, experience tells us, achieve this. Granite stones and marble, particularly when polished, do not.

3. Base and foundation slab

- (i) 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
- (ii) other methods of fixing the memorial in the ground should also be considered; the base of the memorial may be so shaped that it can be inserted directly into the ground at a sufficient depth to ensure stability
- (iii) a recess for flowers may be incorporated in the base (not more than 2)
- (iv) The width of the base should not exceed 100mm (4 inches) beyond the headstone in any direction, except where a receptacle for flowers is provided, in which case the base may extend up to 200mm (8 inches) in front of the headstone.

4. Flowers and vases

- (i) No artificial flowers may be placed in a churchyard except Remembrance Day poppies, traditional Christmas wreaths and good quality silk flowers, and these shall be removed within 3 months. The PCC has authority to remove any artificial flowers which do not comply.
- (ii) Vases shall be not more than 300mm (12 inches) by 200mm (8 inches) by 200mm (8 inches).
- (iii) Any other container to retain flowers must be level with or below ground level so as not to impede the passage of a mower.

5. Design

- (i) Designs containing open books, hearts, figure statuary and photographic representations are not permitted by these Regulations. Any application for such designs must be made to the Chancellor by way of Faculty application.
- (ii) Headstones are not restricted to rectangular shape but curved tops are preferred to straight edged ones.
- (iii) Kerbs, chippings or glass shards are not permitted by these Regulations. Any application for these must be made to the Chancellor by way of Faculty application.

6. Inscriptions

- (i) Any epitaph must be simple and reverent and preferably of biblical, Prayer Book or Common Worship origin.
- (ii) The name of the deceased, the dates of birth and death, or the age and the date of death alone, should be included.
- (iii) Inscriptions should be incised, or in relief, and may be painted, but not in metallic paints such as gold or silver. Plastic or other inserted lettering is not permitted.

- (iv) Additions may be made at a later date following a subsequent interment in the same grave or for some other suitable reason. However, any such addition must be separately approved. The lettering, layout and wording must be consistent with the original inscription.
- (v) No advertisement or trademark shall be inscribed on the headstone.
- (vi) The mason's name may appear on the back of the stone in unpainted letters no more than 12mm (½ inch) high.

7. Commemoration after cremation

- (i) 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.
- (ii) The parish priest must give his or her consent to the interment of cremated remains.
- (iii) It is preferred that ashes are placed in the ground without any container, but if a container is used, it must be of perishable material.
- (iv) Where an area is set aside for the interment of ashes, the faculty by which the area is set aside will approve a set of rules for interments in that area.
- (v) if the rules for the cremated remains area permit it, memorial slabs may be laid and the provisions of these Regulations apply to such slabs save that
 - (a) They must be of uniform size
They must be laid flat 25mm below ground level
The permitted size must not exceed 300 mm (12 inches) by 300 mm (12 inches)

8. Levelling

- (i) The surface of a churchyard should be kept level and where a grave mound has not been levelled within 12 months of burial, the PCC may give instructions for that to be done.

9. Memorials inside a church

- (i) For the avoidance of doubt, these Regulations do not apply to memorials inside a church, for which a faculty is always required.

Mark Bishop
Chancellor

16 January 2008
(updated 2012)

Also available in the DAC Guideline series:-

- 1. DAC Members and Consultants***
- 2. Churchyard Regulations 1986***
- 3. Cremated Remains Areas***
- 4. De minimis Matters***
- 5. Electrical Installations***
- 6. Floodlighting of Churches***
- 7. How to look after your Pipe Organ***
- 8. Installation of Sound Enhancement Systems***
- 9. Looking after your Church Clock***
- 10. Maintenance of Church Bell Installations***
- 11. Trees in Churchyards***
- 12. Care of Church Textiles***
- 13. Memorials***
- 14. Asbestos***
- 15. Cement in Building Works***
- 16. Oil Tanks***
- 17. Topple Testing***
- 18. Construction (Design and Management) Regulations 2007***