

# Diocese of Ely Churchyard Regulations



which

St. Andrew's Alwalton & St. Michael's Chesterton are  
required to follow

## **Rights of Burial**

- 1) Those who are parishioners and others who die in the parish provided that there is room and that the cemetery or graveyard has not been closed by Order in Council.
- 2) If there is room the incumbent may permit others to be buried.
- 3) The place of burial is at the discretion of the incumbent, providing that a space has not been reserved by Faculty granted by the Chancellor of the Diocese.
- 4) These rights also extend to the interment of ashes after cremations.

## **Churchyard Burial**

- 1) Application for a site for burial must be made to the incumbent, or, if he is absent to the churchwardens.
- 2) Burial will take place in an available plot in accordance with the burial plans approved by the Parochial Church Council. It will not be possible to reserve a plot.
- 3) The graves are to be returfed to allow the mower to pass over them. Returfing is the responsibility of the relatives of those buried.

## **Cremated Remains**

Ashes after cremation should be buried and are not permitted to be scattered or thrown within the churchyard. For the purpose of burial areas have been set aside under the authority of a faculty.

## **Memorials**

A churchyard memorial is very significant. It is important therefore to make sure that every memorial erected in a churchyard meets a families needs. Yet at the same time we have to think of the needs of other families, who will have loved ones buried nearby; of the needs of the local church, on whom the upkeep of the churchyard usually falls; and on the needs of the generations to come, who will be looking at the memorial long after today's bereaved people are themselves dead.

Bereaved people are sometimes under the impression that they have actually bought the plot of land in which their loved one is buried. This is not so; they are simply paying 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. It is also worth noting that the right of a parishioner to burial in the local churchyard does not also automatically give the right to erect a memorial except by separate permission.

**Permission must therefore always be sought for the erection of any memorial.** This may be gained only from the Chancellor of the Diocese (he is the senior legal officer).

However, he delegates to the local Incumbent the power to authorise simple memorials (as outlined later.) If someone wishes to erect a memorial which falls outside the local Incumbent's delegated powers, he or she will have to apply to the Chancellor for permission to do so, by applying for a "Faculty"; but it will usually have to be demonstrated that there is some substantial reason for the Chancellor to give his permission.

It is important to note that the existence in a churchyard of a similar memorial to the one desired will not usually be a reason for the Chancellor to grant permission. For example, the existence of older kerbs in a churchyard will not be a reason for the Chancellor to give permission for another one; once immediate relatives of the deceased leave the area or they themselves die, the burden of tending the grave falls directly on the local church, which will find the task more straightforward if there are no kerbs.

## **Reasons for the regulations**

Churchyard regulations (and they are very similar right across the country) are in some respects different from those which govern civil cemeteries. This is partly because of the different settings of the two types of graveyard. A memorial which might be quite suitable in an urban cemetery may well look quite out of place when close to an historic and ancient church building. The Chancellor has not only to consider the wishes of a bereaved family, but his responsibility for the maintenance of an appropriate setting for a parish church for the next 200 years or more.

## **How do you go about erecting a memorial?**

1. At an early stage and before talking to a monumental mason to choose any design or material, you should read the guidelines below

or talk to your incumbent; this will help to avoid difficulties later in the process. 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. Then you need to decide whether to ask a Letter –cutter to create an individual memorial, or to approach a firm of Monumental Masons to produce one of a more standard design from a catalogue.
3. Once the memorial is agreed in principle, you should then make application to the incumbent on the form available for this purpose – this is usually undertaken by the stone mason, but please ensure that it is as unapproved memorials will not be permitted. If a memorial or other object is introduced into a church yard with out approval, the Chancellor has power to grant a faculty for its removal and to order the person who introduced it to pay for the expenses of the removal and the costs of any proceedings.
4. If the proposed memorial falls within the incumbent’s delegated powers (see next section) permission can be given straight away.
5. If the proposed memorial falls outside a incumbent’s delegated powers and you are unwilling to consider the appropriate amendments, you will have to apply to the Chancellor for a “Faculty” to gain permission. This will cost rather more and is not a guaranteed route to approval although specially designed, beautiful and appropriate memorials are not discouraged and application for such memorials will be sympathetically considered. Your incumbent will be able to give you advice on how to apply for this Faculty

## **What memorials may a local incumbent give permission for?**

This summary does not cover every detail of what your incumbent may give permission for. The full and legally binding rules are in a document called “Churchyard regulations”.

An incumbent may authorise simple headstones, crosses or ledgers (plain memorials laid flat) subject to the following:

### **Size**

The Minister may permit memorials no larger than 1200mm (4’) high, 900mm (3’) wide and 150mm (6”) thick, and no smaller than 500mm (1’8”) high, 500mm (1’8”) wide and 75mm (3”) thick, except in the case of slate, which may be thinner, but no thinner than 38mm (1.5”) thick.

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 level.

## **Base**

A headstone may stand on a stone base, provided it is an integral part of the design. The top of the base should, for preference be flush with the ground; if it is not it is essential that the foundation slab 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 base must not project more than 100mm (4") beyond the headstone in any direction, except where a hole is to be provided in the base for a flower receptacle, which must be flush with the top of the base. In such case the base can extend up to 200mm (8"0) in front of the headstone. Any foundation for the stone base must be below ground level.

## **Flowers**

No artificial flowers are allowed in churchyards, except for Remembrance Day poppies and Christmas wreaths which must be removed within two months; the local church has authority to remove them after that time. The P.C.C. has permission to remove any flowers which do not comply with these regulations. Trees and shrubs may not be planted.

## **Materials**

Headstones may be made of teak or oak, or cast or wrought iron, or natural stone, and shall not be polished or have any reflecting finish. Traditional stones are normally to be used; recommended are Forest of Dean, Horton Blue, Ketton, Nabrasina / Roman Stone, Portland and York (limestones), Northumberland (sandstone) and Welsh Black and Westmorland Green slates. No coloured or mottled granites are permitted, 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 produce a reflecting surface, it may be suitably prepared for an inscription.

## **Designs**

Your incumbent may not authorise memorials in the shape of a heart or a book, nor photographs, portraits, kerbs, railings, chippings or glass

shades. A incumbent may normally give permission for motifs and pictures only if they are of a Christian significance.

## **Inscriptions**

These must be simple and reverent, and preferably of Christian significance (Bible or Prayer Book in origin). They should be incised or in relief, and may be painted. Plastic or other inserted lettering is not permitted.

## **Commemoration after Cremation**

The same rules apply (as appropriate) to memorial slabs for cremated remains (if conditions allow). In an area set aside for cremated remains the memorials must be of the same dimensions. Memorials should be ledgers (laid flat) 25mm below ground level not to exceed 525mm long by 525mm wide.

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

## **Finally**

These Regulations are designed to enable you in most cases to have a worthy memorial to the person you most love without having to go to the trouble and expense of having to seek a Faculty from the Chancellor. These guidelines are designed to be of help and assistance, but please do not hesitate to contact your incumbent if you have any questions.

Please note: The picture on the cover is for illustrative purposes only and not intended to indicate the style of approved memorials.





**Diocese of Ely**



**THE CHURCH  
OF ENGLAND**

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