

## GUIDANCE ACCOMPANYING THE REGULATIONS

### THE REGULATIONS

1. Churchyard Regulations reflect the way in which practice has evolved over the years, bearing in mind the need to maintain the appearance of the churchyard and individual plots in a manner which is broadly acceptable to all those whose loved ones are interred there. Each Diocese issues its own regulations but, in fact, they are very similar right across the country.
2. They are designed to ensure:-
  - (a) that the distinctive character of the churchyards within the Diocese are maintained in the context of their setting around the parish church;
  - (b) a consistent policy throughout the diocese, and
  - (c) they reflect those commended nationally by the Council for the Care of Churches in 'The Churchyards Handbook'.
3. 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 I or II 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.
4. The erection of any monument, ledger stone or any other object in a churchyard, or the alteration of any existing monument, ledger stone or object in a churchyard, is a privilege for which permission must be gained and not a right. Burial in a plot within a churchyard confers no right ownership in the next of kin; the whole churchyard remains in Church ownership.
5. Anyone wishing to erect a memorial or make any alteration to an existing one, should consult the minister as early as possible, and certainly before making any choice of design or material. This should include the wording of any inscription. The regulations are strict and you should bear in mind that the Chancellor will have in mind that any epitaph "...should honour the dead, comfort the living and inform posterity. They will be read long after the bereaved have themselves passed away. It is not the right place for a statement about how members of the family feel about the deceased"<sup>1</sup>.
6. At least six months must elapse between the death of a person to be commemorated and the approval of a memorial by the Chancellor or minister.
7. The scale of fees (authorised by General Synod) payable to the Minister and Parochial Church Council in respect of the erection of memorials may be consulted on application to the Minister.

---

<sup>1</sup> From the Churchyard Regulations for the Diocese of Chichester.

8. Once the monument, ledger stone or other object is agreed in principle, the individual should then make formal application to the Minister 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.
9. If the proposed memorial falls within the powers delegated to the Minister, she or he may give consent to it; such consent must be in writing. This permission must be obtained before placing an order with a stonemason.
10. If the proposed memorial does not fall within the Minister's delegated powers to grant, the applicant may petition the Chancellor for a Faculty to erect it.
11. If a monument, ledger stone 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.
12. Faculty application forms and further advice may be obtained from the Secretary of the Diocesan Advisory Committee for the Care of Churches who may be contacted at the Diocesan Office, Bishop Woodford House, Barton Road, Ely CB7 4DX (Tel: 01353652727). The forms are also available on the website. Further advice can be provided by the Registry, 1 The Sanctuary, Westminster, London SW1P 3JT (tel: 020-7222-5381; fax: 020-7222-7502; email: [ely.registry@1thesanctuary.com](mailto:ely.registry@1thesanctuary.com)).
13. The monument, ledger stone or memorial stone remains the property of the next-of-kin of the deceased who has responsibility for its upkeep. The Regulations make provision for the PCC to remove any artefacts which are not permitted by the Regulations.

## **RIGHTS OF BURIAL**

14. Parishioners, those on the Electoral Roll and other persons who die in the parish, have a right of burial in the churchyard. The Minister has discretion to permit the burial of other persons. In all cases it is subject to there being a burial plot available, and that the churchyard has not been closed by Order in Council.
15. The place of burial is at the discretion of the Minister, unless a particular grave space has been reserved by Faculty granted by the Chancellor of the Diocese.
16. 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.