



## CHURCHYARD REGULATIONS

### INTRODUCTION

1. These Regulations apply to every churchyard which is subject to the jurisdiction of the Consistory Court of the Diocese of Ely unless regulations for a particular churchyard have been approved in writing by the Chancellor of the Diocese (whether made or approved before or after these Regulations come into operation).
2. These Regulations come into force on 1st November 2017 and replace the existing Churchyard Regulations.

### MONUMENTS

3. A monument may be introduced only at the place where the body of the person to be commemorated by the monument is buried and must be authorised by either the Minister under delegated powers (see Paragraph 41) or the Chancellor by Faculty.
4. At least six months must have elapsed since the date of burial before a monument may be introduced. Between a burial and the erection of a permanent memorial, a small temporary wooden cross, not more than 900mm (3ft) in height (measured from the surface of the ground) and in width, may be used to mark a grave, with the prior approval of the Minister.
5. The monument may be of any size within the following parameters:
  - (a) No larger than 1220mm (4ft) high, measured from the surface of the ground, 914mm (3ft) wide and 150mm (6in) thick.
  - (b) No smaller than 500mm (1ft 8in) high, 380mm (1ft 3in) wide, and 76mm (3in) thick.
6. In the case of slate monuments, they may be thinner but not less than 38mm (1½in) thick.
7. Crosses shall not exceed 1520mm (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 enabling a mower to pass freely over it.
8. The Commonwealth War Graves Commission graves are subject to different regulations.
9. Unless the monument is to be supported by a pre-cast concrete shoe situated below the ground, the Minister must be satisfied that the monument will be inserted sufficiently deeply into the ground to ensure its stability, having regard to the nature of the ground and any likely settlement.

10. A monument may have a visible stone or concrete base only if–
  - (a) the base is an integral part of the design of the monument,
  - (b) it does not project from the monument by more than 100mm (4in) away from the place of burial and 205mm (8in) towards the place of burial, and
  - (c) the monument is connected to the base by non-ferrous dowels; stainless steel dowels may be used.
11. The base may make provision for not more than two vases that are to be fitted into it.
12. Any foundation slab for a monument must not be visible after the work of introducing the monument has been completed.
13. A ledger stone may be introduced, as an alternative to, but not in addition to, a monument to lie flat over the grave space, the dimensions of the stone being no larger than 1800mm (6ft) by 600mm (2ft). The ledger stone should be laid below the surface of the surrounding turf to facilitate mowing.

#### **DESIGN OF MONUMENTS AND LEDGER STONES**

14. A monument or ledger stone must not take the form of a statue or of a particular object such as a heart, a person, animal or other figure. A Faculty would be required for a monument in the form of a representation of a book; it would never be suitable for a ledger stone.
15. A monument or ledger stone must not include any lighting, whether electric or otherwise or any glass shades.
16. A monument or ledger stone must not include–
  - (a) a portrait, photograph or other image of an individual (whether of the person commemorated or any other person)
  - (b) any other pictures or imagery except as permitted by Regulation 17
  - (c) any moulding
  - (d) any video or sound recording
  - (e) a QR code or other machine-readable label
  - (f) kerbs or other fencing, railings or other demarcation
  - (g) stone or glass chippings
17. A black, white or uncoloured etching or carving may be permitted provided that it–
  - (a) is reverent and not indicative of beliefs contrary to the doctrine of the Church of England,
  - (b) does not depict an individual, and
  - (c) covers no more than one-fifth of the surface of the monument or ledger stone.

#### **MEMORIAL STONE AT A PLACE OF CREMATED REMAINS**

18. A memorial stone may be introduced at the place where the cremated remains of the person to be commemorated by the stone are interred, the dimensions of the stone being no larger

than 533mm (21in) by 533mm (21in). It can be rectangular or square. It is to be laid flat and below the surface of the surrounding turf to facilitate mowing.

19. Where burials in a churchyard have been discontinued by Order in Council under the Burial Act 1853 or 1855, a memorial stone may be introduced only—
  - (a) if the interment of the cremated remains was authorised by a specific Faculty, or
  - (b) if the remains were interred in an area which has been set aside by Faculty for the interment of cremated remains generally.
20. Memorial stones are not permitted where the parochial church council has adopted a policy of commemorating persons whose cremated remains are interred in the churchyard exclusively by other means (for example, wall plaques or a book of remembrance).
21. Ashes after cremation may not be scattered in a churchyard. If the ashes are interred in a container, the container must be of perishable material. In all cases the Minister must be consulted and consent to the location before cremated remains are interred.

## **MATERIALS**

22. A monument, ledger stone, or cross shall be made of natural stone or of hardwood. A cross may also be made of wrought iron.
23. The surface of the stone must not be made reflective by being polished or finely honed.
24. The stone should normally be a local stone which reflects the colours of the stone of the church building. A monument, ledger stone cross or memorial stone is not permitted if it is—
  - (a) black, blue, red or green (or appears to be any of those colours) or is otherwise brightly coloured, or
  - (b) coloured or mottled granite, nor any granite darker than Karin Grey.
  - (c) made of marble, synthetic stone or plastic, or
  - (d) painted.
25. A monument, ledger stone, cross or memorial stone may be in Welsh Black or Westmoreland Green slate.

## **INSCRIPTIONS**

26. Inscriptions must be simple and reverent, and preferably (but not necessarily) they should be of Biblical or liturgical origin. They may include suitable literary sources.
27. The use of nicknames or other names by which the person was familiarly known may be included as part of the person's name, within brackets or inverted commas provided that they do not offend against the requirement of Regulation 26 to be simple and reverent, and provided they are agreed with the Minister or, in the absence of agreement, by faculty.

28. Inscriptions should be incised, or in relief, or in lead, and may be painted to enhance legibility in a darker or lighter version of the colour of the stone. Silver and gold lettering is permitted; plastic or other inserted lettering is not permitted.
29. No advertisement or trademark shall be inscribed on a headstone. A monument or ledger stone may be inscribed with a stonemason's mark provided that the mark is not in a prominent position.
30. Additions may be made to an inscription at a later date following a subsequent interment in the same grave or for some other suitable reason. However, any such alteration must be separately approved. The lettering, layout and wording must be consistent with the original inscription.

#### **WORKS TO EXISTING MONUMENT AND LEDGER STONES**

31. The owner of a monument or ledger stone which is less than 50 years old may carry out works of repair to it, including renewing lettering without a Faculty provided that the monument was lawfully introduced into the churchyard and the Minister authorises the repairs before they are carried out.
32. Repairs which would result in the monument or ledger stone ceasing to comply with these Regulations must not be authorised.
33. The owner of a monument or ledger stone which is less than 50 years old may, if authorised to do so by the Minister, remove it from the churchyard for not more than 3 months for the purpose of adding an inscription authorised under Regulation 30 or carrying out repairs authorised under Regulation 31.
34. A monument or ledger stone which is more than 50 years old must not be removed from the churchyard without the authority of a Faculty.

#### **FLOWERS AND OTHER MEMORABILIA**

35. Trees and shrubs may be planted on or around a grave only with separate Faculty permission.
36. No artificial flowers may be placed in the churchyard except for Remembrance Day poppies and traditional Christmas wreaths, and these shall be removed within two months.
37. Wreaths and cut flowers must be removed as soon as they appear to be withered. Vases which are no longer in use must be removed.
38. No lighting, whether solar or otherwise, is permitted on or around the grave.

39. With the permission of the Minister, up to 3 toys or similar objects may be left at the place of burial or interment of cremated remains for a period of 12 months from the date of burial or interment but must be removed at the end of that period.
40. The PCC has authority to remove any artificial flowers, or other memorabilia which do not comply with these Regulations and which have not been authorised by Faculty.

#### **AUTHORITY DELEGATED TO A MINISTER**

41. Where the application to the Minister complies with the Regulations, authority for the introduction into a churchyard of a monument, ledger stone or any other object, or for the matters provided for in Regulations 30, 31 and 33, is delegated by the Chancellor of the Diocese to the Minister or during a vacancy to the priest-in-charge or Rural Dean. In all other circumstances the Minister must decline to authorise the application and the applicant may petition the Chancellor for a Faculty. The petitioner for a Faculty will usually have to demonstrate to the Chancellor that there is some exceptional reason for him to depart from his own Regulations and grant such a Faculty. The existence of a similar memorial or memorials to the one for which permission is being sought will not usually be a reason for the Chancellor to give such permission.
42. An application to the Minister for authority to introduce a monument, ledger stone, cross or memorial stone must be made using the form set out in the Schedule to these Regulations.
43. The Minister may, in his or her discretion, decline to authorise the introduction of a monument, ledger stone cross, memorial stone, or other matter provided for in these Regulations despite the fact that what is proposed complies with the provisions of these Regulations, in which case the applicant may petition the Chancellor for a Faculty.
44. The Chancellor may, in respect of a benefice generally or of a particular churchyard, appoint a person to exercise functions under these Regulations in place of the Minister; accordingly, where such a person is appointed, references to the Minister are to be read as references to that person.
45. Any question as to the interpretation or application of these Regulations is to be determined by the Chancellor of the Diocese.
46. A shortened version of these Regulations which should be provided to bereaved families before they make decisions on funerals/interments is at Appendix 'A'.

#### **INTERPRETATION**

47. In these Regulations—
  - (a) “churchyard” includes the curtilage of a church, and a burial ground of a church (whether or not it immediately adjoins the church);

- (b) “Minister” means—
  - (i) the incumbent (Rector or Vicar) or priest-in-charge of the benefice in which the churchyard is situated (unless a special cure of souls has been assigned to any priest for the area in which the churchyard is situated, whether in a team ministry or otherwise, in which case that priest is to be treated as the Minister for the purposes of these Regulations), or
  - (ii) where there is no such person, or if there is a vacancy, the rural dean of the deanery in which the churchyard is situated;
- (c) “monument” means a headstone or similar form of commemoration;
- (d) “ledger stone” means a flat stone slab marking the place of interment;
- (e) “memorial stone” means a stone marking the place of cremated remains;
- (f) “object” means anything of either a permanent or temporary nature which cannot properly be described as a monument or ledger stone but for which an application ought to be made to allow it to be placed in the churchyard;
- (g) a reference to a matter being permitted or not permitted applies only for the purposes of these Regulations; it does not prevent any monument, ledger stone, cross or memorial stone being introduced or removed under the authority of a Faculty or other order issued by the Consistory Court.

HHJ Leonard  
Chancellor

Dated: 2 September 2017  
(revised June 2018)