



DIOCESE OF CHICHESTER

CHURCHYARD REGULATIONS FOR

THE PARISHES OF THE PLURALITY OF

St OSWALD'S, HOOE

and

St MARY the VIRGIN, NINFIELD

SUMMER 2011

GENERAL REMARKS CONCERNING THIS DOCUMENT

The first part of this document incorporates those parts of the Chancellor's General Directions concerning Churches and Churchyards Issue 2 Easter 2007 which are specific to the upkeep of Churchyards. The full document can be found on the Diocesan Website at the following address - <http://www.diochi.org.uk/downloads/DAC/Chancellor/ChancDir.pdf> The second part of this document details the specific regulations which the Parochial Church Council has decided to enforce.

If there are any queries about these regulations then the reader is advised to contact the Incumbent (or in the event of a vacancy the Churchwardens) before considering any works in the Churchyard.

Throughout this document the term Incumbent is used. The title Incumbent is interchangeable with both the titles Vicar of Hooe and Rector of Ninfield.

PART ONE

The section numbers are those used in the Chancellor's General Directions concerning Churches and Churchyards Issue 2, dated 8 April 2007 and are not sequential

INTRODUCTORY NOTES

- 6.2 Every parishioner, and certain other persons, has a right of burial in the graveyard of the parish provided room permits. Other persons may be buried only with the consent of the Incumbent which should be given or withheld in accordance with general guidance given by the PCC. The position within the churchyard for a burial to take place is a matter for the Incumbent. The same spot may be used more than once. See also Graves and Reservation of Gravespaces. Since access to the church building will often be required for the routine maintenance and inspection and for the erection of scaffolding, Incumbents ought not to permit interments within 5 yards of the external wall. This practice would also eliminate the unfortunate and unsightly juxtaposition of a modern headstone next to a medieval or other historic church and amongst other stones of some antiquity. A horizontal ledger stone in the next nearest zone may prove more suitable than an upright headstone.
- 6.3 Incumbents and PCCs having the care of churchyards should, if they have not already done so, draw up regulations governing the upkeep of graves so that those who wish to tend a grave in the churchyard may know what is and is not allowed. (*These regulations can be found at the end of this leaflet.*) Careful thought will need to be given to requests for 'woodland' burials and the planting of trees and shrubs in preference to the erection of headstones. A pleasing tiny sapling could do significant damage to foundations and prove a major irritant to future Incumbents and PCCs. Churchyards can be maintained as nature conservation areas for the benefit of flora and fauna as well as for the comfort of the bereaved. Guidance on suitable maintenance regimes to achieve the right balance may be found in the DAC Advice Notes.

GRAVES

- 6.10 The Incumbent has a discretion to authorise the erection of any headstone which falls within the types and classes permitted in Part Two. Although he may refuse to permit the

erection of a headstone which is authorised, he has no discretion to allow the erection of a headstone which falls outside those authorised. It is open to individual applicants to apply for a faculty for the erection of such a headstone, although a good case will need to be made out to justify it. A standard form of Application is available from the Incumbent.

Ownership of a headstone does not vest in the Incumbent or the PCC but in the person who erected it and, after that person's death, in the heir-at-law of the person in whose memory it was erected. See also **Inscriptions**.

6.11 Incumbents need to be meticulous in ensuring compliance with these provisions, particularly as this will need to be done at a time when relatives may be distressed and vulnerable. Well intentioned laxity will result in pastoral difficulties in later years and for successor Incumbents. Equally, monumental masons who hold themselves out as competent to work in consecrated churchyards in this diocese will be expected to be familiar with the relevant regulations. Headstones erected without the authority of the incumbent or which are not within the types or classes permitted by these regulations are liable to be removed by order of the consistory court at the instance of the registrar. The costs incurred will fall upon the person responsible for the unlawful erection of the headstone, the incumbent and/or the monumental mason concerned.

6.12 The purpose of the regulations is not to impose homogeneity, since variety is to be encouraged, but to ensure that headstones are erected which are appropriate for the environment in which they are set and in keeping with the church building. Thought must be given to aesthetics and to the sensibilities of those who will have cause to visit other graves in the same churchyard.

Where possible, local materials should be encouraged. The consistory court actively welcomes applications from parishes to permit the creation or variation of regulations for specific churchyards which take into account local practice, tradition and custom and the particular environmental needs of the church and graveyard. Such regulations, created by the parish itself and authorised by faculty, are likely to be easier to implement and police.

INSCRIPTIONS

6.13 Headstones, memorials, stained glass windows and other church furnishings may all bear inscriptions. It is essential that inscriptions are factually accurate and are written in such a way as to be comprehensible by future generations. The wording of inscriptions should interest and inspire the reader. They should be reverent and seemly and avoid the bland. Readers will want to know something of the person or event commemorated, and descriptions should be fulsome and well expressed. The use of pet names should generally be avoided as they can become meaningless and appear trite with the passing of time. Skilled craftsmen should be used, and the DAC will advise on suitable letter cutters.

RESERVATION OF GRAVESPACE

6.19 Incumbents are under a statutory duty to maintain a register of burials. It is also important that the parish keeps an accurate plan of the churchyard indicating principal physical features and showing which grave spaces have been filled and which remain available for burial. Any spaces, which have been reserved by faculty, must be recorded

on this plan which should be available for inspection by the archdeacon at his visitation. The reservation of a grave space is a privilege and will not be granted where it would prejudice those with a legal right to burial. See **Introductory notes**. Accordingly, the chancellor will need to know the number of unfilled grave spaces remaining and the average number of burials per year. Due regard will be given to parish policies on reservation, but these may not prove determinative.

6.20 Petitions for reservation will need to state:

- the precise location of the grave space in question; to be identified on a plan or, if this is impracticable, (and reasons must be given why it is impracticable) by full written description;
- the average number of burials of bodies in the churchyard over the last ten years;
- the number of grave spaces remaining in the churchyard;
- the full name and age of each person in respect of whom the petition is presented, and a statement of whether such person is married, single, widow or widower;
- the terms of any resolution of the PCC concerning the petition. If the resolution supports the petition the resolution must state in full the reasons why the council supports the petition.
- the special reasons advanced on behalf of the applicant why the privilege of reservation, involving the curtailment of the rights of parishioners, should be granted.

PART TWO - CHURCHYARD REGULATIONS

Incumbents and priests-in-charge are temporary custodians not merely of the church building but, where there is one, of its burial ground. Responsibility for its care and maintenance rests with the PCC. Churchyards are an important feature of both rural and urban communities: an historic record of successive generations, a home for funerary monuments of architectural and aesthetic excellence, a setting for the church itself (many of which are listed buildings), and a place for reflection and prayer. It should be borne in mind that churchyards are different in their nature from municipal cemeteries. In addition, the upkeep of a churchyard is a considerable burden upon the limited resources of PCC funds.

Residents of parishes, and certain others, have a legal right of burial in the parochial burial ground. This right is not restricted to the baptised nor to members of the worshipping community. Thus the clergy are brought into direct contact with relatives of deceased parishioners in circumstances of extreme distress and often in a highly charged environment. Whilst this provides a valuable opportunity for ministry and outreach it can also create pastoral difficulties.

It is essential that the bereaved understand the meaning and consequences of burial in consecrated ground. Two particular features arise:

First, the nature of the rite of burial is to say 'farewell' to the deceased and to commend them to the mercy and love of God in Christ to await the transformation of resurrection. There is accordingly a theological finality to the burial of all interments, including those of cremated remains, in ground consecrated according to the rites of the Church of England. The prospect of exhumation at some future date and the relocation of remains must be ruled out.

Secondly, the bereaved must understand that by seeking a burial in consecrated ground, they are submitting to the jurisdiction of the consistory court which regulates the type of headstone or other marker which may be erected. This jurisdiction exists for reasons which are in part theological and in part aesthetic, since what may be unobjectionable in a municipal cemetery might be considered inappropriate (or even offensive) in an historic churchyard. It is the responsibility of the clergy to bring these matters to the attention of the bereaved at the earliest opportunity, and to inform them of these Regulations, so that their decision to seek an interment in consecrated ground must be fully informed. A failure to do so, however traumatic the pastoral situation, is a dereliction of duty and may prove more damaging in the long term. Many parishes find it helpful to provide a handout containing this information which can be taken away and read by the bereaved, and the chancellor commends this practice.

These Regulations are designed to encourage best practice and to eliminate bad practice. It is unlawful for a monument to be introduced into a churchyard without permission. Generally such permission derives from the chancellor in the form of a faculty. However, for administrative convenience and to minimise expense, the chancellor delegates to the incumbent the authority to permit the introduction of a monument provided it is of a type which complies with the detailed provisions contained in these Regulations. The written application which accompanies these Regulations should be used in all cases (see Appendix E). During any vacancy, and in the absence of a priest-in-charge, the authority is exercised by the rural dean.

Applications for memorials should generally not be made until six months have passed since the interment. Not merely does this allow the ground to settle, but the passage of time permits a more reflective decision to be made than is often the case in the naturally emotional state of the early stages of grief. All close family members need to be consulted and a consensus achieved. The incumbent can offer help at this time in making suggestions to the bereaved of the types of memorial which might be introduced by reference to photographs or by pointing out examples in the churchyard itself. If this conversation precedes a visit to the stonemason it should avoid the difficulty and disappointment engendered by the selection of an inappropriate design from a catalogue. Although the grave itself is the property of the incumbent, any memorial will belong to the heir-at-law of the person commemorated and that person carries the duty to maintain it and the legal liability for its safety.

A headstone is a public statement about the person who is being commemorated. Making the right choice of stone, design and inscription is important not only to the relatives or friends who are going to provide the memorial, but also to the wider community because of the effect which the headstone may have upon the appearance of the churchyard. Attractive, well conceived designs by skilled and imaginative craftsmen should be encouraged. In the search for a wider range of designs than those usually seen, reference should be made to the *Churchyards Handbook*, the booklet *Memorials by Artists* and other resources which can be made available by the DAC. Sculpture or other statuary is not discouraged but must be authorised by faculty.

Also to be encouraged are fulsome inscriptions which give a flavour of the life of the person commemorated rather than blandly recording a name and dates. Epitaphs should honour the dead, comfort the living and inform posterity. They will be read long after the bereaved have themselves passed away. A memorial stone is not the right place for a statement about how members of the family feel about the deceased nor how they would address him or her were they still alive. Passages of scripture, which have a timeless quality, are to be preferred.

HEADSTONES

(i) Size

No more than 4ft nor less than 2ft 6in high (1200mm, 750mm);

No more than 3ft nor less than 1ft 8in wide (900mm, 500mm);

No more than 6in nor less than 3in thick (150mm, 75mm), unless slate is to be used in which case a thickness of 2in (50mm) is permitted;

In the case of infant burials, headstones must be no less than 2ft x 1ft 3in x 2in (600mm x 375mm x 50mm).

A base forming an integral part of the design of a headstone may be included, provided it does not project more than 2in (50mm) beyond the headstone in any direction and provided that it is fixed on a foundation slab of an approved material which itself is fixed flush with the ground and extending 3in to 5in (75mm to 125mm) all round so that a mower may freely pass over it. If desired, the base may include the provision of a socket to receive a vase, in which case it may extend by up to 7in (175mm) forward of the headstone.

(ii) Materials

The following stone is permitted:

Limestone:	Portland Purbeck Derbyshire Hopton Wood Hornton Nabresina Caen/Normandy
Sandstone:	York
Slate:	Blue/Black (Cornish) Grey/Blue (Welsh) Green (Westmoreland)
Granite:	Light to medium grey

(iii) Position

No memorial may be erected within 5 yards (4.57 metres) of the outer wall of the church building save by authority of a faculty.

(iv) Appearance

Polished stone or mirror finish is not permitted. Coloured lettering is not permitted save as follows:

Nabresina limestone may have the lettering picked out in light blue matt;

Slate may have the lettering picked out in off-white matt;

Granite may have the lettering picked out in black matt.

(v) Inscriptions

Incumbents should require an accurate design of the proposed inscription before approving an application. Photographs or representations of objects or motifs such as a child's toy are not permitted nor the use of 'pet names'. Bronze or ceramic inserts are not to be used. Badges, crests or emblems may be used provided they are seemly and appropriate for the deceased. Any representation will need to be designed so that it may be accurately cut by a skilled craftsman. Masons' or carpenters' names, signs or marks may be inscribed on any monument provided their position and appearance are unobtrusive having regard to the monument as a whole.

(vi) Fixture

Regard must be had to health and safety concerns, and to current industry standards for the fixing of monuments safely and securely.

HORIZONTAL LEDGERS

(i) Size

Either flush with the turf or raised not more than 9in (225mm) above a base, extending not less than 3in (75mm) all round and itself flush with the turf; inclusive measurements not more than 7ft (2100 mm) by 3ft (900mm).

CROSSES

An incumbent may NOT consent to the introduction of a cross, for crosses have been too freely used in burial grounds in the past. Such monuments require a high standard of design. However, the incumbent may authorise the temporary introduction of a simple wooden cross to mark a recent burial. A brass plaque bearing the name and dates of the deceased may be affixed to the cross. Such cross must be removed upon the erection of a stone memorial or after a period of 18 months, whichever be the sooner.

PROHIBITIONS

For the avoidance of doubt, the following are not permitted:

- i. kerbs, railings, fencing or chippings as these create difficulty or danger when mowing;
- ii. memorials in the shape of vases, hearts, open books;
- iii. memorials incorporating photographs or portraits;
- iv. mementoes, windmills, toys or little animals;
- v. the use of 'pet names'
- vi. artificial flowers.

NOTES

The Incumbent has no authority to permit the erection of a memorial which does not comply with these Regulations.

Any memorial which does not comply with these Regulations (whether or not the incumbent has purported to give his authority) may be removed by order of the consistory court.

A faculty may be sought for the erection of a memorial which does not comply with these Regulations. Such petitions are actively encouraged. Each case will be considered on its individual merits and the views and policies of the Incumbent and PCC will be taken into account. The opinion of the DAC will also be sought.

Parishes are encouraged to consider adopting by faculty their own Regulations for use in a particular churchyard. Such Regulations must take into account local practice, tradition and custom and the particular environmental, architectural and aesthetic considerations of the church and its setting. It may be appropriate for different provisions to apply in particular zones within the churchyard depending upon their proximity to the church, visual amenity, or the nature of existing memorials.

These Regulations replace the previous Churchyard Regulations dated April 2001.

THE WORSHIPFUL MARK HILL

Chancellor of the Diocese of Chichester

8 April 2007

The following extra regulations also apply to the Churchyard

1. Bulbs and small annual plants *only* may be placed in the soil of any grave;
2. Plants and bulbs which conform to the description above will be confined to a space no greater than 9in (225mm) in front of the headstone. Any plants placed outside this area may be removed by those authorised to do so by the incumbent.
(This is to help with the cutting of the grass, and make for a tidier churchyard)
3. Plants or cut flowers may be placed in removable containers made of either unpolished aluminium or clear plastic in the soil of any grave.
4. ***Please note that glass containers are not permitted because of the dangers of broken glass, and they will be removed by those authorised to do so by the incumbent.***
5. Wreaths and cut flowers placed on graves and plants and flowers in containers may be removed, when withered, by those authorised to do so by the incumbent;

No artificial flowers or foliage may be placed on or about graves (except for Remembrance Day poppies) and, if so placed, will be removed.

These regulations were adopted by
St. Mary the Virgin Ninfield PCC on 2nd June 2011
and St. Oswald's Hooe PCC on 28th June 2011