

FROM THE CHANCELLOR OF THE DIOCESE OF ROCHESTER

CHURCHYARDS

To all Incumbents, Churchwardens, Parochial Church Councils, Undertakers and Monumental Masons

1. The current Churchyard Regulations came into force on 1st September 1981. The attention of all those concerned with the care and maintenance of our churchyards is drawn to them. **It is important they should be understood and observed throughout the Diocese.**
2. Our churchyards, like our churches, form part of our religious and national heritage. For the sake of parishioners and relatives of the deceased, and posterity, we must preserve the distinctive character of the churchyard as the resting place of the dead of the parish and as the setting for the House of God. Thus our churchyards are subject to the jurisdiction of the Bishop, exercised by the Chancellor of the Diocese.
3. Whilst all those dying in the parish and those whose names were on the Church Electoral Roll have the right (through their personal representatives) to burial in the churchyard, provided there is still room, this does not entitle them to burial in a particular part of the churchyard (unless a grave space has been reserved by Faculty), neither does it permit any gravestone, tombs or other monuments to be erected in the churchyard without formal written consent.
4. This is to ensure that monuments, like memorials in the church, are of a high standard of design and that they harmonise, both as regards size and materials, with their surroundings. Helpful advice on this subject generally is to be found in the Churchyards Handbook (4th edition), obtainable from Church House Book Shop, Great Smith Street, London SW1P 3NZ, tel: 020 7898 1000 www.chbookshop.co.uk and other religious book shops. The Diocesan Advisory Committee is also always ready to assist both applicants and Incumbents with regard to the selection of a particular memorial, in addition to fulfilling its role in advising the Chancellor in the event of a petition being presented for a Faculty.
5. The procedure for applying for permission to erect a monument in the churchyard is set out in paragraph 2 of the Churchyard Regulations 1981 **and must be strictly adhered to.** It is important that the Incumbent should be consulted at the earliest possible stage and before any final choice has been made.
6. The refusal of an application by the Incumbent does not prevent a petition thereafter being presented for a Faculty. It must be borne in mind that the authority delegated to the Incumbent covers those monuments usually considered appropriate in a churchyard (as opposed to a local cemetery where there is generally no restriction), and that the Chancellor will expect some special reason to be advanced for the particular monument proposed, to enable him to decide whether such a monument should or should not be permitted in all the circumstances of the case. Amongst the factors which are likely to be considered important by the Chancellor are the quality of the design, the material and workmanship of the proposed monument itself, its probable effect on the churchyard as a whole, and whether permission for this particular monument would set an undesirable precedent both as regards the nature of the monument itself and the maintenance of the churchyard. Faculties for specially

- designed memorials are readily granted.
7. To avoid disappointment and distress, it is vital that all undertakers and monumental masons, likely to be approached in respect of burials in the churchyard in question, are supplied with copies of the Churchyard Regulations and this Memorandum so that they will know which monuments are within the Incumbent's authority to permit and therefore likely to be allowed. In this way, intending applicants will be aware of the extent of the Incumbent's authority at an early stage and the reasons of the limits placed upon it.
 8. **No action** should be taken in respect of any application until the Incumbent's written consent or a Faculty from the Chancellor (as the case may be) has actually been given. Any deviation from the terms of paragraph 3 of the Churchyard Regulations may result in the removal of a monument and the payment of costs by those responsible.
 9. Copies of the Churchyard Regulations 1981 and of the prescribed form (CR1) to be used in connection with an application to an Incumbent when seeking permission for a monument to be erected in a churchyard are annexed hereto. Bulk supplies of form CR1, the Churchyard Regulations 1981 and this Memorandum can be obtained from the Diocesan Office. Tel. 01634 560000.

18th January 2007

John Gallagher
Chancellor.