

MODEL CHURCHYARD RULES
ADAPT WHERE INDICATED TO SUIT LOCAL CIRCUMSTANCES

DIOCESE OF BRISTOL
PARISH OF

CHURCHYARD RULES

1 GENERAL

- 1 These Rules apply to the churchyard of the parish of (and the cemetery belonging to it at)(*delete if appropriate*). They came into force on and remain effective until revoked.
- 2 These Rules are subject to any Diocesan Faculties, Orders or Regulations (whether particular or general) which may be made or issued from time to time by the Chancellor of the Consistory Court of the Diocese. In particular they are subject to the Chancellor's Churchyard Regulations which apply throughout the Diocese.
- 3 A framed copy of these Rules, or a summary of their requirements, should be permanently displayed in the church porch or entrance.
- 3 Copies of these Rules should be sent to local monumental masons, undertakers and others who may be involved in the supply or ordering of memorials, indicating the need to obtain written consent from the incumbent/priest-in-charge before any monument is commissioned.

2 PROCEDURE FOR THE INTRODUCTION OF MONUMENTS

The appropriate permission must be obtained for the introduction of any monument or memorial. Any application must be made in writing to the incumbent or priest-in-charge in the first instance, with a full description of the proposed work. Until the appropriate permission for any tombstone or other monument has been obtained, no estimate should be accepted and no contract entered with a funeral director or stonemason.

Powers to permit a monument are as follows:-

- 1 THE INCUMBENT/PRIEST-in-CHARGE (*delete as appropriate*) has powers delegated by the Chancellor which allow him/her to give permission for a monument *provided that* it complies with certain fixed criteria. (Full details of these criteria are listed below).
- 2 CHURCHWARDENS or (during a vacancy) SEQUESTRATORS have no power to permit the introduction of any tombstone or other monument into a churchyard. (During a vacancy the Chancellor's delegated powers may be exercised by the Archdeacon concerned, unless the Bishop rules otherwise.)
- 3 THE CHANCELLOR has power to allow by faculty the introduction of any kind of tombstone or other monument into a churchyard. A statutory fee will be payable for the faculty. Fuller details and application forms can be obtained from the Diocesan Registry.

If any tombstone or other monument is introduced into the churchyard without the written consent of the incumbent/priest-in-charge or a faculty granted by the Chancellor - whichever is applicable - those responsible may be required to remove the item and pay the costs of both its removal and the legal proceedings.

3 POWERS OF THE INCUMBENT/PRIEST-IN-CHARGE TO PERMIT MONUMENTS WITHOUT FACULTY

A minimum period of six months should elapse between the death of the person to be commemorated and the approval of the monument by the incumbent/priest-in-charge.

The incumbent/priest-in-charge then has discretion to allow a monument to be erected in the churchyard without a faculty **provided that** the criteria listed in the Chancellor's Churchyard Regulations are met. These criteria cover materials, form, advertisements or trademarks, bases, and spacing. Only monuments which conform to *all* of these requirements can be permitted by the incumbent/priest-in-charge. For example, statuary or monuments depicting images or including kerbs (with or without chippings), railing or chains are *excluded*. Marble, synthetic stone, polished granite, and granite in colours apart from grey are *excluded*.

A monument which falls outside these criteria can be erected only with the Chancellor's permission. A faculty will be necessary and statutory fees payable.

4 CREMATION PLOTS

The creation of a new area for the burial of cremated remains will require a faculty. The Diocesan Advisory Committee (DAC) should be consulted before any arrangements are made to set aside part of the churchyard as a cremation plot.

Existing areas for cremated remains must be maintained according to the Chancellor's Churchyard Regulations and to the procedures (such as for flowers) outlined in these Churchyard Rules.

ADAPT THIS SECTION TO SUIT LOCAL CIRCUMSTANCES

Include details of any existing area for cremated remains and of rules for its use and maintenance.

5 FLOWERS

Except where the design of a headstone includes an integral vessel for plants or cut flowers, flowers may only be placed in a removable container, which must be sunk completely into the ground so that it is practically invisible. Wreaths and cut flowers may be placed in such containers or laid on any grave, but must be removed as soon as they appear to be withered or dead. (They can then be removed by persons responsible for the day-to-day maintenance of the churchyard.)

The PCC may in its discretion at any time remove and dispose of any artificial flowers placed in the churchyard.

Bulbs and small annual plants may be planted in the soil of any grave.

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Include any other rules adopted by the PCC such as planting rules or details of sites where wreaths or Remembrance Day poppies may be displayed.

Include rules for any tombs or memorials which are "listed buildings" in their own right.

Include rules for any war graves, especially those maintained by the Commonwealth War Graves Commission.

6 TREES

See the Chancellor's Guidance "Trees in Churchyards".

ADAPT THIS SECTION TO SUIT LOCAL CIRCUMSTANCES

Include rules for any trees subject to Tree Preservation Orders or Conservation Area requirements.

7 CHURCHYARD MAINTENANCE

See the Chancellor's Churchyard Regulations.

For any works that may have an impact on wildlife or flora or fauna, there should be consultations with the local Wildlife Trust and the local authority conservation officer. The setting aside of a designed wildlife area will require a faculty, and a management plan should be drawn up in association with an ecologist.

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Include any other rules adopted by the PCC: eg grass areas to be left unmown, flower beds, bonfire arrangements, and the location of compost heaps and waste areas.

Include rules for any walls, gates or other features which may be "listed buildings" in their own right.

Include rules for any wildlife which is protected by Wildlife & Countryside legislation (including bats, protected plants and animals).

Include details of any designated wildlife area and rules for its management.

8 WORKS WITHIN THE CHURCHYARD

See the Chancellor's Churchyard Regulations.

9 RIGHTS OF WAY

See the Chancellor's Churchyard Regulations.

ADAPT THIS SECTION TO SUIT LOCAL CIRCUMSTANCES

Include any rules concerning existing rights of way.

10 ANCIENT MONUMENTS

The Ancient Monuments Acts apply in churchyards (though not to ecclesiastical buildings). Where an ancient monument (such as a medieval cross or a ruin) has been scheduled as protected under the Acts, nothing may be done to it without both a faculty and scheduled monument consent under the Ancient Monuments and Archaeological Areas Act 1979 and subsidiary Regulations. Prior to any action with regard to a scheduled monument, the advice of the Diocesan Registrar should therefore be sought.

Notice that a monument is scheduled will have been given to both a Parochial Church Council and the Diocesan Registrar. The Registrar should be consulted if there is any question as to whether a monument or ruin has been scheduled.

ADAPT THIS SECTION TO SUIT LOCAL CIRCUMSTANCES

Include details of any scheduled monument and the arrangements for its maintenance.

NOTES TO THESE MODEL CHURCHYARD RULES

- 1 PARISHES ARE RECOMMENDED TO ADAPT THESE MODEL CHURCHYARD RULES TO SUIT LOCAL CIRCUMSTANCES, BUT IN ACCORDANCE WITH THE CHANCELLOR'S CHURCHYARD REGULATIONS.***
- 2 THROUGHOUT THESE MODEL RULES, THE TERM "INCUMBENT" OR "PRIEST-IN-CHARGE" SHOULD BE SELECTED AS APPROPRIATE.***