



## DAC Guidance

# Burial of cremated remains

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### INTRODUCTION

The traditional image of a funeral followed by burial in a peaceful churchyard is fast becoming outdated. During the past 20 to 30 years cremation has become more common than burial.

However, after the funeral service, many families still prefer to arrange for interment in the parish churchyard rather than at the crematorium.

The disposal of cremated remains is clearly a sensitive subject, and the DAC has prepared this guidance leaflet to help PCCs make the best possible arrangements within their churchyard.

### THE LEGAL BACKGROUND

There are strict restrictions on the rights of burial within any churchyard. (These are outlined in the Chancellor's Churchyard Regulations.) The same rules apply for the interment of cremated remains. For example, burial or interment in the churchyard or cemetery is almost entirely limited to parishioners, people on the electoral roll, or people who have died within the parish.

Since human remains are involved, there are both civil and ecclesiastical requirements to be followed. It is vital for any parish planning for regular interments to provide suitable arrangements from the start. Once interred, cremated remains can only be disturbed/exhumed by faculty.

Most importantly, concerning location, the burial of cremated remains may only take place in one of the following:-

- (a) in a specific part of the churchyard set aside as a garden of remembrance; or
- (b) in an existing grave, where this is appropriate; or
- (c) if no memorial is required, wherever the incumbent decides (at his or her discretion).

By far the best approach, from a practical point of view, is the creation of a garden of remembrance: as in (a) above. The details are dealt with below.

## **IS A FACULTY NECESSARY?**

The faculty rules are as follows:-

**NEW GARDENS OF REMEMBRANCE** Setting aside an area of the churchyard as a new garden of remembrance will require a faculty. Before applying for a faculty, the PCC will need to decide not only the area to be used, but also its size and layout, the arrangements for interment, and in particular the method of commemoration to be followed.

The DAC will need to be consulted and it is often useful to seek their comments early in the process. They will very happy to advise and if necessary to pay a visit to discuss the proposals "on site".

**EXISTING GARDENS OF REMEMBRANCE** improvements (such as new memorial stones, seats or paved areas) will require a faculty. Again, the DAC will be happy to advise. If there is already a garden of remembrance in the churchyard, it should be maintained in accordance with the Churchyard Rules for the parish.

Interment within an existing grave or in an unmarked site as in (b) or (c) above. The incumbent should seek the advice of the Registrar.

## **DESIGNING THE GARDEN OF REMEMBRANCE**

Every churchyard is unique in its size, shape, setting and details such as walls, trees, monuments and paths. The garden of remembrance should harmonise with and contribute to the churchyard's appearance and atmosphere; otherwise it can spoil the churchyard both for future generations and for the very visitors it has been created to serve.

The following is a list of the points to be incorporated into any plans:-

**LOCATION** The site should be carefully chosen, taking the layout of the churchyard into account and avoiding unnecessary changes to trees, walls and other features. It would be wise to consult the Archdeacon, the DAC and possibly a landscape designer at this early stage.

It is important to make preliminary investigations of areas which may appear to be vacant; these can often conceal interments and buried headstones. Sites too close to walls should be avoided; they may cause damage to the wall's foundations, or if the wall ever requires repair, the surrounding area might need to be excavated.

**SIZE** The garden should be adequate for not just the next few years, but for well into the future (25 years at least). Otherwise the garden will have to be extended, or a new one started, and the churchyard will gradually become dominated by small plots.

**DEMARCATION** The garden of remembrance should be a clearly defined area so that visitors can recognise and respect its purpose. Generally, though, its boundaries should be as unobtrusive as possible. Natural materials such as shrubs are preferable to walls, fences or posts, particularly in a country setting. If there are existing boundaries or borders (hedges, paths, etc), these can often be incorporated into the plan.

**METHOD OF COMMEMORATION** Proposals for any new garden of remembrance should stipulate a single method of commemoration with which all future interments must conform. The use of plaques, slabs or miscellaneous memorials for each individual should always be avoided. They cause many problems, both practical and aesthetic. In particular, they increase the amount of land needed, while the purpose of cremation is (to a large extent) to reduce this.

The DAC's preference is for a single stone memorial slab or stone which identifies the garden of remembrance as a whole, but refers the visitor to a Book of Remembrance inside the church. In other words, it is in the Book of Remembrance that the names, dates and details of the deceased are recorded. This system will last as long as there is space for interments, and without requiring regular changes to the area.

Alternatively, the names and dates could be carved directly onto the memorial stone or slab. Space on this will run out in time, but it should be possible to add another stone or slab at a later stage.

A second possibility is to incorporate individual bricks or border stones, on which names may be inscribed, as part of the garden. These of course should be kept small and of equal size so that the garden will not be filled too quickly.

**PAVING** It is often necessary to pave borders or paths or an area around a garden seat. However paving should be kept to a minimum to avoid changing the character of the churchyard. Natural stone is the best option; but depending upon the setting, brick or gravel or even reconstituted pavements may offer a good substitute. Here again, the DAC will be able to provide advice.

**SEATING** Many gardens of remembrance incorporate a seat (or seats) for visitors.

### **THE BOOK OF REMEMBRANCE**

It is worth taking trouble over the Book of Remembrance so that it becomes an attractive part of the liturgical furniture and a worthy method of commemorating the deceased. The Book should ideally be leather-bound, with the names inscribed by a calligrapher. A stand, preferably made by a craftsman, will contribute to its impact within the church.

### **METHOD OF INTERMENT**

Ashes should be interred directly into the ground. If they are in a container, it must be biodegradable. The aim is to commit the remains directly into the earth, where they will disperse.

PCCs should provide an auger and a casket with an opening bottom (which an undertaker should be able to supply). The cremated remains should be poured gently into the hole, at a depth of no less than 4", followed immediately by a thin layer of earth.

Scattering or strewing is not recommended because it can be distressing to the bereaved (especially in windy conditions), and because burial has always been the Christian tradition.

### **RECORDING INTERMENTS**

The PCC must keep accurate records of the location of ashes (where appropriate), the date of burial and the name of the deceased. The details should be recorded not in the parish burial register but in a separate plan or chart to be kept with the church records.

### **THE FACULTY PROCESS**

Please refer to the DAC leaflet Applications for Faculties (obtainable from the DAC office). To obtain the DAC certificate, you will need to prepare details of your proposals and these should cover the points above. A photograph to illustrate the setting is always of great help. Once you have both a PCC resolution and a DAC certificate, you can submit your formal faculty petition.

### **LOCAL AUTHORITY REQUIREMENTS**

Your churchyard may lie within a Conservation Area or the proposals may affect the appearance of a listed building (perhaps only by including a memorial stone on an exterior wall). If so, you will need to discuss your proposals with your local planning department. If you are to apply for a faculty, the DAC will need to know of any comments made by the planning department.

### **FURTHER INFORMATION**

This leaflet is intended for general advice only. Please also consult the Chancellor's Churchyard Regulations for the diocese and the local Churchyard Rules (if the parish has adopted its own).

Parishes are recommended to obtain a copy of the "Churchyards Handbook" which gives detailed information about the legal aspects of churchyards, their history, techniques for good maintenance and useful organisations. It is available from Church House Publishing ([www.chpublishing.co.uk](http://www.chpublishing.co.uk)) and costs £10.95.

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