



BRISTOL DIOCESAN REGISTRY

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THE NEW DIOCESAN CHURCHYARD REGULATIONS

The Ecclesiastical Judges Association (EJA) has been aware that there are significant differences in churchyard regulation between dioceses, which has led to confusion for those involved in the memorial mason industry working across diocesan boundaries and more so for families of the deceased.

Therefore, the EJA has produced a set of template documents and asked Diocesan Chancellors to consult and produce new Churchyard Regulations for their Diocese based on those templates, the intention being not to produce a uniform set of regulations (as it is recognised that there are often good reasons for different regulations in different parts of the country e.g. local stone) but that there would be greater conformity throughout England.

This note is a guide to the changes to the Regulations and in the faculty procedure. Whilst intended to be comprehensive, it is not a substitute for reading the documents and familiarising yourself with them. **The new Regulations will come into force on 01 November 2026**

The new legal process

The legal process by which a minister (see definition below) will be able to admit compliant memorials without the need for a faculty is now by way of an **Additional Matters Order** (AMO), rather than delegated authority as previously.

The Additional Matters Order (AMO) consists of:

1. the Order;
2. Schedule 1 – **matters not requiring a faculty**;
3. Schedule 2 – **approval procedure**;
4. Annex - **application form**.

The reason for this new legal process is explained further in the Explanatory Note.

Guidance

After the Explanatory Note is some guidance. This should be familiar to you as it is taken from the current regulations.

Who decides memorial applications

An application for a memorial must be made to **the minister**, who will be the incumbent of a benefice and in a vacancy:

- the priest in charge; or
- the curate licensed to the charge of the parish; or
- where there is no priest in charge or curate licensed to the charge of the parish, the Area Dean (note that under the old Regulations, this is the Archdeacon).

The process

The Order provides that:

- should any question arise as to whether a particular proposal falls within Schedule 1, it is to be referred to the Chancellor by the minister for determination;
- if some features of the application are not found in Schedule 1 but are similar or of a comparable nature to something that is, then the minister may apply to the Chancellor for directions and the Chancellor may direct that the application be treated as if such matters were in Schedule 1;
- the Regulations are applicable to the whole of the Diocese, unless a particular churchyard or burial ground has been expressly excluded by the Chancellor and do not extend to consecrated parts of municipal cemeteries operated by local authorities;
- the Regulations will not affect parish churchyard regulations **which have been granted by faculty** prior to the new Regulations coming into force – these will continue in force where applicable until the Chancellor directs otherwise;

For example, Schedule 1 does not permit polished granites but if you have a faculty for parish churchyard regulations which permits memorials to be made of polished granite, you can continue to permit memorials made of polished granite in your churchyard.

- if an applicant petitions for a faculty, then the application form submitted to the minister will be treated as the faculty petition;
- any memorial erected otherwise that in accordance with this procedure, or with the authority of a faculty granted by the Chancellor, may lead to enforcement proceedings in which the Consistory Court may order removal of the memorial at the expense of the person or persons responsible, who may also be required to pay the court costs of such proceedings.

Schedule 1

This sets out:

- the specifications of a memorial that may be permitted in a churchyard; and
- the circumstances in which an existing memorial may be repaired or altered

provided in each case that the procedure in Schedule 2 is followed.

The procedure in Schedule 2 is that the application form having been signed by the applicant and the memorial mason, is to be sent to the minister, who may give permission by endorsing the application form, following which the memorial may be erected.

Part 1

This section defines the terms used in the Regulations. Note:

- the definition of memorial meaning a freestanding object in a churchyard in memory of the deceased;

- the definition of headstone meaning a 'lawn memorial' or a 'monolith memorial' (as defined);
- the definition of 'incised' and 'relief' in relation to lettering, motifs, emblems or other images, includes being cut either by hand or by machine;
- the definition of 'inscription plate' is probably what a lay person would think of as the memorial;
- a definition of a cremated remains tablet is included;
- a definition of wooden cross memorial is included.

Part 2

This section provides the specifications for permitted memorials and is what in practice will be regarded as the Churchyard Regulations.

Note:

- the inscription plate of a headstone must be one of those shown depicted, or similar (the diagram accords with the images in the new application form);
- the memorial must not be located closer than 1500mm to the wall of the church;
- the memorial does not include attached plaques, or kerbs, railings, chippings, statues, or other objects – the current regulations also mention as specifically prohibited photographs, metal or plastic inserts and bird baths;
- the memorial does not contain a QR code, or any other device intended to enable direct communication with an electronic resource;
- a memorial can take the form of a horizontal slab flush with the surrounding earth – this is specific to the Diocese and continues current practice;
- a headstone may contain one or two metal flower containers forming part of the base of the memorial – again, this is specific to the Diocese and continues current practice;

Dimensions

- dimensions of memorials (headstone, wooden cross or cremated remains tablet) are specified in detail;
- where the height of a memorial is to be measured from is stipulated, particularly if the ground is sloping;
- the new maximum height of a memorial is 1220mm (slightly higher than permitted under the old regulations);
- the new maximum height for a wooden cross memorial is also 1220mm (slightly lower than permitted under the old regulations);

Materials

- a headstone may be made from slate, sandstone, limestone or granite – note there is no longer a preference for local stone;
- no particular type of wood is specified for a wooden cross memorial;
- the colour of the slate/stone must not render the memorial discordant in the context of the churchyard;
- the principal surface of the inscription plate of a headstone must not be polished or reflective;

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- a mason's reference in lettering no higher than 15mm is permitted on the side or reverse of a headstone;

Inscriptions

- must be factually accurate, not considered by the minister to be likely to be offensive or controversial for any reason, and not inconsistent with Christian doctrine;
- must include:
 - the name of the person being commemorated (which may be or may include the name by which that person was generally known); and
 - the date or year in which that person died; and
 - either the date or year in which that person was born, or the age of that person at death;
- where any text in the inscription is in a language other than English, a translation has been supplied to the minister for retention in the parish records;

Lettering

- lettering can be coloured in one or two colours which does not render the memorial discordant in the context of the church and churchyard (the old Regulations permit specific colours: gold, copper, silver, matt white, matt black and matt grey);
- lettering can be incised or in relief and not more than 100mm in height – there is no restriction to lettering on the edges and/or reverse of memorials;

Motifs

- any motif, emblem or other image forming part of the design of the memorial must:
 - be of a character commonly found in churchyard memorials, or is relevant to the life of the person commemorated;
 - be a fitting complement to the wording forming the rest of the design;
 - not exceed 33% of the face of the headstone or, if there is more than one such, no more than 33% in total;

- either incised into or in relief of the stone by hand or machine;
- be uncoloured, or coloured in such a manner that the memorial is not discordant in the context of the church and churchyard in a single colour;
- not be inconsistent with Christian doctrine; and
- can take the form of a badge or insignia of the Armed Forces of the Crown provided that the incumbent has a letter of authority from the relevant branch of the Forces (this continues current practice);

Cremated remains

- a cremated remains tablet is defined as “a rectangular stone or slate tablet placed above the cremated remains of the person commemorated, the upper face of which is flush with the surrounding ground”;
- a cremated remains tablet is not permitted where cremated remains are interred in a grave that is already marked by a headstone or a wooden cross memorial;
- a cremated remains tablet (as defined) must be the size and shape similar to those of others in the immediate vicinity;
- in any case the dimensions must not be more than 450mm by 400mm;
- a cremated remains tablet may be made from slate, sandstone, limestone or granite and the colour of the slate/stone must not render the memorial discordant in the context of the churchyard;
- the principal surface of a cremated remains tablet must not be polished or reflective;
- lettering can be incised or in relief and not more than 100mm in height;
- motifs are permitted as for headstones above;
- the same considerations regarding inscriptions apply.

Part 3

This section sets out the basis upon which existing memorials may be repaired or altered.

- The memorial being repaired/altered must have been either:
 - lawfully introduced into the churchyard; or
 - in place for at least six years.
- If the repair/alteration requires the memorial to be removed, it must be re-erected to comply with the British Standard (as defined – currently BS 8415:2018).
- Any alteration of or addition to an inscription must be in the same style and finish as the original inscription.
- Any alteration to an inscription must comply with the provisions as to inscriptions in Schedule 1.

- A person with sufficient interest in a memorial may apply to the minister to permanently remove a memorial and replace it with a new one complying with current Regulations.

Application form

The new application form is to be used for the application to the minister but may also be treated as a faculty petition in the event the petitioner wishes to apply for a faculty.

Please ensure that this has been fully completed and signed by the applicant and craftsperson/memorial mason before determining the application or referring it for faculty.

- The applicant must state that it has used all reasonable endeavours to provide details of this application to all of the following living relatives of the deceased: spouse, civil partner, cohabitant, parent, sibling, child; and
 - confirm that no such person has raised an objection to the proposal; or
 - list the people who have not been contacted; and/or
 - list the people who have raised an objection.
- The applicant undertakes to indemnify and keep indemnified the Incumbent (or Priest-in-Charge) and the PCC against all costs, liabilities and expenses which he or she may suffer or incur as a result of any failure to comply with the Regulations or arising from any inaccurate or misleading statement made on this application form.
- The applicant agrees to the memorial being laid flat if it becomes insecure or otherwise unsafe in order to avoid the risk of personal injury and damage.
- The applicant does not object to the name of the monumental mason being incised upon the memorial, provided this inscription meets the requirements of the churchyard regulations.
- The application form has four parts to be completed by the craftsperson/memorial mason:
 - Part B: details of memorial – including:
 - whether the colour of stone/slate renders the memorial discordant in the context of the church or churchyard;
 - means of preventing premature degradation of wood (where applicable);
 - the shape from a selection of examples
 - Part C: dimensions of memorial in metric units.
 - Part D: proposed inscription/motif/emblem/image.
 - Part E: details of craftsperson/memorial mason – including:
 - membership of memorial fixing accreditation scheme;
 - leaving the grave and immediate surroundings neat, tidy and level;
 - indemnifying the Incumbent, Churchwardens and PCC against any liability that may arise out of the failure on the craftsperson/memorial mason's part to construct and install the memorial in accordance with the current edition of BS 8415;

- having public liability insurance in relation to installation of the memorial of at least £5 million;
 - liability at the direction of the Chancellor for cost of removal and/or re-fixing is memorial found to be inadequately fixed;
 - liability for removal costs if memorial does not comply with application submitted and permission granted.
- A scale drawing of the memorial showing the dimensions of the inscription plate, base and foundation, design shape, style, and colour, and relation to ground level and including the detail of the inscription and any carving or decoration must be provided when submitting this application form.
 - The minister must provide reasons for why an application does not comply with the Regulations or, if it does comply with the Regulations why permission is declined (e.g. family dispute).
 - Part 3 of Schedule 1 includes provisions that are to be taken as understood by an applicant following signature of the application form:
 - the memorial may be removed if in the judgement of the PCC it has ceased to be in good repair or has become dangerous; or after 100 years have elapsed since the death of the person it commemorates;
 - the upkeep of a memorial and the resulting costs will be the responsibility of the heirs of the person whom it commemorates; and
 - permission is for the erection of a memorial only and not the purchase of a plot of land.

This continues current practice.

Schedule 2

This sets out the approval procedure for an application to a minister. In the event the minister does not give permission and the applicant wants to apply for a faculty, the application form needs to be sent to the Registry along with a short explanation of why the particular design/inscription is required and a PCC resolution showing its opinion on the matter.

If you have any question regarding the new Regulations, please do get in touch with one of the Registry Team – Lee Coley, Frances Reynolds, or Davinia Davey – by emailing bristolregistry@stoneking.co.uk

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