



Memorial Testing (for memorials in churchyards and consecrated sections of Local Authority cemeteries)

1. Background

The testing of memorials and the appropriate remedial works to those memorials deemed to be unsafe has become a very sensitive issue.

The Local Government Ombudsman produced a report (March 2006) entitled “Special report: Memorial safety in local authority cemeteries”. The conclusion of that report was that:

“Memorial stability has aroused widespread concern. A small number of tragic accidents and deaths, in particular to children, raised public awareness and in a number of cases required the intervention of HSE and its statutory enforcement powers. This alerted councils as burial authorities to their responsibilities for the safety of cemetery users. Many initiated testing programmes which resulted in considerable numbers of memorials being laid down. These have principally been lawn memorials of relatively recent installation. In many cases this action outraged the families of the deceased and other cemetery users and attracted adverse publicity.

There is a balance to be struck between public safety and public outrage. We recognise that certain memorials pose an immediate danger with a high risk of injury. Others may display a degree of instability without the same degree of risk, perhaps because of their size and/or location. We hope that, through our issuing this advice, councils will recognise that action other than laying down will almost always be the appropriate remedy.” (Conclusions – Page 29)

More recently, the Ministry of Justice has also produced a report (January 2009) which advises that:

“A memorial may be so unstable there is an imminent risk of it toppling. In a very few cases where this could result in serious injury, immediate steps may be necessary to reduce the risk e.g. restricting access or laying the memorial flat. The routine staking of memorials is not recommended – not only is there a risk of harm in the staking itself, there is also the potential for damage to the memorial.

“In all cases where temporary measures have been taken to make a memorial safe, steps to effect permanent repairs should be taken as soon as possible.”
(Page 10)

2. Procedure to be adopted

In seeking to minimise the distress to families that the testing and repair of memorials can cause, the following procedure seemed to be best practice:

1. The Council should publish an appropriately worded notice in the local press
2. The Council should send to all known families, who have a memorial in a cemetery (both the consecrated and non-consecrated parts), a letter advising that the Council will be undertaking the testing of memorials and setting out how and why this is to be done
3. The Council should display notices in the cemetery to explain about the testing of memorials
4. The testing and recording of memorials should commence in a planned and methodical fashion such that:
 - a) A plan of the cemetery is produced showing both the consecrated and non-consecrated areas
 - b) Individual memorials are recorded with a number to show their location on the plan of the cemetery
 - c) A photograph of each memorial should be taken such that any inscription can be clearly read
 - d) The test record should identify the memorial, its age, and its condition and whether it passes the test for stability
5. Those memorials, in both the consecrated and non-consecrated areas, deemed to be unstable should (if possible) be staked with a stake (bearing a suitable notice concerning the instability of the memorials) at the back of the memorial and secured to it with a black band positioned so as not to obscure the inscription
6. A letter should be sent to the family of each memorial, in both the consecrated and non-consecrated areas, that is deemed to require attention. The Council should invite the family, within a given timeframe, to either: -
 - a) Repair the monument by making arrangements with a monumental mason
 - b) Ask the Council to repair on a re-charge basis
7. Where no response is received from the family within the allotted timeframe, the Council will: -
 - a) Within the non-consecrated areas - draw up a programme for the necessary repairs to memorials
 - b) Within the consecrated areas - make an application to the DAC Office for a DAC Certificate for the repairs to memorials specifying what action is to be taken with each memorial

8. Where there is urgent need for action to be taken to make a particular memorial within a consecrated area safe, the Council will: -
 - a) Cordon off the memorial if necessary / appropriate
 - b) Submit to the DAC Office details of the work that needs to be undertaken so that an application can be made to the Diocesan Registrar for permission from the Chancellor to undertake the necessary repair
9. When the DAC Certificate is issued, the DAC will also issue the Public Notices, which must be displayed for 28 days
10. After the 28 days has expired, the Council will need to complete the Declaration that the Public Notices have been displayed and return the Public Notices to the Diocesan Registrar.
11. Once the Diocesan Registrar has received the completed Public Notices, the Chancellor will be asked to consider whether the Faculty should be issued.
12. Only once the Faculty has been received does the Council have the authority to proceed with the proposed works to the memorial(s) that failed the safety test
13. Agree a timescale within which memorials should be re-tested