

The Faculty Procedure

Applying for a Non-Conforming Memorial in a Churchyard



Introduction

Those living in a parish have the right to be buried in their local parish churchyard, provided the churchyard has not been closed by Order in Council. However, this does not automatically give the right for a memorial to be installed at the burial site.

Memorials can only be introduced with the appropriate permission. Please also refer to: *'Guidance for Bereaved Families: Memorials in Churchyards'* available under the churchyard section of the diocesan website.

Why would a faculty be needed?

A memorial in a churchyard can only be installed with the authority of the Chancellor, the senior legal officer of the Diocese, by way of a faculty (legal permission). However the Chancellor can delegate his authority to the local parish priest or Area Dean (if the parish is in vacancy) to permit a memorial that conforms to the Churchyard Regulations for the Diocese of Coventry.

The Regulations are available upon request from the Diocesan Registry, or can be downloaded from the diocesan website at: <https://d3hgriq6yacptf.cloudfront.net/5f3ffda5728e0/content/pages/documents/churchyard-regulations-v2.pdf>

If the proposed memorial falls outside the scope of what may be permitted under the delegated authority of a parish priest or Area Dean, permission must be sought from the Chancellor through a legal process for a faculty.

A statutory fee is payable by the petitioner (applicant) at the time of faculty application. The statutory fees are reviewed annually in January and stood at £317.00 in 2023. Details can be found here: <https://www.coventry.anglican.org/memorials-in-churchyards.php>

Help is on hand

It can feel both surprising and daunting to learn that introducing a memorial for a loved one in churchyards may involve a legal process. This reflects the spiritual, historic and pastoral significance of churchyards as places of rest and the church's commitment to

managing these spaces well for both present and future generations.

Please consult your local parish priest before petitioning for a faculty. They will be able to advise whether a faculty is needed and will assist you through the process.

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Design for Memorial

Contact the local parish priest for advice on memorial design referring to the Churchyard Regulations.

Agree design with memorial mason.

Complete a Memorial Application Form.

If there is any information missing from the form it is returned to the applicant or memorial mason for completion.



Does the Memorial conform to the Churchyard Regulations?

Can the memorial be permitted with the Chancellor's delegated authority by the local parish priest or Area Dean?



If YES



If NO

The local parish priest or Area Dean signs the application form granting permission to proceed and returns it to the memorial mason.



A Faculty is required from the Chancellor

Applicant completes the 'Memorial Petition Form' [memorial-app-nonconforming-removal50379459445.pdf](https://www.cloudfront.net/d3hgrrlg6yacptf/memorial-app-nonconforming-removal50379459445.pdf)
([d3hgrrlg6yacptf.cloudfront.net](https://www.cloudfront.net/d3hgrrlg6yacptf/memorial-app-nonconforming-removal50379459445.pdf)),

including any previous Memorial Application form, together with a cover letter detailing why the design has been chosen.



PCC Consultation & Resolution

The petitioner provides the completed petition form and supporting documents to the local parish priest or Parochial Church Council (PCC) Secretary for the PCC to discuss the petition, take a vote, provide a resolution and complete section 4 of the petition form. The PCC should provide reasons for their decision and any background information specific to the local churchyard e.g. existing memorials of a similar design.



Petition Form & Fee to Registry

The Memorial Petition Form together with the PCC resolution, covering letter and payment of the statutory fee is sent to the Diocesan Registry by either the local church or petitioner. The fee is paid by the petitioner by cheque to Rotherham & Co. Limited upon application. Details of fees are provided on the petition form and on the churchyard section of the diocesan website. In 2023, these stood at £317.00 and are reviewed annually in January.

Receipt of Petition

The Diocesan Registry checks the contents of the petition and confirms receipt to the petitioner.
The petitioner will be asked to provide any missing information.



DAC Consultation

When complete, the petition is submitted to the Diocesan Advisory Committee (DAC) for consideration at their next meeting held approximately every 6 – 8 weeks. The DAC issues a Notification of advice to the Diocesan Registry to advise whether they 'recommend', 'do not recommend' or 'do not object' to the proposed memorial. This is not the final decision but is taken into account, together with the views of the PCC by the Chancellor when considering the petition.



Public Notices

The Registry issues two public notices and a certificate of display to the petitioner to provide to the local church. The public notices regarding the proposed memorial must be displayed in prominent positions inside and outside the church for a required period of 28 days. If a member of the public wishes to object to the proposed memorial they may do so in writing to the Diocesan Registry during the display period.



Public Notices (cont.)

Following the expiry of the display period the notices are returned to the Diocesan Registry by post by the local church together with the certificate of display signed by the local parish priest, Area Dean or churchwarden.



Chancellor's Decision

Following the return of the public notice and certificate of display the petition is submitted to the Chancellor for consideration. The Chancellor will provide his decision to the Diocesan Registry. If a faculty is granted the Diocesan Registry will issue a sealed document to the petitioner for safekeeping, a copy to the local church for keeping in the church records and a copy to the memorial masons as permission to proceed. If the petition is refused the Chancellor will issue a judgment giving the reason(s) for the refusal.

How long does the process take?

It is best to allow at least six months for the process to reach its completion.

What if someone objects during the public notice period?

The petitioner will be advised by the Diocesan Registry of all objections received and of any further steps to be taken.

Can there be an appeal?

Permission to appeal can be sought by the petitioner within 21 days of the date of the Chancellor's judgment. Please contact the Diocesan Registry at the earliest opportunity should you wish to appeal the decision so advice can be given regarding the procedure and potential costs. The local parish priest or Area Dean cannot appeal the Chancellor's decision on behalf of a petitioner.

Can the Bishop overrule the Chancellor's decision?

The judicial procedures of the Chancellors and Consistory Courts are outside the control of Diocesan Bishops. This means that the Bishop cannot overrule the Chancellor's decision or interfere in any way in these legal proceedings.

Note

The information provided here is for the installation of a new memorial into the churchyard on a grave that does not already have a memorial in place. For advice on altering an existing memorial (including the turning over of a memorial plaque), removing an existing memorial or for additional memorials on an existing grave, please liaise with your local church and contact the Diocesan Registry before submitting an application or instructing a memorial mason.

For further information and advice:

See the Churchyards & Memorials section of the Diocese of Coventry website under 'Info for parishes':

<https://www.coventry.anglican.org/memorials-in-churchyards.php>

Contact the Diocesan Registry:

Diocesan Registry, Rotherham and Co. Limited, 8 & 9 The Quadrant,
Coventry, CV1 2EH

Tel: 024 7622 7331

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