

DIOCESE OF LICHFIELD

NOTES FOR THE GUIDANCE OF PCCs APPLYING FOR THE CONSECRATION OF AN ADDITIONAL BURIAL GROUND

1. *This note is not applicable to local authority (Parish or District) Councils which operate as secular burial authorities; separate guidance is given for them.*
2. Consecration is the setting aside of land or buildings for sacred use in perpetuity. The consecration of a burial ground can only be undertaken by a Bishop. The request made to the Bishop is in the form of a Petition for Consecration. This is prepared in advance and then to the Bishop as part of the consecration ceremony. The burial ground becomes legally consecrated upon the Bishop signing a document called a Sentence of Consecration, which is done in the course of a consecration ceremony.
3. Land can be acquired as an addition to a burial ground under either (or both) of the Consecration of Churchyards Act 1867 or the New Parishes Measure 1943. The form of transfer which the Registry recommend is that "I (or We, or the corporate title of a corporation,) under the authority of the Consecration of Churchyards Acts 1867, do hereby freely and voluntarily give, grant, and convey (or, as the case may be, do hereby, in consideration of the sum of to me, or us, or the paid, grant and convey) unto **The Lichfield Diocesan Board of Finance to the intent that the same shall vest (pursuant to the Consecration of Churchyards Act 1867 and the New Parishes Measure 1943) upon consecration in the incumbent of the benefice of being** the person or persons, or corporation sole or aggregate, in whom the churchyard of the burial place known as of is now vested, his or their heirs or successors, all (*describing the hereditaments to be conveyed*), and all right, title, and interest in the same and every part thereof, to be held for ever as part of the said churchyard or burial place" (The words in red being the addition to the form prescribed by the 1867 Act). The PCC may choose to instruct its own lawyers in this, or pay for the work to be done by the Registrar. However the Registrar will need to be satisfied that the title to the land is registered in such a manner that it would transfer, on consecration, to form part of the benefice property. It is not held by the PCC.
4. The legal effects of the consecration of burial ground are that the land is:
 - a. set aside from any other uses than the burial of human remains and;
 - b. placed under the legal jurisdiction of the Chancellor of the diocese within the Faculty jurisdiction.
5. Before agreeing to consecrate the land, the Bishop will require us to see:
 - a. Evidence as to the ownership of the land in question and that it is unencumbered by any legal rights which might impede its future use;
 - b. The Planning Permission authorising the use, and confirmation that any relevant conditions have been discharged;
 - c. A 'local search' to demonstrate that there are no planning highway or environment issues;
 - d. The full names and addresses of the persons who are to petition for the consecration of the land.
6. We will require 3 copies of a 1:1250 or 1:500 scale plan (A3 size) showing the portion of land in relation to the rest of the cemetery, with the area to be consecrated outlined in red; the plan should have a 'north' point, and a scale bar; it must also identify two roads so that we can locate the property clearly. The plan can be emailed to us as a pdf. This plan will later be endorsed by the bishop as legal evidence of consecration.
7. Once you have provided the above, the Registry will ask the Archdeacon to inspect the land and to report on its readiness for use as burial ground. The essential is that the burial ground is securely fenced or hedged. More detailed preparation in the form of paths or landscaping may also be undertaken if so desired.

