

Churchyard

Guidelines & Regulations



To assist families regarding a burial or interment of ashes in the churchyard at St. George's, Benenden

January 2018

Summary of Churchyard Regulations and Guidelines:

Increasing concern has been expressed about the appearance of various parts of this churchyard, especially in the context of what is required under the Diocesan Churchyard Regulations 2014 and the Diocesan Churchyard Guidelines. The Regulations are effectively nationally applicable bye-laws which are framed in such a way as to provide a balance between the sometimes conflicting needs of:

- (i) ensuring an acceptable appearance of a churchyard
- (ii) maintenance issues and
- (iii) the wishes of friends and relatives of the deceased

Among items not permitted under the Regulations and Guidelines are artificial flowers, miniature fences and chippings, the latter two causing hazards and difficulties for those who regularly maintain the churchyard. Also, rose bushes and other shrubs must not be planted on / in individual graves.

To bring the churchyard within the guidelines set out in the Regulations and Guidelines, we will be starting to remove all non-permitted items from March 2018. Items removed will be recorded and kept for twelve months, and if they are not claimed within this period they will be suitably disposed of. (Notices to this effect have been on display in the churchyard since November 2017, and also made known in the Village magazine at the same time.)

The Guidelines and the Regulations follow. Please read these and ensure that any memorial or grave of a loved one complies, so that all may continue to enjoy our beautiful rural churchyard for many years to come. Thank you.



Revd David Commander
Rector
St. George's Church, Benenden

Diocese of Canterbury “Churchyard Guide”

INTRODUCTION

1. This Guide is intended for all those who have any interest in the churchyards in the Diocese of Canterbury. Many readers of the Guide will be Ministers and other regular churchgoers but churchyards are important to other people too. This Guide is for all to use.

2. The Guide will also be taken into account by Ministers and others when considering applications for the introduction of memorials and other items into churchyards and when, in the circumstances explained at point 13 of this document, a Faculty Petition is submitted requiring the views of the Parochial Church Council.

3. For some, their first or principal contact with the churchyard will be in connection with the burial of a loved one and it is hoped that this Guide will help to make that experience easier. An understanding of the significance of churchyards and an introduction to the main rules and policies which apply to them should assist in the making of an informed choice about a final resting place.

4. The Guide can be viewed on and downloaded from the Diocesan website at www.canterburydiocese.org. It is also available in booklet form from The Old Palace, Canterbury CT1 2EE.

WHAT IS A CHURCHYARD?

5. A churchyard is usually the area of ground around a church which is used for burials. A few churchyards¹ no longer have a church next to them. Some churchyards which have become full are officially “closed”² and will often pass into the management of the Local Authority. This Guide does not deal with those, nor does it cover Local Authority cemeteries or crematoria, which are administered by secular bodies. Churchyards are covered by the Faculty Jurisdiction, part of the system of Church of England law, about which more information is given in later sections of this document.

6. As well as being places for Christian burial, churchyards have other roles. In most cases, they provide the setting for the church building. Many churches are buildings of national significance for their historic and architectural interest. The majority of the churches in the Diocese of Canterbury are Listed Buildings.³ Accordingly, their churchyards are also of recognised historic significance and are, in themselves, national heritage assets. Churchyards should be places for quiet reflection and remembrance, speaking of past times and generations. As well as fulfilling this role for individuals and families, they are places of community commemoration, particularly when they contain War Memorials.

¹ E.g. Leysdown Churchyard

² By Order in Council under the Burial Act 1853

³ Listed Building and Conservation Areas Act 1990

7. Churchyards can also speak powerfully of God's gift of life, both as we remember the richness of lives past and when we observe God's continuing work of renewal in the natural world. Many Churchyards are havens for wildlife, often containing a rich biodiversity including old and young trees and "wild" patches of grass and wild flowers.⁴

8. Churchyards are significant as places of welcome, often with a noticeboard giving the name of the church, contact details for Ministers and church officers, times of services and special events.⁵ Active churchyards are maintained by their Parochial Church Councils,⁶ frequently in practice by the voluntary labour of parishioners. As places which are open to the public and which often attract many visitors, maintenance of churchyards is important for reasons of safety as well as heritage. It is the duty of the Incumbent⁷ and the Parochial Church Council to maintain a system of regular inspection of memorials in the churchyards to ensure that their condition does not pose a risk to the safety of others, especially young children. Thus, there are many reasons to cherish and respect our churchyards as part of our national and local heritage, as places of private and communal remembrance or spiritual refreshment and as refuges for wildlife as well as human beings.

⁴ Is there a Diocesan Environmental policy?

⁵ Is there a Diocesan Policy on Access?

⁶ Parochial Church Councils (Powers) Measure 1956, s.4(1)(ii)(c)

⁷ The Incumbent of a Benefice is the Clergyman or woman who holds the church and Benefice and who, under the Bishop, has exclusive care of the souls of the parish

HOW DOES THE CHURCH ORGANISE ITS CHURCHYARDS?

9. In modern times, the church and churchyard are usually held by the Incumbent for the use of parishioners so that they can attend church services and be buried in the churchyard. It is good practice for the Incumbent and the Parochial Church Council to prepare and maintain an up to date plan of the churchyard with all known graves, grave spaces and spaces for the interment of ashes marked on it, one copy of which should be available for inspection on reasonable notice. The Church of England has its own system of law which, like all the other laws of the land, is partly derived from the unwritten Common Law, partly from legislation and partly from the decisions of the Courts. Churches and churchyards are covered by a part of church law known as the Faculty Jurisdiction. A Faculty is a formal permission authorising a change in relation to a church or churchyard. An application for a Faculty is known as a Petition. Faculty Petitions are made to a Church Judge. In the Diocese of Canterbury, the judges are the Commissary General and Deputy Commissary General.⁸

10. As the introduction of a memorial into a churchyard is a change, it must be authorised by the Commissary General or Deputy Commissary General. It is not necessary, however, to petition for a Faculty for every memorial. The Commissary General has laid down the Churchyard Regulations 2014⁹ after consultation with the Diocesan Advisory Committee.¹⁰ The Churchyard Regulations set out in detail

the types of memorial which the incumbent may permit without the need for a Faculty. Thus the Regulations describe details concerning materials, dimensions and wording. They aim to strike a balance between the need to maintain the historic, dignified and restrained qualities of churchyards whilst giving opportunities for some individuality of expression within the limits set by those aims. The expectation and rationale behind the Regulations, however, is that churchyards should continue to exhibit a distinctively Christian understanding of burial and probably look rather different from secular places of burial such as Local Authority cemeteries and crematoria. Simplicity is the key. This approach is not to play down the significance of commemorating the life of a loved one but to reflect a clear policy of restraint, as opposed to display or exuberance. It is important that individuals and families appreciate this general aim when making choices about a final resting place. Therefore Ministers, funeral directors and stonemasons are strongly encouraged to draw this aspect of the Guide to the attention of parishioners generally and, in particular, to the bereaved when discussing funeral arrangements. Making an informed choice about burial or interment in advance of later decisions about the form of a memorial can help to avoid misunderstanding and disappointment.

⁸ See "Diocesan Contacts" section below. In all other Dioceses, the Judge is called a "Chancellor".

⁹ Under the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, s.11(8)

¹⁰ A Committee for the care of churches. [See "Diocesan Contacts" section below]

11. Forms to apply for a memorial falling within the Regulations can be obtained from the Minister, the Diocesan Advisory Committee or most of the stonemasons working in the Diocese of Canterbury. Details of the Minister usually appear on the church noticeboard and the Diocesan Advisory Committee details can be found on the Diocesan website or at the back of this Guide. The advantages of choosing a memorial which falls within the Regulations include the following:

- the procedure for approval is straightforward and free of Court fees because the Minister is able to approve the memorial, subject to the important points that he or she must be satisfied that it does, in fact, fall within the Regulations and that the wording is suitable;
- the Regulations reflect many years of accumulated experience and good practice within the Diocese, with attention given to matters such as durability and stability, so that families may have confidence that a memorial which complies with the Regulations will endure.

12. NOTES TO ACCOMPANY THE REGULATIONS

Regulation 1 - This states the general legal position as explained above.

Regulation 2 - When considering applications for new interments, Ministers should bear in mind the need to allow sufficient space to facilitate routine maintenance and inspection of the church building and for the occasional erection of scaffolding.

Regulation 3(d) - The choice of material is most important and needs to be in harmony with the church building and with the surrounding churchyard. For these reasons, highly polished granite or other polished stones are not permitted. The Regulation offers a range of natural stones and two woods which are permitted in all churchyards but gives the Minister discretion to permit other forms of unpolished natural stone. As a general principle, the use of good quality locally derived materials is encouraged though sustainability of supply is a particular consideration in the case of wood. European oak (*quercus robur*) is preferable to non European species on account of its superior carving qualities.

Regulations 3(e)(f) - Tables 1 and 2 set out permitted maximum and minimum dimensions. The standards reflect both the limited space in churchyards and a desire for monuments to be in scale with their surroundings. In the special case of children's memorials, smaller sizes may be desired and appropriate.

Regulation 3(g) - Kerbing, railings and chippings are not permitted because of the practical difficulties which they can cause for those whose job it is to maintain churchyards and the fact that such features can pose safety hazards.

Regulations 3(h), (i), (j), (k) and (l) - Inscriptions should convey basic, factual information about the deceased. Other wording is at the discretion of the Minister. As a general guide memorials are not suitable places for the inclusion of nicknames and other informal material and the aims should be brevity and simplicity. There is no need – and insufficient space – to attempt a biography of the deceased. Inscriptions should be consistent with the Christian understanding of death and specifically the Christian hope of the resurrection of the dead. The Minister will be happy to assist with regard to the choice of suitable wording. Verses from the Bible are likely to be particularly appropriate; hymns and other Christian poetry might also be good sources. The creation of an individual memorial is a skilled craft. It is the intention of these Regulations to encourage and support excellence in the creation of memorials; lettering, in particular, should be executed with care for each memorial stone. For the same reason, moulded figurework is not permitted. Some decoration is permitted at the discretion of the Minister, who will have regard to the need for memorials to be consistent with the Christian faith and, specifically, its understanding of death and the resurrection to eternal life. Distinctively Christian symbols such as the Cross, a Bible, IHS, a fish or the pilgrim's shell are likely to be suitable. Other carved designs reflecting the life of the individual concerned should be discussed carefully with the Minister. Photographic representations of the deceased are not permitted as they will be out of character with the surrounding churchyard.

Regulation 3 (m) - Lettering should be readily legible when the memorial is new and should remain so with the passage of time. Lead, plastic, cement or other materials are not permitted as they are particularly vulnerable to vandalism and are likely to degrade and fall out.

Regulation 3 (o) - Proper anchorage and stability of memorials is most important. The primary responsibility for the safe maintenance of a memorial rests with its owners – that is those who have introduced it into the churchyard.

Regulation 4 - Interment of ashes. Where a Faculty has authorised the setting aside of an area for the burial of ashes, it may have specified whether or not individual memorials are permitted and, if so, where they may be placed. In some churchyards the rules relating to Gardens of Remembrance do not permit the placing of any individual memorials. The Minister should be consulted about this before any application is made for ashes to be interred.

The general considerations about materials and wording of memorials apply equally to interments of ashes as to burials.

Regulation 5 - Flower containers need to be secure so that they do not pose safety hazards or become damaged and untidy.

Regulation 6 - Artificial flowers are not generally permitted in churchyards as they are out of keeping with their surroundings and can easily become damaged and untidy. Experience has shown that many bushes and shrubs soon become untidy and unsightly.

FACULTY PETITIONS

13. If a proposed memorial is not authorised by the Regulations, a Faculty must be sought for its introduction. The Commissary General and Deputy Commissary General will have regard to the principles set out in this Guide and underlying the Regulations in deciding whether to allow departures in specific cases. The views of the Parochial Church Council and the Diocesan Advisory Committee will also be taken into account.

14. Faculty Petitions are administered by the Diocesan Registry.¹¹ A statutory fee is payable to the Registrar on lodging a Petition.

¹¹ See “Diocesan Contacts” section below.

RESERVATION OF GRAVE SPACES

15. It is sometimes possible to reserve a particular space in advance for the burial of a body in a churchyard. Such an arrangement can only be authorised by Faculty. The Commissary General or Deputy Commissary General will expect to receive information from the Minister about the amount of space in the churchyard relative to the expected future need as well as the views of the Parochial Church Council on the Faculty Petition. Residents of the Parish are entitled to be buried in the Churchyard. Applications for reservation may be made by or on behalf of parishioners or non-parishioners, though in the latter case there should be some clear connection with the church. It is the custom of this Diocese for successful Petitioners to be asked to consider making a contribution to the church of a

nominal sum of £100 to reflect the upkeep of the space by the Parochial Church Council. Reservation of a grave space does not authorise the placing of a memorial and an application must be made in due course in the normal way if this is desired. See note 14 about the administration of Faculty Petitions.

EXHUMATION

16. The Christian understanding of burial of a body or interment of cremated remains is that it is final. Bodily remains are committed to their resting place in the “sure and certain hope of the resurrection to eternal life through our Lord Jesus Christ”.¹² Church law reflects this understanding by means of a general principle that a Faculty for exhumation will only be granted in exceptional circumstances.¹³ Where a body is not to be reburied in consecrated ground, a licence from the Home Office will also be required. It is therefore essential that the decision about the place of burial is taken carefully, having regard in particular to known and likely future family circumstances. See note 14 about the administration of Faculty Petitions.

¹² Common Worship, Funeral Service, p.269

¹³ Re Blagdon Cemetery [2002] 4 AER 482

DIOCESAN CONTACTS regarding the Churchyard Guidelines:

The Diocesan Advisory Committee
Old Palace, Canterbury Kent CT1 ZEE
Tel: 01227 459401 Email: idodd@diocant.org

The Diocesan Registry
Minerva House, 5 Montague Close, London SE1 9BB
Tel: 020 7593 5110 Email: registry@wslaw.co.uk

Diocese of Canterbury Churchyard Regulations 2014

Regulations issued under the authority of Morag Ellis QC
Commissary General of the City and Diocese of Canterbury
in consultation with the Diocesan Advisory Committee

1. No object may be introduced into the churchyard without the written permission of the Minister in accordance with Regulations 3, 4 or 5 or of the Commissary General of the Diocese.

2. No burial, interment or memorial is permitted within four metres of any exterior wall of a church.

3. This Regulation concerns burials. The Minister may grant permission for the introduction into a churchyard of a memorial provided that the following conditions are met:

(a) application for the introduction of the object is made in writing to the Minister on the standard “Application under Churchyard Regulations” form, such application to be submitted to the Minister at his or her usual address and

(b) application is made no sooner than six months after the date of the relevant burial and

(c) a memorial is in the form of a natural or wooden cross or headstone at the head of a grave and meets the requirements of paragraphs (d) to (o) below.

(d) the following materials are permitted: unpolished Portland, Purbeck, York or Nabrasina stones, Celtic Limestone, slate, honed pale grey granite, oak or teak. Other forms of unpolished natural stone may be permitted at the discretion of the Minister.

(e) Subject to paragraph (f) below, the size of a headstone or cross and base falls within the dimensions set out in the following Tables 1 and 2.

Table 1: Headstone

	Height above Ground		Width		Thickness	
	Imperial	Metric	Imperial	Metric	Imperial	Metric
Maximum	48” including base	1200mm	36”	900mm	6”	150mm
Minimum	36” including base	900mm	20” not including base	500mm not including base	3”	75mm

Table 2: Cross

	Height above Ground		Width		Thickness	
	Imperial	Metric	Imperial	Metric	Imperial	Metric
Maximum	60"	1500mm	36"	900mm	12"	300mm
Minimum	36"	900mm	N/A	N/A	N/A	N/A

In the case of a timber cross the minimum thickness permitted is 1.5 inches (40mm)

(f) a memorial for a child aged under 16 years at the date of death may be smaller than the standard sizes specified above at the discretion of the Minister.

(g) kerbs, railings or chippings, whether raised or at ground level, are not permitted.

(h) moulded figure work is not permitted.

(i) the inscription on a memorial should contain the names of the deceased, the date of his or her death, and the date of birth or the age at death. All factual material in the inscription must be accurate.

(j) the words to be inscribed on a memorial or any emblem, badge or other design, must be appropriate in the opinion of the Minister (and any necessary third party permissions obtained).

(k) photographic reproductions are not permitted.

(l) all words inscribed must, in the opinion of the Minister, be clearly legible and the overall layout and design set out suitably.

(m) any infilling of lettering and other designs shall be of grey matt finish or earth colour enamel and, in the opinion of the Minister, shall be in harmony with the material from which the memorial is made.

(n) no advertisement or trademark is permitted. If the name of the craftsman who produced the memorial is inscribed on the memorial, it shall be on its side or reverse only, in lettering similar to the main inscription and not more than 15 millimetres in height.

(o) the anchorage of all memorials must be in accordance with the best practices of the industry and, in particular, with BS8415 and the National Association of Monumental Masons' Code of Working Practice.

4. This Regulation concerns the interment of ashes.

(a) Biodegradable containers shall be used save where ashes are placed directly into the ground without a container.

(b) Individual memorials are only permissible in principle where the Faculty authorising the setting aside of an area for the interment of ashes so permits. In such cases the Minister may permit the marking of any individual interment by means of a tablet if the following conditions are met:

(i) application for the introduction of the object is made in writing to the Minister on the standard "Application under Churchyard Regulations" form, such application to be submitted to the Minister at his or her usual address and

(ii) application is made no sooner than one month after the date of the relevant interment.

(c) In addition to the conditions in Regulation 4(b), the following conditions concerning form, size and type of stone must be met:

(i) in a case where the Faculty authorising the setting aside of an area for the interment of ashes has specified the form and or size of memorials, the memorial is in the specified form and or size or

(ii) in any case where the Faculty authorising the setting aside of an area for the interment of ashes permits the placing of individual memorials but does not specify the form and size of such memorials, the memorial is to be in the form of a tablet not exceeding (21"x 21") 525 millimetres x 525 millimetres and

(iii) in any case where the Faculty authorising the setting aside of an area for the interment of ashes has specified any permitted stone or stones, the memorial is of a permitted stone or

(iv) in any case where the Faculty authorising the setting aside of an area for the interment of ashes permits the placing of individual memorials but does not specify the type of stone permitted, the memorial is to be of unpolished Portland, Purbeck, York or Nabrasena marbles, Celtic limestone, slate, honed pale grey granite, oak or teak, or another form of unpolished stone at the discretion of the Minister

(d) In addition to the conditions in Regulation 4 (b) and (c), the following conditions concerning the design of memorials must be met:

(i) the inscription should not exceed four lines of text including the names of the deceased and dates of birth and death, save that nine lines of text are permissible in the case of a double interment. All information must be accurate.

(ii) the words to be inscribed on a tablet and any emblem, badge or other design must be appropriate in the opinion of the Minister (and any necessary third party permissions obtained).

(iii) photographic reproductions are not permitted.

(iv) all words inscribed must, in the opinion of the Minister, be clearly legible and the overall layout and design must be set out suitably.

(v) any infilling of lettering and other designs shall be of grey matt finish or earth colour enamel and, in the opinion of the Minister, shall be in harmony with the material from which the memorial is made.

(vi) the name of any craftsman, trademark or other advertising may not appear on the tablet.

5. This Regulation concerns flower containers. The Minister may grant permission for the introduction into a churchyard of a container for flowers provided that the following conditions are met:

- (a) in the case of a flower container which is to be set in the base of a memorial, its top will not protrude above the level of the base or
- (b) in the case of a flower container which is to be buried in the ground immediately in front of the memorial, its top will not protrude above ground level and
- (c) if the flower container is to be placed in an area where there are cremated remains, a Faculty has provided for tablets to be placed over individual interments. Such a container must either be incorporated into the tablet or buried in the ground within the plot, in such a way that it will not protrude above ground level or project beyond the plot itself.

6. This regulation concerns artificial flowers. Artificial flowers may be permitted for a temporary period by the Minister. Rose bushes and other shrubs shall not be planted on individual graves.

7. For the purposes of these Regulations, 'Minister' means the Incumbent of the Benefice in which the churchyard is situated or, where rights of presentation are suspended, the Curate licensed to the charge of that parish or the Minister acting as Priest-in-Charge.

8. In the exercise of any discretion under these Regulations, the Minister shall have regard to the current version of the Churchyard Guide.

Morag Ellis QC
Commissary General of the City and Diocese of Canterbury
February 2015

Specific to the churchyard at St. George's Benenden

For clarity, where the Guidelines and the Regulations offer different options, the following applies at St. George's Benenden:

1. Flower containers must not protrude above ground level.
2. Artificial flowers are not permitted in the churchyard as they are out of keeping with their surroundings and can easily become damaged and untidy. An exception is made at the time of Remembrance when artificial poppies or poppy wreaths are laid. These will be left in position until year-end and will then be removed.
3. The Regulation {3 (g)} about kerbs, railings and chippings applies equally to burials and interment of ashes.

If you have any questions please contact:

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