

CHURCHYARD EXTENSIONS: THE PROCESS

Where further land which has not previously been used for interments is being made available as an extension of the existing Churchyard or as a detached burial ground under PCC control, a number of steps will need to be undertaken. Some of these can be actioned at the same time but others will need to be in place before the next steps can be taken.

First of all, the PCC will need to pass a resolution agreeing (a) to extend the churchyard and (if necessary) for such land as may be required for this purpose to be transferred and vested in the incumbent for the time being of the Benefice, (b) appoint solicitors, e.g. the Diocesan Solicitors Winckworth Sherwood to act for the PCC and (c) to indemnify the Diocesan Board of Finance against any legal and surveyors fees in connection with the transfer.

The following steps will then need to be taken unless the information is already available (e.g. a sufficient plan under (ii) below because the land is already registered and identifiable on the Land Registry plan):

- (i) Research ownership of the land to be transferred.
- (ii) Prepare a Land Registry compliant measured OS map of the land.
- (iii) Obtain planning consent from the local planning authority for the proposed change of use for burials or its written confirmation this is not needed.
- (iv) The Ministry of Justice should be contacted for confirmation that there is no Order in Council affecting the area of land which would prohibit the opening of a new burial ground and that the MoJ is content for the land to be used for this purpose. The current contacts at the MoJ are either sunil.patel@justice.gsi.gov.uk or rekha.gohil@justice.gsi.gov.uk
- (v) Normally, arrange for the transfer of the land under the New Parishes Measure 1943. The land will usually be transferred to the Diocesan Board of Finance, but will be immediately registered in the name of the Incumbent. The solicitors will advise on the form of transfer required (if any) and whether or not either the consent of the Church Commissioners or a written report by a qualified surveyor is required.
- (vi) Ensure the site is levelled, clearly marked out with appropriate boundary structures or markers and fit for burials. Advice should be taken from the DAC Secretary about this and any other items to be placed in the extension (e.g. storage huts or benches). It is easier to put these in place prior to consecration to avoid the need to obtain a faculty, which would otherwise be necessary after consecration. If there is to be a Garden of Remembrance and/or rules are to be adopted regulating use of the extension, a faculty will be needed once the land has been consecrated.
- (vii) Once the site is ready, the Churchwardens will need to arrange a date for consecration with the Bishop's Office and will need to make the application for consecration to the Diocesan Registrar. The Registry will then draw up the necessary Sentence of Consecration in time for the Bishop's visit.

OWEN CAREW-JONES

Diocesan Registrar

October 2013