

CHURCHYARD REGULATIONS 2016

PART I. INTRODUCTION

1. These Regulations are made by the Chancellor of the Diocese of Salisbury and take effect on 1 July 2016. They set out the rules relating to churchyards within the Diocese of Salisbury, including the erection of memorials in them.
2. Christian burial takes place in the hope of resurrection. Meanwhile, it is good to mourn the departed, to remember them with thanksgiving and to reflect on our own mortality. A monument is by no means essential. All burials in churchyards are recorded in church registers, often as far back as the sixteenth century. The best form of remembrance is in prayer, by sacrament and witness, or by a gift to the church which can itself be a useful and worthy memorial. The Rector, Vicar or Priest in Charge ("the Incumbent") and/or churchwardens should be consulted about any such intended gift.
3. Incumbents and priests-in-charge are temporary custodians not merely of the church building but, where there is one, of its burial ground. Responsibility for its care and maintenance rests with the PCC. Churchyards are an important part of local and national heritage in the communities they serve: a place for reflection and prayer, an historic record of successive generations, a home for funerary monuments of architectural and aesthetic excellence and a setting for the church itself (many of which are listed buildings). It should be borne in mind that churchyards are different in their nature from municipal cemeteries. In addition, the upkeep of a churchyard is a considerable burden upon the limited resources of PCC funds.
4. Residents, people with their name on the electoral roll of a parish and those who die in a parish have a right of burial in the churchyard provided there is room. The Incumbent may, at his or her discretion and if there is sufficient room, permit the burial of others in the churchyard. The place of burial is at the discretion of the Incumbent, unless a particular grave space has been reserved by faculty granted by the Chancellor of the Diocese. The right of burial is not restricted to the baptized nor to members of the worshipping community. Thus the clergy are brought into direct contact with relatives of deceased parishioners in circumstances of extreme distress and often in a highly charged environment. Whilst this provides a valuable opportunity for ministry and outreach it can also create pastoral difficulties.
5. It is essential that the bereaved understand the meaning and consequences of burial in consecrated ground. Two particular features arise: First, the nature of the rite of burial is to say 'farewell' to the deceased and to commend them to the mercy and love of God in Christ to await the transformation of resurrection. There is accordingly a theological finality to the burial of all remains in ground consecrated according to the rites of the Church of England. The prospect of exhumation at some future date and the relocation of remains will only be permitted in the most exceptional of circumstances.
6. Secondly, the bereaved must understand that by seeking a burial in consecrated ground, they are submitting to the jurisdiction of the consistory court which regulates the type of memorial which may be erected. This jurisdiction exists for reasons which are in part theological and in part aesthetic, since what may be unobjectionable in a municipal cemetery might be considered inappropriate (or even offensive) in an historic churchyard. It is the responsibility of the clergy to bring these matters to the attention of the bereaved at the earliest opportunity, and to inform them of these Regulations, so that their decision to seek an interment in

consecrated ground is fully informed. A failure to do so, however traumatic the pastoral situation, is a dereliction of duty and may prove more damaging in the long term. The Chancellor has provided two documents; General Guidance on Churchyard Matters and Guidance for Families on Churchyard Matters which can be found at www.salisbury.anglican.org/whos-who/registry and may be useful documents to share with bereaved families.

7. It is unlawful for a memorial to be placed in a churchyard without proper permission. That permission generally derives from the Chancellor of the Diocese in the form of a faculty, but for administrative convenience and to minimize expense the Chancellor delegates to the Incumbent the authority to permit the introduction of memorials which fall within Part II of these Regulations. The incumbent has no authority to permit the introduction of a memorial outside the scope of Part II and any memorial which does not comply with these Regulations may be removed by order of the Consistory Court. Where the parish is in vacancy the advice of the Registrar should be sought. The applicant is advised not to enter into any contract with stonemasons before obtaining either the incumbent's written consent or a faculty, in case permission is refused.
8. Where a proposed memorial falls outside the scope of Part II of these Regulations a faculty may be sought for its introduction. Churchyards provide areas of peaceful reflection and prayer for the bereaved and the wider community and as such memorials which are jarring or incongruous are to be discouraged. Churchyards need not be bland and homogenous and the Chancellor encourages attractive, well conceived designs by skilled and imaginative craftsmen. In cases of doubt or for individually designed memorials, an informal preliminary view may be sought from the Registrar.
9. Unless there are very exceptional circumstances no application for a monument will be approved until at least six months after the burial. This allows the soil in the grave to settle, and provides time for careful consideration of the design and content of the memorial. A temporary wooden cross or marker bearing the name of the deceased and not exceeding 3ft (c.90cm) in height may be used to mark a new grave for a period of up to 12 months after a burial.

PART II. MEMORIALS

10. The Chancellor has delegated to the incumbent power within his or her sole discretion to permit the introduction into their churchyard of memorials falling within the following provisions:
 - 10.1 **Size** (measurements including the base):
 - Headstones between 150cm (5ft) and 75cm (2ft 6in) in height and between 90cm (3ft) and 37.5cm (1ft 3in) in width.
 - In the case of infant burials memorials may be smaller but must have a minimum size of 45cm (1ft 6in) in height by 30cm (1ft) in width.
 - Horizontal ledgers between 150cm (5ft) and 75cm (2ft 6in) in length and between 90cm (3ft) and 37.5cm (1ft 3in) in width.
 - Fixed memorial vases not exceeding 30cm x 20 cm x 20cm (1ft x 8in x 8in).
 - Flat stones over cremated remains not exceeding 30cm x 37cm (1ft x 1ft 3in). For the avoidance of doubt, no fixed vase or other object may be placed on stones over cremated remains.

A base forming an integral part of the design of a headstone which does not project more than 10cm (c.4ins) beyond the headstone in any direction (except where a vase is incorporated when the base may extend a maximum of 15cm (c.6ins) in front of the

headstone) is permitted. The base shall be fixed on a foundation slab which must be positioned just below the turf so that a mower may pass freely over it.

10.2 **Shape:**

Memorials must have a flat face and must (save for horizontal ledgers) be erected vertically from the ground.

- Simple headstones
- Simple horizontal ledgers laid flush with the ground so that the mower may pass freely over it.
- Crosses, whether simple or Celtic
- Plain open books (without elaborate ornamentation and not exceeding 45cm (1ft 6in) in height nor 75cm (2ft 6in) in width)
- Memorial headstones provided in the standard format employed by the Commonwealth War Graves Commission or any successor body for those who have died whilst on active service may be permitted.

10.3 **Materials:**

Monuments shall be in keeping with the church and other memorials in the relevant area of the churchyard and made of:

Limestone - Portland, Purbeck, Derbyshire, York, Hopton, Nabresina, French, Portuguese;

Blue lias and Sandstone - from local sources;

Slate - Light Grey, Blue/Black, Green;

Granite - Light Grey. Granite in Blue or Rustenburg (Charcoal) Grey is also permitted, provided the stone is rubbed to a matt finish rather than polished;

Oak - unpainted and unvarnished.

Monuments shall not be of marble.

Stone, including the lettering surface, shall not be mirror polished (i.e. polished so as to reflect) or be above what is commonly called an eggshell finish.

10.4 **Inscriptions and engravings:**

Inscriptions and engravings on memorials should be simple, dignified and reverent and should have a clear Christian or traditional funerary symbolism or reflect the life and work of the deceased. They must also be appropriate in a consecrated setting. The commemoration of those whose remains are not buried at the grave marked will be exceptional and will require faculty permission. The creation of "shrines" to the deceased could conflict with the view that the souls of the faithful are in the hands of God. It should be remembered that epitaphs will be read not only by those who knew the deceased but also by others, and long after family members have themselves passed away. It is therefore important that words should have a degree of longevity and brevity, without leaning towards the overly sentimental. Biblical or well-known hymnal words which give a flavour of the life of the deceased are to be encouraged. If a nickname is to be included it should appear after a given name in brackets as follows: Robert (Bob) Smith. Requests for the use of such names as "Mum" or "Dad" are within the incumbent's discretion. Lettering should be clearly incised or carved, and may be leaded or painted or gilded black, silver or gold but in no other colours. Engraved images must be uncoloured and occupy no more than one fifth of the face of the memorial. A badge or insignia of the armed forces must not be used unless the incumbent has a letter of authority from the branch of the forces in question. Portraits of individuals are not permitted. Trademarks, emblems and company names are not permitted but the name of an individual craftsman may be incised on the reverse in letters no more than 13mm (1/2in) high.

10.5 **Position:**

A headstone shall not be erected within 120cm (c.4ft) of the outer wall of the church building.

- 10.6 **Fixture:**
All memorials shall be fixed securely and in accordance with BS8415. It shall be the responsibility of the person seeking permission to introduce the memorial, and their stonemasons, to ensure that the memorial is fixed safely and securely and remains safe.
11. **PROHIBITIONS**
For the avoidance of doubt, the incumbent may not permit:
- 11.1 Kerbs, railings, fencing or chippings as these create difficulty or danger when mowing;
- 11.2 Memorials in the shape of a specific object, such as a heart or boulder; and
- 11.3 Mementoes and objects such as statues, toys, wind chimes, photographs and candles, which must not be fixed to, hung upon or placed with a memorial. Such items must be removed in accordance with rule 14.5 below by the incumbent or churchwardens, who may, at their discretion, allow such articles to remain on new graves for a period of up to 13 months.
12. **CREMATED REMAINS**
- 12.1 At the discretion of the incumbent, subject to the right to burial described in paragraph 4 of these Regulations, cremated remains may be buried in a churchyard either in a dedicated area set aside for this purpose by faculty or elsewhere in the churchyard in a nominated plot or grave. Cremated remains should not be scattered or strewn and the burial must be carried out in the presence of ordained clergy or other licensed minister. The pouring of cremated remains directly into the earth is, from the point of view of symbolism, theology and sound practical sense, to be preferred, but they may be buried in a casket made of wood or some other biodegradable material. If the church has a book of remembrance this is the preferred method of commemoration i.e. without a tablet or plaque. However, subject to paragraph 12.2 below, the burial of cremated remains may be commemorated by tablets or plaques not exceeding 30cm x 37cm (1ft x 1ft 3in). Such tablets or plaques must be flush with the turf, and may be laid at the time of the interment.
- 12.2 Where a part of the churchyard has been specially set aside by faculty for the burial of cremated remains, no tablet or plaque shall be introduced into that area except in accordance with the terms of that faculty.

PART III. PROCEDURE

13. Where permission is sought to introduce a memorial into a churchyard, in the first instance an application to the incumbent should be made on the form provided by the Diocesan Office.
- 13.1 If the incumbent takes the view that the memorial requested is outside his or her authority to allow the person applying should be told that they may apply to the Chancellor for a faculty permitting the memorial and should be directed to the Diocesan Registry for further advice.
- 13.2 Similarly, if the incumbent considers that the memorial does fall within his or her authority he or she is not obliged to grant permission but may direct the person applying to seek a faculty from the Chancellor if appropriate.
- 13.3 The Chancellor will decide whether a faculty should be granted after receiving the advice of the Diocesan Advisory Committee.
- 13.4 Before making an application for a faculty a person applying may contact the Registry for informal advice about whether the memorial is likely to be permitted.

PART IV. MANAGEMENT REGULATIONS

14. Under the Parochial Church Councils (Powers) Measure 1956 the Parochial Church Council (PCC) has a duty to care for and maintain the churchyard and has all powers necessary for that purpose. The Chancellor and the Diocesan Advisory Committee recommend that every

PCC should make rules for the management of its churchyard in the proper exercise of those powers and duties. To assist them, the Chancellor has laid down the following guidelines which, in the absence of specific rules being passed by a PCC, shall be deemed to apply to the churchyard:

- 14.1 The surface of the churchyard shall be kept, as far as possible, level and free of grass mounds. The PCC may level any mound at its discretion at any time more than 13 months after the latest interment in the grave.
- 14.2 Wreaths or cut flowers may be laid direct on any grave or in any vase authorised by these regulations.
- 14.3 No artificial flowers may be placed in the churchyard (except remembrance poppies between 20 October and 20 December in any year) and if they are so placed the PCC may remove them.
- 14.4 The PCC may remove wreaths and flowers and at their discretion if such flowers and wreaths have wilted or died or otherwise having regard to their condition.
- 14.5 Otherwise than as stated above no object or other thing may be placed upon or near a grave. In the event that any such object or thing is so placed the incumbent or churchwardens must remove it. A member of the family of the deceased should be notified of such removal (directly where this is reasonably practicable or otherwise by a notice on the grave) by informing him or her of the place from which the object or thing so removed may be collected. The incumbent and churchwardens may, at their discretion, allow such articles to remain on new graves for a period of up to 13 months.
- 14.6 Any power exercisable by the PCC under these regulations may be delegated by the PCC to a person or persons deputed to care for the day to day upkeep and maintenance of the churchyard.
- 14.7 A PCC should give careful consideration to the question of whether to adopt its own written policy to regulate its churchyard. Any such policy may not purport to give the incumbent greater authority than that given in these Regulations, but may be more restrictive. For example, it may be appropriate to specify that only certain materials or types of memorial can be used in a part or all of the churchyard, or to specify that only stones of a similar material and design should be used when filling in gaps in rows of older headstones.

Any query about the interpretation of these Regulations should be referred to the Diocesan Registrar at:

Salisbury Diocesan Registry
Minster Chambers
42/44 Castle Street,
Salisbury, SP1 3TX

These Regulations replace the previous Churchyard Regulations dated May 2008.

The Worshipful Canon Ruth Arlow
Chancellor of the Diocese of Salisbury

July 2016