



## APPENDIX II

### CHURCHYARD REGULATIONS

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 feature of both rural and urban communities: an historic record of successive generations, a home for funerary monuments of architectural and aesthetic excellence, a setting for the church itself (many of which are listed buildings), and a place for reflection and prayer. 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.

Parishioners, those named on the electoral roll, and those dying within the parish all have a legal right of burial in the parochial burial ground. This right is not restricted to the baptised 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.

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 interments, including those of cremated 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 must be ruled out.

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 headstone or other marker 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 must be 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. Many parishes find it helpful to provide a handout containing this information which can be taken away and read by the bereaved, and the chancellor commends this practice.

These Regulations are designed to encourage best practice and to eliminate bad practice. It is unlawful for a monument to be introduced into a churchyard without permission. Generally such permission derives from the chancellor in the form of a faculty. However, for

administrative convenience and to minimise expense, the chancellor delegates to the incumbent the authority to permit the introduction of a monument provided it is of a type which complies with the detailed provisions contained in these Regulations. The written application which accompanies these Regulations should be used in all cases (see Appendix E). During any vacancy, and in the absence of a priest-in-charge, the authority is exercised by the rural dean.

Applications for memorials should generally not be made until six months have passed since the interment. Not merely does this allow the ground to settle, but the passage of time permits a more reflective decision to be made than is often the case in the naturally emotional state of the early stages of grief. All close family members need to be consulted and a consensus achieved. The incumbent can offer help at this time in making suggestions to the bereaved of the types of memorial which might be introduced by reference to photographs or by pointing out examples in the churchyard itself. If this conversation precedes a visit to the stonemason it should avoid the difficulty and disappointment engendered by the selection of an inappropriate design. Although the grave itself is the property of the incumbent, any memorial will belong to the heir-at-law of the person commemorated and that person carries the duty to maintain it and the legal liability for its safety.

A headstone is a public statement about the person who is being commemorated. Making the right choice of stone, design and inscription is important not only to the relatives or friends who are going to provide the memorial, but also to the wider community because of the effect which the headstone may have upon the appearance of the churchyard. Attractive, well conceived designs by skilled and imaginative craftsmen should be encouraged. In the search for a wider range of designs than those usually seen, reference should be made to the *Churchyards Handbook*, the booklet *Memorials by Artists* and other resources which can be made available by the DAC. Sculpture or other statuary is not discouraged but must be authorised by faculty.

Also to be encouraged are fulsome inscriptions which give a flavour of the life of the person commemorated rather than blandly recording a name and dates. Epitaphs should honour the dead, comfort the living and inform posterity. They will be read long after the bereaved have themselves passed away. A memorial stone is not the right place for a statement about how members of the family feel about the deceased nor how they would address him or her were they still alive. Passages of scripture, which have a timeless quality, are to be preferred.

## HEADSTONES

### (i) Size

No more than 4ft nor less than 2ft 6in high (1200mm, 750mm);

No more than 3ft nor less than 1ft 8in wide (900mm, 500mm);

No more than 6in nor less than 3in thick (150mm, 75mm), unless slate is to be used in which case a thickness of 2in (50mm) is permitted;

In the case of infant burials, headstones must be no less than 2ft x 1ft 3in x 2in (600mm x 375mm x 50mm).

A base forming an integral part of the design of a headstone may be included, provided it does not project more than 2in (50mm) beyond the headstone in any direction and provided that it is fixed on a foundation slab of an approved material which itself is fixed flush with the ground and extending 3in to 5in (75mm to 125mm) all round so that a mower may freely pass over it. Integral sockets for flower vases are NOT permitted in head stone bases.

(ii) Materials

The following stone is permitted:

Limestone:	Portland	Hornton
	Purbeck or Horsham	Nabresina
	Derbyshire	Caen/Normandy
	Hopton Wood	
Sandstone:	York	
Slate:	Blue/Black (Cornish)	Green (Westmoreland)
	Grey/Blue (Welsh)	
Granite:	Light to medium grey	

(iii) Position

No memorial may be erected within 5 yards (4.57 metres) of the outer wall of the church building save by authority of a faculty.

(iv) Appearance

Polished stone or mirror finish is not permitted. Coloured lettering is not permitted save as follows:

- Nabresina limestone may have the lettering picked out in contrasting matt;
- Slate may have the lettering picked out in off-white matt;
- Granite may have the lettering picked out in off white matt.

(v) Inscriptions

Incumbents should require an accurate design of the proposed inscription before approving an application. Photographs or representations of objects or motifs such as a child's toy are not permitted nor the use of 'pet names'. Bronze or ceramic inserts are not to be used. Badges, crests or emblems may be used provided they are seemly and appropriate for the deceased. Any representation will need to be designed so that it may be accurately cut by a skilled craftsman. Masons' or carpenters' names, signs or marks may be inscribed on any monument provided their position and appearance are unobtrusive having regard to the monument as a whole.

(vi) Fixture

Regard must be had to health and safety concerns, and to current industry standards for the fixing of monuments safely and securely.

## HORIZONTAL LEDGERS

### (i) Size

Either flush with the turf or raised not more than 9in (225mm) above a base, extending not less than 3in (75mm) all round and itself flush with the turf; inclusive measurements not more than 7ft (2100 mm) by 3ft (900mm).

## CROSSES

An incumbent may NOT consent to the introduction of a cross, for crosses have been too freely used in burial grounds in the past. Such monuments require a high standard of design. However, the incumbent may authorise the temporary introduction of a simple wooden cross to mark a recent burial. A brass plaque bearing the name and dates of the deceased may be affixed to the cross. Such cross must be removed upon the erection of a stone memorial or after a period of 18 months, whichever be the sooner.

## PROHIBITIONS

For the avoidance of doubt, the following are not permitted:

- i. kerbs, railings, fencing or chippings;
- ii. integral sockets in the base of a headstone for a flower vase;
- iii. memorials in the shape of vases, hearts, open books;
- iv. memorials incorporating photographs or portraits;
- v. mementoes, windmills, toys or little animals;
- vi. the use of 'pet names'
- vii. artificial flowers.

See also paragraphs 6.2, 6.3, 6.7, 6.10, 6.11, 6.12, 6.13.

## COMMONWEALTH WAR GRAVES

Graves of the Commonwealth War Graves Commission are marked by memorial headstones of a distinctive design and size, indicating their particular significance. The incumbent may authorise the erection of these headstones where applicable.

The incumbent is authorised to permit the installation of discreet signage provided by the Commonwealth War Graves Commission denoting the presence in the churchyard or burial ground of one or more Commission graves. The following conditions however must first be met:

- i. The installation of the sign has been the subject of an affirmative PCC resolution;
- ii. The sign is of a standard design previously recommended by the DAC or adapted to the requirements of a particular location on the advice of the DAC;
- iii. The dimensions and location of the sign have the consent of the Archdeacon who may seek the advice of the DAC as the circumstances require.

## NOTES

The Incumbent has no authority to permit the erection of a memorial which does not comply with these Regulations. Any memorial which does not comply with these Regulations (whether or not the incumbent has purported to give his authority) may be removed by order of the consistory court.

A faculty may be sought for the erection of a memorial which does not comply with these Regulations. Such petitions are actively encouraged. Each case will be considered on its individual merits and the views and policies of the Incumbent and PCC will be taken into account. The opinion of the DAC will also be sought.

Parishes are encouraged to consider adopting by faculty their own Regulations for use in a particular churchyard. Such Regulations must take into account local practice, tradition and custom and the particular environmental, architectural and aesthetic considerations of the church and its setting.

THE WORSHIPFUL MARK HILL QC  
Chancellor of the Diocese of Chichester

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