

CHURCHYARD REGULATIONS (2013)



INTRODUCTORY NOTES FOR PARISH PRIESTS AND PAROCHIAL CHURCH COUNCILS

The purpose of the regulations is to ensure that the distinctive character of a churchyard will be preserved and that anything placed in it will be of good design and in harmony with the surroundings.

Strictly speaking a person who wants to put up a headstone or other memorial in a churchyard or burial ground must have a written permission (called a faculty) from the Chancellor of the Diocese. Because that would be burdensome for us all, the Chancellor has delegated the authority to grant permission without a faculty to the parish priest, provided that the application falls within these regulations. If the application does not fall within these regulations then, in certain circumstances set out in the Regulations, the Archdeacon can give permission but otherwise the person must obtain a faculty from the Chancellor.

The Diocesan Advisory Committee, The Old Deanery, The Cloisters, Exeter EX1 1HS Tel 01392 294945 or dac@exeter.anglican.org will supply the form and explain how the process operates. The parish priest and the PCC are consulted for their views before the Chancellor decides whether or not to grant the faculty. A fee for the faculty (currently £204) is payable by the person applying, and this is in addition to the parochial fees paid to the PCC and incumbent.

It is very important that parish priests and PCCs comply with the regulations. This will be difficult sometimes, especially if a bereaved family is insisting on a particular memorial which is not within the authority delegated by the Chancellor. Giving in to the family may seem the easy course but it could put the parish priest in trouble with the Bishop as well as setting a precedent in your churchyard which will make it difficult for you to refuse another similar application subsequently. It also causes difficulties for neighbouring parishes. The right thing to do is to refer the bereaved family to the Diocesan Registrar for advice and help.

Your PCC may wish to frame its own regulations. You may, for instance, wish to be more restrictive over the choice of materials for your particular churchyard or make particular rules that are relevant to your churchyard. You can do this by passing a resolution at your PCC. Alternatively, you can ask the Chancellor for a direction in similar terms. You should contact the Diocesan Registrar (whose address is below) in that case.

Before making such regulations you may wish to read the Churchyards Handbook issued by the Church Buildings Council and in particular Chapters 2 to 7. This contains a clear explanation of the law as well as practical advice about maintenance, finance, the responsibilities of the local authorities, alterations and extensions and many other matters.

It is very important indeed that bereaved families and undertakers know about these Diocesan Churchyard Regulations and any local regulations at the time they are deciding where an interment is to take place. Because the regulations may prevent the family from having the memorial or headstone that they had planned, they may prefer to use another burial ground instead. Please make sure you give them a copy of both these regulations and any local regulations at the outset.

It is also important that bereaved families are aware of the fees authorised by General Synod each year for funerals and burials. A copy of the current Parochial Church fees should be exhibited on the church notice board.

If you have any queries about these regulations, their effect and their interpretation, you should contact the Diocesan Registrar at

Woodwater House
Pynes Hill
Exeter
EX2 5WR
01392 687415
martin.follett@michelmores.com

CHURCHYARD REGULATIONS (2013)



INTRODUCTORY NOTES FOR PARISHIONERS AND BEREAVED FAMILIES

You must have permission before putting up a headstone or plaque or other memorial in a churchyard or church burial ground. You can obtain this from the parish priest (called the rector, the vicar or the priest-in-charge) but he or she can give permission only if the memorial complies with these Regulations. You or your funeral director or monumental mason must complete the form at the end of the regulations and give it to the parish priest who will sign it and return it if he gives permission.

If you want something different it is open to you to apply to the Chancellor of the Diocese. You do this by petitioning for a faculty and the parish priest will explain who you should contact. This can be expensive and there is no guarantee that your application will be successful. Accordingly you may not be able to have what you want if it does not comply with these Regulations and you should think about this carefully before you decide that the interment should be in the churchyard or church burial ground. You may decide to have the interment elsewhere.

You should also be aware that the Regulations deal with the placing of flowers and vases on a grave.

In some churchyards the Parochial Church Council makes additional regulations and you should read those carefully.

Responsibility for the safe installation of any memorial rests with the monumental mason. The person who purchased the memorial and, after that person's death, the heirs of the deceased have an ongoing liability for its maintenance in a safe condition.

Finally, nationally agreed fees are payable for funerals, burials and memorials. The current fees are exhibited on the church notice board.

CHURCHYARD REGULATIONS (2013)



A. Who gives permission for a headstone or a memorial?

1. The purpose of the Regulations is:
 - i) to clarify the legal position respecting the erection of memorials and other matters which may require authorisation by faculty or otherwise;
 - ii) to ensure that the distinctive character of a churchyard will be preserved and that anything placed in it will be of good design and in harmony with the surroundings;
 - iii) generally to promote the care and maintenance of churchyards in accordance with a consistent policy throughout the Diocese.
2. The right of a parishioner in a churchyard (not closed by Order in Council) is confined to that of interment. The erection of a memorial over a grave remains a privilege, and strictly speaking, no memorial may be erected in a churchyard without the authority of the Chancellor of the Diocese in the form of a faculty.
3. In practice the Chancellor has delegated this authority:
 - i) to the parish priest, who may normally grant permission for the erection of a memorial which conforms to these regulations; and
 - ii) to the Archdeacon, who (with the consent of the Parish Priest) with the agreement of the Diocesan Advisory Committee, may permit an **individually designed and hand-crafted monument which is of artistic merit** but which does not conform to these regulations. This power is given to encourage variety and the improvement of aesthetic standards. Applications of this type should be submitted to the DAC office.
4. Memorials which do not conform to these regulations, or cannot be permitted by the Archdeacon under his or her delegated power, must be specifically authorised by faculty.

B. Procedure for the introduction of memorials

1. An application, which includes a full description of the proposed work, must be submitted on the prescribed form (Annex A) to the parish priest for prior approval. Funeral directors, monumental masons and others may obtain the forms from the Diocesan Office.

2. A minimum period of six months should elapse between the burial of a person to be commemorated and the erection of a permanent memorial, to allow the ground to settle.

C. Headstones and bases

1. **Upright headstones** must be
no more than 4 ft (1228 mm) high, measured from the surface of the ground
no more than 3 ft (915 mm) wide
no more than 6" (150 mm) thick. Slate memorials must be no less than 1 ½" (38 mm) thick.

In the case of infant burials, the headstone should be
no more than 15" (375 mm) wide x 33" (825 mm) high, measured from the surface of the ground
no less than 12" (300 mm) wide x 19" (475 mm) high, measured from the surface of the ground

2. **Horizontal ledgers or flat stones**
Horizontal ledgers or flat stones, either flush with the turf or raised not more than 9" (225 mm) above a base, which must extend no less than 3" (75 mm) all round, and itself be flush with the turf or below turf level and must not be larger than 7 ft (2100 mm) by 3 ft (900 mm) overall, including the base.
3. **Base**
A headstone may stand on a base of the same stone, which is to be an integral part of the design and does not project more than 8" (200 mm) in front of the headstone.
4. **Foundation slab**
The stone should preferably be sunk without any plinth having one-third of its total length below ground level. Alternatively, the headstone may be securely fixed below the level of the turf to a ground anchorage complying with British Standard BS 8415. The foundation slab will be of concrete, either poured or pre-cast or granite and must be flush with the ground. It should not be visible when the monument is complete.
5. **Fixing**
All memorials must be fixed to comply with British Standard BS 8415. It is strongly recommended that memorials are fixed by masons registered with either the National Association of Memorial Masons (NAMM) Register of Qualified Memorial Fixers (RQMF) or the British Register of Accredited Memorial Masons (BRAMM).

D. Materials

All memorials should be natural stone or British hardwood from a sustainable source. Only stones traditionally used in local buildings or stones closely similar to them in colour, texture and durability are permitted. Permitted finishes are rustic, fine rubbed (eggshell/ honed), but not polished, i.e. highly polished so as to reflect images.

The following are not permitted: black or blue granites or grey granite darker than Rustenburg grey; nor white marble, synthetic stone or plastic. "Red" granite may be permissible where the church and neighbouring buildings are built of stone of a similar colour.

In the case of infant burials, if requested, white marble is permissible subject to C (1) above.

E. Crosses, sculpture and other statuary

A cross of good design may be permitted by the Archdeacon under A.3 (ii) above. Sculpture and other statuary of good design are not discouraged but need the authority of the Archdeacon, in consultation with the DAC. A plain wooden cross as a grave marker is always acceptable but must be British hardwood from a sustainable source and must be no smaller than 12" (300 mm) high.

F. Designs

Headstones need not be restricted to a rectangular shape, and curved tops are preferable to straight-edged ones. Memorials in the shape of a heart or book are not permitted. Photographs, porcelain portraits, kerbs, railings, chains, chippings or glass shades are not permitted.

G. Epitaphs/engravings

Inscriptions must be simple, reverent, appropriate and of Christian significance. They must be incised, and lettering may be in black, white or silver paint or gold leaf (not gold paint). Plastic and lead inlaid lettering is not permitted. They must be on the front face of the headstone although an inscription may be permitted by the Archdeacon on the back under A.3 (ii) above. Subsequent additions to an inscription must be approved separately. By way of advertisement or trademark, only the mason's name (and grave number where required) may be inscribed at the side or on the reverse in unleaded letters, no larger than ½" (13 mm) in height.

Simple pictorial engravings using **no colour** are permitted, provided that the Parish Priest approves the subject as appropriate and suitable.

H. Flowers and care of the churchyard

1. Bulbs may be planted in the soil of any grave, adjacent to the headstone.
2. Cut flowers may be placed in a receptacle for flowers; otherwise they may be placed in a removable container which must be completely sunk into the ground, close to the headstone. They must be removed as soon as they have withered. No artificial flowers are allowed except for Remembrance Day poppies and traditional Christmas wreaths, which must be removed after a period of not more than two months. Any vase, flowers or wreath not complying with the above rules may be removed by, or with the authority of, the Parish Priest or the Rural Dean or Archdeacon during a vacancy.
3. PCC regulations concerning the care and tidiness of the churchyard should be noted.
4. The surface of the churchyard shall be kept as far as possible level and free of grave mounds. The PCC may at its discretion level any mound 12 months or more after

the latest interment in the grave. Major schemes for levelling need faculty permission.

I. Commemoration after cremation

1. The burial of cremated remains may take place either (a) in an existing grave where this is appropriate, or (b) should no memorial stone be desired, wherever the parish priest determines, or (c) in a specific part of a churchyard which has been set aside for this purpose by faculty. Such a faculty will authorise the manner and form of the memorials permitted.
2. In all cases, cremated remains should be interred either directly into the ground, or in a suitable perishable container. In so far as the interment is otherwise than by burial, it must be by strewing and not by scattering. Strewing involves the cremated remains being released from a special container near the surface of the ground. The remains should be strewn on earth, for example, on a flower bed, and then lightly covered with earth.
3. The parish priest may, if they think fit, subject to the faculty provision under I.1(c), allow memorial stones without a further faculty where:
 - i) the material is such as is permitted for gravestones under these Regulations;
 - ii) the stone is laid flat with the ground;
 - iii) where it does not exceed 18" (450 mm) square; and
 - ii) it complies with the regulations attached to the faculty setting aside the part of the churchyard for cremated remains.
4. Commemoration in a Book of Remembrance is a good alternative to commemoration by an individual memorial stone.

**Application for Introduction of a
MONUMENT or TABLET in a Churchyard
OR for an ADDITION to a Monument, or an Inscription**

Part 1 and Part 2 are to be completed by the Applicant and TWO COPIES sent, together with the appropriate fee and a stamped, self-addressed envelope, to the Minister.

PART 1

Name, address and telephone number of firm making the application, and which will execute the work if approved:

Firm's Reference Number

Name of firm.....

Address

.....
.....

Telephone number.....

Email address.....

Name of person commissioning work.....

Address

.....
.....

Telephone number

Email address.....

Relationship to the deceased person.....

I certify that the work proposed is in its entirety in accordance with the current Exeter Diocesan Churchyard Regulations dated 2012 and that on completion the work will comply with those Regulations in every respect. I also certify that I am not aware of any possible contention within the family of the deceased in respect of this Application.

I further certify that all workmen employed in the Churchyard are covered by my Insurance.

Signature

Date

PART 2

Application is hereby made to execute the work detailed below:

In the Churchyard at.....

Permission to erect

.....

or add an inscription on

(name at present on memorial).....

Material :.....

Colour:

Finish:

Rustic **or** Fine rubbed (eggshell/ honed)

Overall sizes including base (height first):

Lettering:

.....

Lettering finish:

.....

Proposed inscription and sketch (use another page if necessary):

PARTS 3 AND 4 ARE TO BE COMPLETED BY THE AUTHORISED MINISTER (PARISH PRIEST/RURAL DEAN), AND A COPY OF THE ENTIRE FORM SHOULD BE RETURNED TO THE MONUMENTAL MASON.

PART 3

Approved by Part 4 returned (date)

PART 4

Church ref. number Firm's ref. number.....

CHURCHYARD

.....

GRAVE OF

.....

There is no objection to this stipulated work proceeding.

This Approval is conditional upon the work being in accordance with that described in Part 2, which must comply in every detail with the current Diocesan Regulations.

The Fee of £ has been received and the work is APPROVED.

Signature Date

Note to Applicant: No work in the churchyard may proceed until the appropriate fees have been paid in full, and written authorisation (above) received, duly signed by the Minister.

For advice and assistance please contact Eve Van der Steen in the Church Buildings Office on 01392 294945 or evevandersteen@exeter.anglican.org