

The first part of this leaflet (the Guide) is explanatory, advising on good practice and management of our churchyards, and providing advice and assistance.

The second part, set out in an Annex, sets out the Churchyard Regulations themselves.

GUIDE TO THE REGULATIONS

INTRODUCTION

1.1 General

Our churchyards are part of our Christian faith and heritage. They are vested in the Incumbent of the parish alone. Through consecration they are set apart for the reverent burial of parishioners, that is, those who have their names on the Electoral Roll or other persons who die in the parish. The Incumbent may also grant permission for the burial therein of other persons at his or her sole discretion. There is no right of appeal from his or her decision on this point. Churchyards should be regarded as belonging to God, representing to us God's love and compassion for the whole community. They need to be looked after and embellished to the glory of God, for the benefit of all of God's people today as well as those to come. The regulations set out in the Annex ("the Regulations") are intended to encourage good practices in order to create and maintain a place of peace, dignity and respect for the departed.

1.2 Control

Authority in respect of memorials is vested in the Chancellor of the Diocese and disputed matters are referred to his court. However, the Chancellor has granted delegated powers to Incumbents and Parish Priests (Rectors, Vicars, Priests in Charge and Team Vicars). They have authority at their discretion to allow memorials into churchyards in a manner consistent with the Regulations. During a vacancy, this authority is exercised by the Rural Dean. They may consult with the Diocesan Advisory Committee ("DAC") or the Chancellor. Any departure from the Regulations requires permission under the discretionary procedure set out below. Faculties for specially designed or beautiful headstones are often readily granted and permission may also be granted in appropriate cases allowing designs that are not normally permitted under paragraph 2.3 below.

1.3 Reservation of Gravespaces

Parishioners (and other persons who die in the parish) have a right of burial in the churchyard, if one exists and provided that it has not been closed. The incumbent also has discretion to grant permission for the burial of other persons in the churchyard.

The incumbent has the right to decide where in the churchyard a particular burial or interment shall take place, except where a specific place has been reserved by faculty.

A grave space may be reserved by faculty, that is, with permission from the Chancellor's court, but not otherwise as also set out below (paragraph 2.11). Neither the reservation of a grave space nor the exercise of the right of burial mentioned above, nor the erection of a monument confers any right of ownership on the relatives of the deceased or upon any other person in respect of any part of the churchyard which remains vested in the Incumbent.

1.4 Cremated Remains

An area in a churchyard may be set aside by faculty for the burial of cremated remains subject to any arrangements set out in the faculty. Particular provision is made by the Regulations for churchyards in parishes which have less than 600 persons on the Parliamentary Electoral Roll for the area in which the parish is situated ("the Roll"). Ashes after cremation should be buried not scattered or strewn and should be buried in a perishable container or poured into the ground and covered. See further, paragraph 3 below.

1.5 Working Practice

All work should comply with the code of working practice of the National Association of Memorial Masons insofar as compatible with the Regulations.

2. Memorials and Graves

2.1 Introduction

A small mound of earth will usually be left immediately after the interment. The grave will usually be marked by a simple wooden cross. About a year after this the grave should be levelled. Once this is done an application may be made for the introduction of a memorial.

2.2 Approval of gravestones

The design of gravestones and the wording and lettering of the inscription on them should be submitted in the prescribed form for prior approval to the parish priest by those wishing to introduce the memorial. The prescribed form and a guide to these Regulations may be obtained from the parish priest or Diocesan Registry. The completed form should show full particulars of the stone proposed with its measurements, materials, shape, base, colour, design and decoration and relation to the ground and of any inscription proposed showing the full text of the inscription together with the colour, style and size of the lettering. No action should be taken in respect of the application until written permission has been given.

2.3 Permitted designs

Headstones, boulders or crosses, provided they fall within the Regulations, may be introduced and should be of traditional shape and of simple design. Columbaria, raised curbs, railings, ledgers, plain or coloured chippings or stones in the shape of hearts, figures, open books or bird baths etc are not permitted. Photographs and other mementoes similarly are not permitted.

Individually designed memorials with appropriate and interesting features and texts are strongly encouraged, provided they fall within the Regulations.

People should see a memorial as an opportunity to make an individual statement about the deceased. The organisation Memorials by Artists¹ helps people to commission interesting individual memorials.

See also paragraph 1.2 above.

2.4 Materials for memorials

Natural materials only should be used, preferably those which are traditionally used in local buildings, e.g. stone, slate, or oak. The materials selected should be in sympathy with the colour and texture of the church building and its surroundings.

In any individual churchyard the parish priest has authority at his or her discretion to allow the types of stone listed below (underlined).

<u>Sandstones</u>	e.g. Forest of Dean, Serena (Italy), York
<u>Limestones</u>	e.g. Hopton Wood, Hornston, Nabresina (Italy), Portland
<u>Slates</u>	e.g. Welsh, Cumbrian
<u>Granites</u>	may be grey or red and should be: no lighter than honed Cornish and no darker than honed Rustenberg Grey
<u>Marble</u>	Dove Grey only

The finish should be non-reflective. For guidance, samples may be inspected at the Diocesan Office.

For any other type, colour or finish of stone, permission should be sought in the first instance through the discretionary procedure in paragraph 6 below.

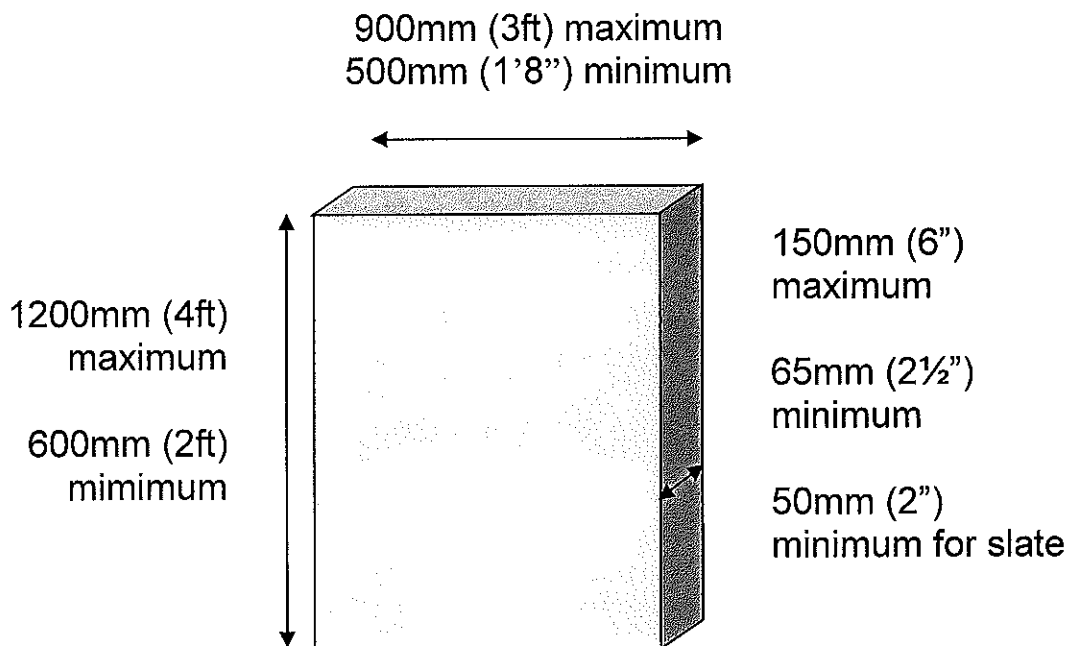
2.5 Dimensions

2.5.1 Headstones and Crosses

So far as adjacent ground levels reasonably permit, the foundations of a headstone or cross should be at or below the surface of the ground so that a mower may pass freely over it. They should be so constructed and placed as to ensure safety and stability.

2.5.2 Headstones

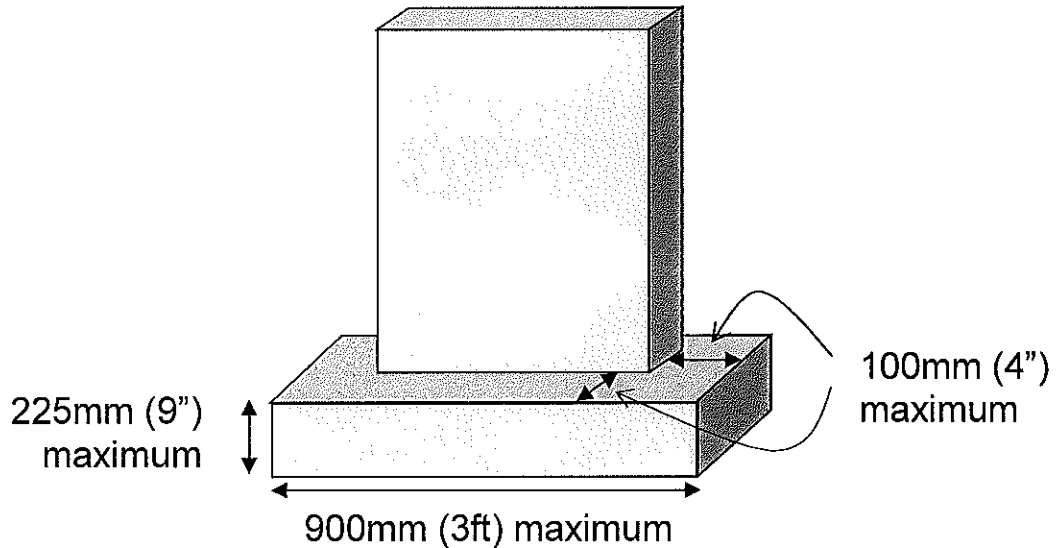
Headstones should not normally exceed 1200mm (4ft) in height, measured from the ground level, 900mm (3ft) in width and 150mm (6") in thickness. They should not be less than 600mm (2ft) high, 500mm (1'8") wide and 65mm (2½") thick (unless slate is used, in which case they should not be less than 50mm (2") thick).



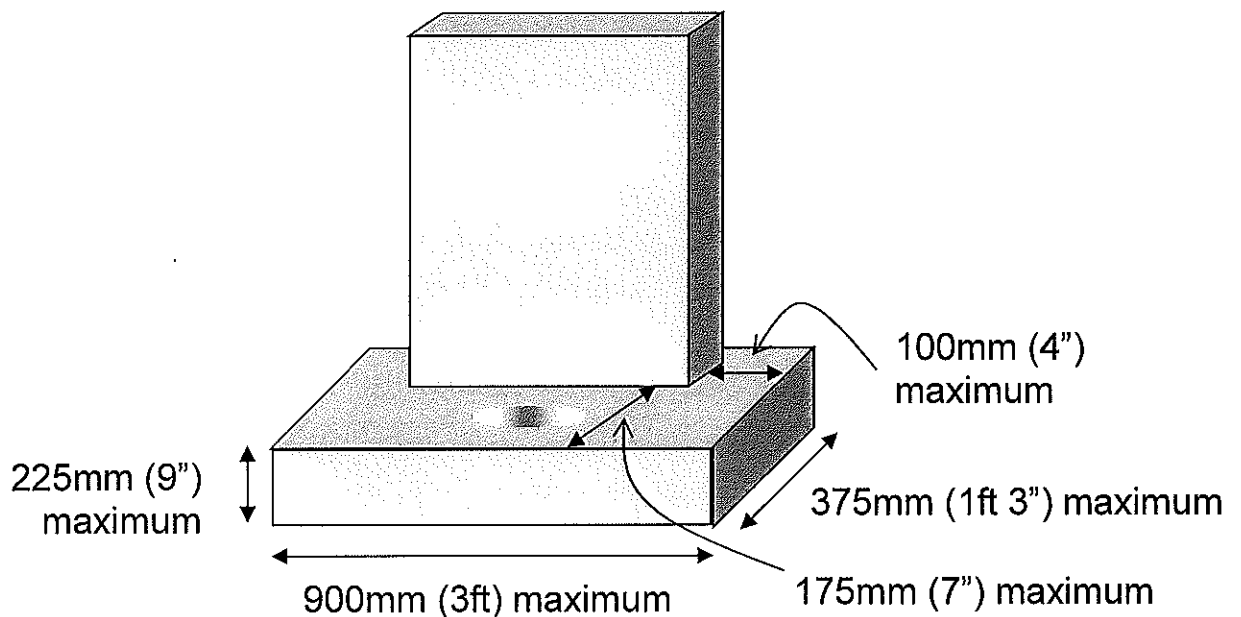
Headstones may be of three types:

- so shaped that they can be inserted directly into the ground at sufficient depth to ensure stability

- on an integral base no more than 900mm (3ft) wide or projecting more than 100mm (4") in any direction and not more than 225mm (9") high

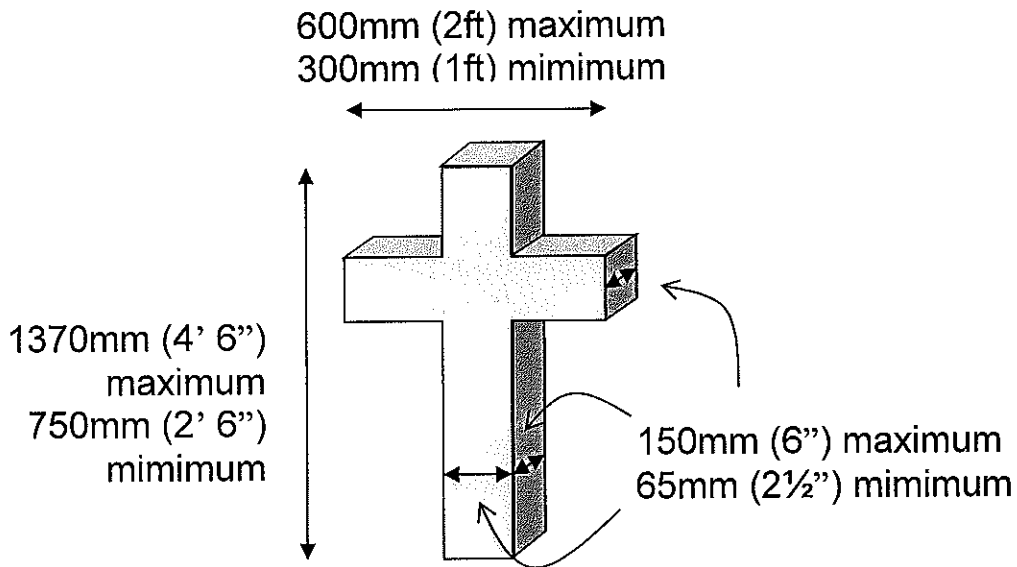


- on a vase base not more than 900mm (3ft) wide or projecting more than 100mm (4") on either side or projecting more than 175mm (7") in front of the headstone or more than 100mm (4") high. The base should not be more than 375mm (1'3") overall from front to back.

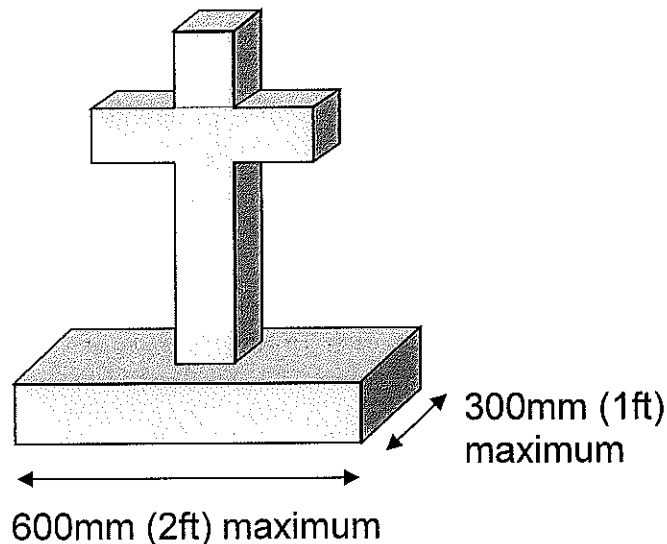


2.5.3 Crosses

The height of a cross, measured from the ground level, should not exceed 1370mm (4'6") nor be less than 750mm (2'6"). The width should not exceed 600mm (2ft) or be less than 300mm (1ft). The thickness of the shafts and arms should not exceed 150mm (6") or be less than 65mm (2½").



No cross should stand on more than two steps. The step, or lower of the two steps, should measure no more than 600mm (2ft) in width and 300mm (1ft) from front to back.



The steps may be replaced by a boulder but the above measurements shown for the steps still apply.

2.6 Inscriptions

Dedications should be simple, reverent and appropriate. The purpose of the epitaph is to identify the resting place of the person's mortal remains, to honour the dead, to comfort the living and to inform posterity. The engraving should harmonise with the selected material. Inscriptions should be incised or may be in relief and may be picked out in black or gold. Flush or raised lead is also permitted. Plastic or other applied lettering is not permitted. Hand-cut lettering is encouraged. There are good examples in "The Churchyards Handbook"².

The name only of a mason or firm may be inscribed low down at the side or on the reverse of a headstone or cross in unpainted and unleaded letters not more than 13mm (½") in height. Similarly, if the Parochial Church Council ("PCC") regulations require it, a plot number may be inscribed at the side or on the reverse of a headstone or cross.

2.7 Installation

To ensure that the memorial is properly and safely installed, it should only be installed by members of the National Association of Memorial Masons.

2.8 Flower Vases

If a flower vase is desired, it is best incorporated in the base of a headstone or cross. Separate vases should not be placed elsewhere in the grave space, except where there is no headstone or cross; then a fixed vase, in permitted stone material, not more than 300mm (12") high x 200mm (8") wide x 200mm (8") deep with a memorial inscription may be placed in the approximate position where the headstone would have been, had there been one.

Plastic and glass containers are not permitted as they are safety hazards.

2.9 Flowers

Fresh flowers are encouraged as the symbol of the gift of creation and the brevity of life. Bulbs are similarly encouraged as a symbol of resurrection. Artificial flowers are not appropriate and should be discouraged. The PCC may remove dead and artificial flowers to keep the graveyard tidy.

2.10 Planting of Graves

The grave should be kept level. The planting of flowering annual plants is to be encouraged as a further symbol of the gift of creation and the brevity of life. The planting of perennials, shrubs and bushes is not encouraged as they impede the maintenance of the churchyard.

2.11 Reservation of Gravespace

In exceptional circumstances, permission may be granted at the discretion of the Chancellor, who may be sparing in his granting of faculties for reserved gravespaces. Reservation is a privilege not a right. The PCC should pass a resolution and the applicant should apply for a faculty, paying the faculty fee. A contribution towards the funds of the PCC may also be required to meet expenses of maintenance and recording the reserved space. Reserved gravespaces should be marked with a stone and logged in the church records. The cost of the stone should be paid by the applicant. Reservation is for the individual named on the faculty and is not transferable. The reservation is granted for a period of time (with a maximum of 100 years). This is to try and ensure that if the person is buried elsewhere, the reservation lapses and the space may be used for another person.

2.12 Removal of a memorial stone

The removal of a memorial stone for the re-opening of a grave for further interment or its removal for repair, maintenance or inscription is permitted with the consent of the Parish priest. In all other cases a faculty is required. Memorials remain the property of the family.

3. Gardens of Remembrance

3.1 Introduction

Normally, cremated remains may only be buried in a part of the churchyard set aside for the burial of cremated remains or in an existing grave with the consent of the parish priest. In exceptional circumstances, the parish priest may allow interment in other parts of the churchyard if this is reasonably practical. To set up a Garden of Remembrance and to establish local practice, a faculty is needed (but see paragraph 3.7 for small parishes).

3.2 Interment

Cremated remains should be interred, either in a biodegradable container or poured into the ground and covered. Scattering or strewing of ashes is not permitted.

3.3 Commemoration

The methods of commemoration of the names of those whose cremated remains are interred in a Garden of Remembrance vary according to the details permitted by the faculty.

3.4 Memorial Stones

Where memorial stones, incorporating vases if desired, are permitted by the faculty, these may be introduced with the permission of the parish priest. The stone:

- should be of a material permitted for memorial stones under the Regulations (see paragraph 2.4 above); and
- should be of the same size (maximum 300mm x 300mm (12" x 12")), colour and material as other memorial stones in the same Garden of Remembrance and should respect the character of the same Garden of Remembrance as a whole;
- should be flush with the turf and should not be covered with Perspex or other protective material;
- should not be placed in churchyard walls.

3.5 Flowers

Fresh flowers are encouraged as the symbol of the gift of creation and the brevity of life. Bulbs are similarly encouraged as a symbol of resurrection. Artificial flowers are not appropriate and should be discouraged. The PCC may remove dead and artificial flowers to keep the graveyard tidy.

3.6 Removal of a memorial stone

The removal of a memorial stone for further interment or its removal for repair, maintenance or inscription is permitted with the consent of the Parish priest. In all other cases a faculty is required. Memorial stones remain the property of the family.

3.7 Archdeacon's Authority for small parishes

If:

- the parish in which the churchyard is situated has less than 600 persons on its Roll; and
- the parish priest and the PCC both agree that an application be made to the Archdeacon under this regulation; and
- the parish priest and the PCC are able to satisfy the Archdeacon that the number of burials of cremated remains does not average more than three each year during the previous three years:

the Archdeacon at his/her entire discretion may authorise a part of the churchyard to be set aside without the authority of a faculty.

4. Maintenance

The parish priest and the PCC have overall responsibility for issues relating to the care, maintenance and safety of churchyards. They have authority to make safe or lay flat leaning or loose stones and memorials to make them safe. These obligations are limited by the funds at their disposal; hence the desirability of donations towards the upkeep of the churchyard. Families and friends are likewise encouraged to maintain their loved ones' graves and the memorials placed upon them.

The churchyard is a living sanctuary. In the bird song, scents and colours of the flowers is an affirmation of the continuity, vibrancy and resilience of life³. The parish priest and the PCC should have due regard for the wide range of flora and fauna in most churchyards. They should develop mowing and maintenance policies that respect and encourage the diversity of wildlife to flourish. There is good advice in "The Churchyards Handbook"², which has a list of other useful addresses. Another good source of information is The Living Churchyard and Cemetery Project³.

5. Grave Trusts

In some cases, money has been left in trust for the maintenance of a grave and the PCC benefits from the income of this trust. It may have an obligation to maintain the grave and the memorial in accordance with the terms of the trust.

6. Discretionary Procedure

Proposals which fall outside the Regulations, but are not expressly prohibited, may be put forward for consideration as follows:

- 6.1 The parish priest should ask the proposer to complete the standard Diocesan form of application for permission to erect a memorial in a churchyard which should be completed showing accurate and detailed drawings and inscriptions of the proposed memorial as under paragraph 2.2 above.
- 6.2 The parish priest should then send this completed application to the DAC asking it to advise the Archdeacon on the proposals. The parish priest should also send a copy of the application to the Archdeacon.
- 6.3 When he/she has received the DAC's advice, the Archdeacon may, in an appropriate case, decide to authorise the parish priest to permit the memorial if the parish priest wishes to do so. Alternatively he/she may refer the matter for consideration to the Chancellor who will indicate that the parish priest may permit the memorial if the parish priest so wishes, remit the matter to the Archdeacon for his/her decision, or direct that the applicant should petition for a faculty.

¹ Memorials by Artists, Snape Priory, Snape, Suffolk, IP17 1SA – telephone 01728 688934.

² The Churchyards Handbook, Church House Publishing – ISBN 0 7151 75831

³ The Living Churchyard and Cemetery Project, Arthur Rank Centre, National Agricultural Centre, Stoneleigh Park, Kenilworth, Warwickshire, CV8 2LZ.

ANNEX

THE CHURCHYARD REGULATIONS 2004

Part 1 Interpretation and Application

- 1.1 **In these Regulations** “Churchyard” includes any land consecrated for the interment of the remains of the dead, whether adjacent to a Church or not.
- 1.2 **The powers** conferred by these Regulations on an Incumbent may be exercised during any vacancy or where there is no Incumbent by the Priest-in-Charge or Team Vicar (as the case may be). In any benefice where there is no Incumbent, Priest-in-Charge or Team Vicar, the powers may be exercised by the Rural Dean. They may not be exercised by Churchwardens or Sequestrators.
- 1.3 **These Regulations** apply throughout the diocese of St Albans.
- 1.4 **All work** should be in accordance with these Regulations and any Guide for the time being approved by the Chancellor (“the Guide”). In case of any doubt these Regulations shall prevail.

Part 2 Churchyard Management

- 2.1 **The Parochial Church Council** (“PCC”) is responsible under the Parochial Church Councils (Powers) Measure, 1956, for the care and maintenance of the Churchyard including its safety and appearance.
- 2.2 **The Incumbent and PCC** must maintain an up to date plan of the Churchyard.
- 2.3 **The introduction, renewal, removal, or alteration** of any tombstone or other monument must be dealt with in accordance with Part 3 of these Regulations.
- 2.4 **The existence in Churchyards** of tombstones or monuments which do not comply with the terms of these Regulations is not to be regarded as a precedent.

Part 3 Tombstones, Monuments, Cremated Remains and Reservations

- 3.1 **No tombstone or other monument** may be introduced, renewed, removed or altered without first obtaining permission. Applications are made in a prescribed form obtainable from the Incumbent or Diocesan Registry (Holywell Lodge, 41 Holywell Hill, St Albans, AL1 1HD; telephone: 01727 865765). The application shall show full particulars of the monument itself, of its materials, measurements, shape, colour, design, decoration and base, and the relationship of each part to the level of the ground. It shall also show full particulars of any inscription proposed, including the type, text, colour, style and size of the lettering.

- 3.2 **The Incumbent** has powers delegated to him or her by the Chancellor. These powers allow the Incumbent to give permission for a period of up to 100 years for any tombstone or monument which complies with the provisions in the Schedule so long as the relatives of the deceased maintain the tombstone and monument in good repair. If the Incumbent has power to authorise the proposed monument and sees fit to do so, then such authorisation shall be given in the prescribed form. If the application is not within the Incumbent's power to grant, or the Incumbent does not think fit to grant it, then the applicant shall be informed of this decision (and of his right to petition for a faculty authorising the proposed monument) in the form prescribed.
- 3.3 **The Archdeacon** has power (outside the incumbent's powers and according to instructions given or delegated to him or her by the Chancellor) to permit an individually designed monument which is of artistic merit and in order to encourage variety and the improvement of aesthetic standards.
- 3.4 **The Chancellor** has power to allow by faculty the introduction of any kind of tombstone or other monument into a Churchyard. Statutory fees are payable at the time of applying for a faculty. Full details are obtainable from the Diocesan Registry.
- 3.5 **An area or Garden of Remembrance may be set aside** in a Churchyard exclusively for the burial of cremated remains with permission. In seeking permission for such an area the PCC should first consult the Archdeacon. A faculty may be necessary. Memorial plaques must comply with the provisions in the Schedule. Except by the authority of a faculty no other monument or any vase shall be introduced into such an area.
- 3.6 **Ashes after cremation** must not be scattered or strewn but shall be buried in a suitable perishable or biodegradable container or poured into the ground and covered.
- 3.7 **The Archdeacon** may authorise a part of the Churchyard to be set aside without the authority of a faculty in accordance with the Guide.
- 3.8 **Permission for a reservation** of a gravespace may be made in accordance with the practice set out in the Guide.

The Schedule

1. **Headstones** shall not exceed 1200mm (4ft) in height, measured from the ground level, 900mm (3ft) in width and 150mm (6") in thickness. They shall not be less than 600mm (2ft) high, 500mm (1'8") wide and 65mm (2½") thick (unless slate is used, in which case they shall not be less than 50mm (2") thick). Responsibility for the safety and stability of the headstone rests with the monumental mason. Headstones may be of three types:
- so shaped that they can be inserted directly into the ground at sufficient depth to ensure stability

- on an integral base no more than 900mm (3ft) wide or projecting more than 100mm (4") in any direction and not more than 225mm (9") high
 - on a vase base not more than 900mm (3ft) wide or projecting more than 100mm (4") on either side or projecting more than 175mm (7") in front of the headstone or more than 100mm (4") high. The base shall not be more than 375mm (1'3") overall from front to back.
2. **Crosses.** The height of a cross, measured from the ground level, shall not exceed 1370mm (4'6") nor be less than 750mm (2'6"). The width shall not exceed 600mm (2ft) or be less than 300mm (1ft). The thickness of the shafts and arms shall not exceed 150mm (6") or be less than 65mm (2½"). No cross should stand on more than two steps. The step, or lower of the two steps, shall measure no more than 600mm (2ft) in width and 300mm (1ft) from front to back. The steps may be replaced by a boulder but the above measurements shown for the steps still apply. The height of a cross is to be calculated inclusive of the height of any steps.
 3. **Horizontal Ledgers or Plaques** (over burials) are not permitted as these impede the maintenance of the Churchyard.
 4. **Memorial Plaques** (over cremated remains) shall be flush with the turf and measure not more than 300 mm (12") by 300 mm (12").
 5. **No monument** shall be placed in Churchyard walls or within 1220 mm (4ft) of any outer wall of any part of the church.
 6. **Inscription** or other simple decoration of a cross, ledger, plaque or headstone of normally permitted shape may be allowed by the Incumbent.
 7. **Flower Vases.** Separate vases shall not be placed elsewhere in the grave space other than as permitted above, except where there is no headstone or cross; then a fixed vase, in permitted stone material, not more than 300mm (12") high x 200mm (8") wide x 200mm (8") deep with a memorial inscription may be placed in the approximate position where the headstone would have been, had there been one.
 8. **Monuments and memorials** shall be of natural stone (including sandstone, limestone, slates and granite) and non-reflective or of oak. No monument shall be of black or pearl granite, of all-polished granite of whatever colour, of white marble, synthetic stone, or of plastic.
 9. **No monument** shall be of or include any columbaria, raised curbs, railings, ledgers, plain or coloured chippings, statuary or stones in the shape of hearts, figures, open books, sun dials or bird baths, photographs, portraits or other similar mementoes.
 10. **No advertisement or trade mark** shall be inscribed on the monument, but the name of the mason or firm may be inscribed low down at the side or reverse of a headstone or cross in unpainted and unleaded letters not more than 13 mm (½") in height.

This Guide and The Churchyard Regulations 2004 were approved by the
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