

# Guidance for Families on Churchyard Matters

This document contains some key information from the Chancellor of the Diocese on various legal matters relating to churchyards. It is designed to help you as you think through the best funeral arrangements for your loved one. More detailed guidance is available in the Churchyard Regulations, in the Chancellor's General Guidance on Churchyard Matters and from the Registrar.

## MEMORIALS AND MONUMENTS

Churchyards provide areas of peaceful reflection and prayer for the bereaved and for the wider community and must be easily maintainable by volunteers in the parish. As such only certain types of memorials can be permitted. Under the Churchyard Regulations the minister of the parish (Vicar, Rector, etc.) can permit certain types of memorial (there may be more restrictive local rules in some parishes). Some of the key limitations for this include:

- The size, shape and material of the memorial
- The type of inscription or any pictures used
- Kerbs, railings, chippings and other additions such as toys or candles are not allowed.

The minister cannot permit a memorial which is not within the Regulations. Where the family would like a memorial outside the scope of the Regulations they can ask the Chancellor for permission ('a faculty') although a fee is payable for this application whether or not permission is ultimately granted. Families can contact the Registry to seek an indication of whether a particular memorial is likely to be permitted by the Chancellor. The Chancellor encourages attractive, well conceived designs by skilled and imaginative craftsmen. Illegal memorials can cause (and in this Diocese and elsewhere have caused) significant pastoral difficulties for the future and a real sense of injustice in those who have abided by the law. With this in mind, it is important to remember that the existence of a similar memorial or memorials is not, of itself, a reason for the giving of permission either by the minister or by the Chancellor.

## BURIAL AND EXHUMATION

Anyone who lives or dies in the parish or whose name is on the electoral roll of the parish has a right to be buried in the parish churchyard (providing that there is still space). No-one else can be buried there without the consent of the minister and the PCC. Usually some significant connection between the person and parish would be needed. It is in the nature of the rite of burial in the Church of England to say 'farewell' to the deceased and to commend them to God. This means that there is a finality to the burial of remains in consecrated ground. Exhumation at some future date and the relocation of remains will only be permitted in the most exceptional of circumstances and families who may wish to move remains at later date should consider burial instead in the unconsecrated part of the local cemetery where permission for exhumation may be more easily given.

## OWNERSHIP AND RESPONSIBILITY FOR MEMORIALS

Although neither burial, the erection of a memorial nor the reservation of a grave space give any rights of ownership over the ground in question, a memorial remains the property of the person who commissioned it and after his death belongs to the "heir-at-law" of the person commemorated. This person is responsible for maintaining the monument in good order. Where this does not occur the PCC may choose to take steps to ensure safety in the churchyard, but must have permission from the Chancellor for any permanent changes.

## CREMATED REMAINS

Cremated remains should not be strewn or scattered. Pouring them directly into the ground is to be preferred. Any memorial plaque will be subject to the rules of the particular churchyard.

I confirm that I have received a copy of the Churchyard Regulations and the Chancellor's General Guidance on Churchyard Matters and that I understand that those rules apply to burial in a churchyard.

I confirm, as next of kin of ....., that I would like their remains to be buried in the churchyard of the parish of .....

Signed .....

Name (in capital letters) .....