

# Diocese of Guildford

## Churchyard Regulations 2022



**Issued on the direction of the  
Chancellor of the Diocese**

## **Introduction**

Churchyards have an important role in enabling the local church to support bereaved families. The parish clergy are available to help you in deciding about where your loved one should be buried and the form of memorial they should have. It is important to understand that these Churchyard Regulations are needed to govern how churchyards are managed.

Churchyards should be regarded as belonging to God, representing to us God's love and compassion for the whole community, and available to the whole community. Our churchyards are part of our Christian faith and heritage. Through consecration they are set apart for the reverent burial of parishioners, those who have their names on the Electoral Roll or other persons who die in the parish. The Parish Priest may also grant permission for the burial of other persons at his or her sole discretion. The Parish Priest also has the right to decide where in the churchyard a particular burial or interment shall take place. The only exception is where a specific place has been reserved by a legal permission (Faculty) which is given by the Diocesan Chancellor.

In deciding to have a churchyard burial, the family is choosing to commit the remains of a loved one to the permanent care of the Church. The consecrated churchyard is therefore intended to be the last permanent resting place of the earthly remains of the deceased person. Permission to install a memorial in the churchyard is governed by these Regulations or by a petition for Faculty.

Churchyards 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. These Regulations are intended to encourage good practices in order to create and maintain a place of peace, dignity and respect for the departed in harmony with the surrounding environment.

## **The Regulations**

1. These Regulations are issued by the Chancellor of the Diocese pursuant to the provisions of section 77(1) of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018. The Regulations apply generally to all churchyards in the Diocese of Guildford unless the Chancellor has agreed a special scheme to meet particular local circumstances.
2. These Regulations replace the Churchyard Regulations 2005 and come into force on 1 September 2022. A copy of these Regulations shall be kept in the vestry of every church where burial rights exist, or there is an area set aside by Faculty for the interment of cremated remains, and it should be available for inspection.
3. A notice, issued by the Registrar drawing attention to these Regulations, shall at all times be displayed in the church porch or on the notice board.

4. The churchyard is a place where people can be quiet, remember and pray, without the distraction of things that are unsightly or inappropriate. These regulations:
  - a. Summarise the relevant law relating to churchyards in Guildford Diocese;
  - b. Provide a framework of rules for burials and interment of ashes, so that the beauty of our churchyard heritage is maintained;
  - c. Specify the circumstances in which an Incumbent may authorise memorials.
5. The word 'Incumbent' is used in these Regulations to refer to the Vicar, Rector, Priest-in-Charge, Team Vicar or, in the case of a vacancy, the Area Dean. An Incumbent has the Chancellor's authority to permit a memorial in accordance with these Regulations to be introduced into a churchyard. In all other circumstances an applicant must petition the Chancellor for a Faculty.
6. The Incumbent and Churchwardens must maintain and update a Churchyard Plan, containing the location of all trees, bushes, hedges and fences, as well as the location of all burials, memorials, their inscriptions and the names and addresses of the persons who caused the memorial to be erected and their stonemasons.

### **Burials**

7. Parishioners (including all those on the Church Electoral Roll) and Parish residents have a right to burial in the churchyard if there is still space available, and if the churchyard has not been closed by Order in Council. This right applies to both bodies and cremated remains.
8. Permission for others to be buried may be granted by the Incumbent, who must have regard to any general guidance given by the Parochial Church Council (PCC).
9. If the churchyard has been closed by Order in Council, no burial of bodies may take place (unless the Order makes exceptions e.g. for the burial of family members). Different rules apply to the burial of ashes.
10. The Incumbent is responsible for deciding where in the churchyard burials will take place. A grave space may not be reserved informally, but only by a Faculty and payment of the appropriate fee and a single contribution to churchyard maintenance. If a Faculty is granted, the petitioner may mark the site of the grave space within 3 months by a small durable wooden or metal stake with the initials of the person to be buried and the year of reservation. The Incumbent and Churchwardens must mark the reserved grave space on the Churchyard Plan.
11. The reservation of a grave space, the exercise of a right of burial and the erection of a memorial do not alter the ownership of any part of the churchyard, which remains the legal property of the Incumbent.

12. All burials must be recorded in the Burial Register.

### **Graves and Memorials**

13. Incumbents may authorise the erection of any headstone or other memorial at the place of burial that falls within the types and classes set out in these Regulations. They may refuse the erection of a memorial if they believe it would be detrimental to the churchyard.
14. No memorial except a small temporary wooden cross should be erected within six months of a burial. The Incumbent may increase this minimum to 12 months depending on the circumstances of the churchyard.
15. If a family or executor wishes to erect a memorial which falls within the Incumbent's discretion, they should apply to the Incumbent using Form CR1. Written permission is always required and no work should be ordered or put in hand until permission has been granted in writing by the Incumbent. Permission to erect a memorial which falls outside the Incumbent's discretion or these Regulations must be by a petition for a Faculty.
16. Graves should normally be on a 9ft (2700mm) by 4ft (1200mm) grid unless ground conditions dictate otherwise. No grave or memorial should be placed within 4ft (1200mm) of the church, so as to facilitate access and help reduce damage during maintenance and repair of the building.
17. The depth of a grave must be not less than 1000mm (40ins) between ground level and the top of the coffin or any greater depth specified by the relevant Local Authority.
18. In the event of any memorial being erected or placed in the churchyard without the written consent of the Incumbent or a Faculty granted by the Chancellor, those responsible will normally be required to remove the memorial, reinstate the ground and pay the costs.

### **Design of Memorials**

19. Memorials must be of weathering, natural stone or slate or hardwood, so that they harmonise with the surroundings, such as stone traditionally used in local buildings or similar to them in colour and texture. The stone (including the lettering surface) shall not be finished with a polished or reflecting surface. Memorials may not be black, dark grey or red or constructed of synthetic stone or plastic.

20. A memorial must not take the form of a statue or of a particular object or figure. A Faculty is required for a memorial in the form of a representation of a book.
21. A memorial must not include any lighting, video or sound recording, any glass or moulding, any portrait, photograph or other image of an individual, any QR code or other machine-readable label, any kerbs or other fencing, railings or other demarcation or any stone or glass chippings.
22. Memorials may include simple and reverent inscriptions and a small etching or carving in black or white only which must not be inconsistent with the doctrine of the Church of England:
  - a. The Christian and surnames of the deceased should be given, with the dates of birth and death (or age and date of death). Nicknames may only be used where appropriate and if agreed with the Incumbent.
  - b. Relations named must be limited to parents, children and spouse or partner.
  - c. Biblical and other literary inscriptions compatible with the Christian faith are permitted, but any epitaph must be agreed with the Incumbent.
  - d. Any inscription must be accurate, should honour the dead, comfort the living and inform posterity.
  - e. Lettering should normally be incised and may be leaded or painted in black or white, silver or gold, but plastic or other inserted lettering is not permitted.
  - f. No advertisement or trademark shall be inscribed on any memorial, but the name of the mason may be inscribed low down on the side or reverse of the stone in unpainted and unleaded letters no larger than 13mm (½in) in height.
  - g. Any etching or carving must not depict any individual or cover more than one-fifth of the surface of the memorial.
23. Memorials may comprise a simple headstone, cross, stone vase or urn. A stone wedge or a stone book requires a Faculty. A memorial must be no larger than 1220mm high above ground level, 914mm wide and 150mm thick (or 4ft x 3ft x 6ins) subject to the following exceptions:
  - a. A cross may be up to 1520mm above ground level. Crosses must be set in a sufficient stone or concrete plate, the surface of which is below ground level.
  - b. A stone vase or urn must be no larger than 300mm in height by 200mm by 200mm (12ins x 8ins x 8ins).
  - c. Slate monuments must be not less than 38mm (1 ½ ins) thick.
24. The Incumbent may specify a minimum size for all memorials which is consistent with other memorials in the churchyard.
25. All memorials must be securely fixed in the ground either supported by a pre-cast concrete shoe situated below the ground or inserted sufficiently deeply into the

ground to ensure its stability having regard to the nature of the ground and the risk of settlement.

26. A memorial may stand on a visible base provided that it is an integral part of the design and firmly fixed to it with non-ferrous dowels. The base may project no more than 100mm (4ins) in any direction. There may be up to two receptacles for flowers provided, in which case these must be flush with the top of the base and may extend up to 200mm (8ins) in front of the memorial. The base must be securely fixed on a foundation slab which is below ground level.
27. Ledger stones are not generally recommended as grave memorials. A Faculty is required to introduce a ledger stone to lie flat over the grave space as an alternative to any other memorial. Any ledger stone must be no larger than 1800mm (6ft) by 600mm (2ft) and must be laid below the surface of the surrounding turf. It may not be a representation of a book.

### **Maintaining Memorials**

28. The owner of a memorial which is less than 50 years old may carry out works of repair which comply with these Regulations, including renewing lettering, without a Faculty provided that the monument was lawfully introduced into the churchyard and the Incumbent authorises the repairs in advance.
29. Such repairs may include the removal of the memorial from the churchyard for not more than 3 months for the purpose of adding an inscription as approved by the Incumbent or carrying out necessary repairs.
30. A memorial which is more than 50 years old must not be removed from the churchyard without a Faculty. It may be established or repaired in situ without a Faculty.

### **Flowers and Memorabilia**

31. Trees and shrubs may be planted on or around a grave only with separate Faculty permission.
32. Wreaths and cut flowers must be removed when withered. Vases which are no longer in use must be removed. Artificial flowers must be removed within two months. Appropriate figures, characters, toys and other memorabilia should not be placed permanently on or around a grave. They must be removed within 12 months of the date of burial or interment. If such items are not removed in good time then incumbents or churchwardens may do so.

### **Cremated Remains**

33. Parishioners (including all those on the Church Electoral Roll) and others who die in the parish, have a right to the burial of their cremated remains ('ashes') in a churchyard, and the remains of non-parishioners can also be buried there if the Incumbent consents. Where possible, Incumbents should ensure that cremated remains are buried in an area set aside by Faculty for that purpose (often called a 'Garden of Remembrance') or in a family grave. Ashes may not be interred inside a church except in exceptional circumstances and with a Faculty.
34. If a churchyard has been closed for burials by Order in Council, the burial of cremated remains may continue in an area set aside for that purpose by Faculty.
35. Following closure, a Faculty can still be granted (a) setting aside a new area for cremated remains or (b) for the burial of cremated remains in an individual plot e.g. a family grave. It is normally possible to allow for the burial of ashes to continue as part of the closure Order.
36. A Garden of Remembrance must be a tranquil space but not be immediately adjacent to the church, churchyard wall or other building, so that it is not disturbed by necessary repairs or maintenance. Permanent markers are normally unnecessary as burials are recorded in a Book of Remembrance. A PCC should draft, adopt and update a policy for its Garden of Remembrance (a template for which is on the Diocesan Website). All interments of cremated remains must be recorded in the Burial Register.
37. Cremated remains must not be scattered and must be buried in a biodegradable container or directly into the earth with the incumbent's consent. Once cremated remains have been interred, they may not be disturbed without Faculty.
38. The PCC may apply for a Faculty so that an area where ashes are interred may be used for the interment of other ashes after 50 years.

### **Memorials for Cremated Remains**

39. Where cremated remains have been interred in a Garden of Remembrance, then any memorial must follow the terms of the Faculty creating the Garden and any PCC policy in relation to the Garden.
40. Where cremated remains have been interred in an existing grave, an inscription should be added to an existing memorial wherever possible. If there is insufficient space, an additional stone not exceeding 500mm (1ft 8ins) square may, with the consent of the Incumbent, be laid flush with the turf in front of the existing memorial. The stone should match the existing memorial and may incorporate a

vase for flowers, provided that the top of it is level with or below the surface of the stone. Any other memorial will require a Faculty. A fee is payable for an additional inscription or stone.

41. For good reason, an Incumbent may agree to the interment of cremated remains in any other part of the churchyard (provided it is not closed). Any memorial over such a burial must fall within the Incumbent's delegated authority or be authorised by Faculty.

### **Management of the Churchyard**

42. The surface of the churchyard shall be kept, as far as possible, level and free from mounds.
43. Walls, trees and memorials must be regularly inspected, and the PCC should take reasonable steps to ensure that the churchyard is reasonably safe and reduce any foreseeable risks. Owners of memorials must be required to carry out repairs to any unsafe memorials where they can be traced.
44. The PCC may, at its discretion, level the ground at any time more than twelve months after the latest interment in the grave. Bulbs and small annual plants may be planted in the soil of a grave being within the area previously excavated. Plants or flowers may be placed in a removable sunken container, but unless they are kept tidy, the PCC may treat the grave as part of the turf and mow over it. Wreaths or cut flowers may be laid directly on any grave or placed in any vase authorised by these Regulations. If a built-in vase ceases to be used for a period of twelve months or more, the PCC may insert a matching stone stopper in the vase hole.
45. Every PCC has the responsibility for properly caring for the trees within its churchyard including planting, inspection, routine maintenance, lopping, topping and felling.
46. Mature trees in a churchyard should be inspected as part of every Quinquennial Inspection and remedial work taken following appropriate expert advice (particularly where there is any tree preservation order) and with the permission of the Archdeacon or Faculty as appropriate. Substantial works of planting, felling or affecting trees will usually require a Faculty.

**The Worshipful Andrew Burns QC**

**Chancellor of the Diocese of Guildford**