

# Churchyard Regulations

May 2010



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## Part I – Introduction

1. This document sets out the rules relating to churchyards within the Diocese of Norwich, and, in particular, the erection of memorials in them. It also aims to ensure that the distinctive character of churchyards is maintained in the context of their settings around the parish church. These Regulations are made by the Chancellor of the Diocese of Norwich and take effect on 1st May 2010. The policies of the Chancellor of the Diocese contained in these Regulations are intended to ensure a consistent approach throughout the Diocese, and reflect policies commended nationally by the Council for the Care of Churches in 'The Churchyards Handbook'.
2. Christian burial takes place in the hope of resurrection. Meanwhile, it is good to mourn the departed, to remember them with thanksgiving and to reflect on our own mortality. A monument is by no means essential. All burials in churchyards are recorded in church registers, often as far back as the sixteenth century. The best form of remembrance is in prayer, by sacrament and witness, or by a gift to the church which can itself be a useful and worthy memorial. The Rector, Vicar or Priest in Charge ("the Incumbent") and/or churchwardens should be consulted about any such intended gift.
3. Churchyards, no less than the churches within them, are an important part of local and national heritage. They are often rich in historical, natural and artistic interest. Preservation of their particular character and beauty in the local environment is vital. The church and churchyard go together. No monument should ever be placed in a churchyard which by reason of design, colour or material is obtrusive and blemishes the harmony and environment of the place.
4. Parishioners, and other persons who die in the parish, have a right of burial in the churchyard provided there is room and it has not been closed by Order in Council. The place of burial is at the discretion of the Incumbent, unless a particular grave space has been reserved by Faculty granted by the Chancellor of the Diocese. The Incumbent may, at his/her discretion and if there is sufficient room, permit the burial in the churchyard of persons other than parishioners or those who die in the parish. The rights of burial extend also to the interment of ashes after cremation; but where a churchyard has been closed for burials by Order in Council, this may take place only if a Faculty has first been obtained for this purpose.
5. Every diocese is recommended to introduce Regulations to control the introduction of monuments into churchyards and to prevent further deterioration of the environment by the placing of unsuitable monuments in them. These Regulations replace earlier Churchyard Regulations (last published in 2002) in the Diocese of Norwich. The Regulations have been brought up to date in the light of experience and comments from the Diocesan Advisory Committee, clergy and stonemasons.
6. Nothing shall be erected or placed, and no work shall be done, in any churchyard without the consent of the Chancellor of the Diocese or of the Incumbent of the Parish **acting within the authority delegated to him/her by the Chancellor**. The extent of that authority is set out in Part II below. No memorial may be erected or installed in any circumstances and in any churchyard, without prior permission being obtained, and any breach of this rule will be regarded as a serious matter.

7. Where the Regulations are silent on any matter, that matter is not delegated to the Incumbent, and no implied authority is given for it. In case of doubt about whether a matter is covered by the authority delegated by these Regulations, application should be made to the Diocesan Registrar for guidance. Where these Regulations allow the Incumbent (or PCC) discretion on any matter, that discretion may only be exercised to permit proposals which fall clearly within the authority delegated by these Regulations.
8. Any application for the introduction of a new memorial must contain full details of the wording, size and description of the proposed memorial, together with a sketch, and the appropriate accompanying fee. The cheque for the fee will not be presented for payment until approval has been granted. If approval is refused, the cheque will be returned un-presented. If the full details, together with the fee, are not contained with the application, the documents will be returned unconsidered.
9. Any application for a memorial which falls outside these Regulations should be sent to the Diocesan Registrar as a petition for faculty, with similar sketch and full details, together with a faculty petition fee (which is not refundable in the event of refusal, and is different from the application fee), for consideration by the Chancellor. The form of petition can be obtained from the Registry. The Chancellor does not, however, wish to discourage good quality individually designed and crafted memorials reflecting the sanctity, context and atmosphere of Churchyard settings. In cases of doubt or for individually designed memorials, an informal preliminary review may be sought from the Registrar.
10. Where there is a vacancy (that is to say, there is no Incumbent) the completed memorial application should be forwarded to the Diocesan Registrar for attention.
11. Any consent given by the Incumbent, or by the Registrar shall be in writing. Any consent given by the Chancellor will normally be by faculty and will always be in writing.
12. These regulations replace the 2002 Churchyard Regulations. Local rules or regulations made for individual churchyards should be reconsidered by their Parochial Church Councils to ensure that they are consistent with these regulations. Where an application is made for a monument that is not expressly permitted by these Regulations the Incumbent is not entitled to allow it for any reason, including the fact that there may already be similar or broadly similar monuments already in the churchyard to which the application relates. In such a case the applicant should apply for a faculty to the Chancellor. Application papers may be obtained from the Diocesan Registrar.

## Part II – Introduction of Memorials, Monuments etc.

### Timing of Application for Memorial

13. Unless there are very exceptional circumstances no application for a monument will be approved until at least six months after the burial. This allows the soil in the grave to settle, and provides time for careful consideration of the design and content of the memorial. During this time the applicant is advised to read these Regulations and to discuss the project informally with the Incumbent. Thereafter a formal application should be addressed to the Incumbent on the diocesan application form available from him, accompanied by a cheque to cover the appropriate fee. **The applicant is advised not to enter into any contract with stonemasons before obtaining either the Incumbent's written consent or a faculty in case permission is refused.** It should be noted that nobody has the right to erect a monument on consecrated ground. Invariably it requires permission from the Incumbent or the Chancellor. A temporary wooden cross or marker bearing the name of the deceased and not exceeding 3ft (c.90cm) in height may be used to mark a new grave for a period of up to 12 months after a burial.

### Types of Memorial which may be Approved

14. The Chancellor has delegated to the Incumbent power within his/her sole discretion to permit the introduction into their churchyard of monuments falling within the following provisions:
  - 14.1 A simple headstone. Its face must be flat and not significantly curved, rebated or recessed and it must be erected vertically from the ground. The dimensions shall not be more than 4ft 6ins (c.135cm) high, 3ft (c.90cm) wide and 6ins (c.15cm) thick and not less than 2ft 6ins high (c.75cm) , 1ft 3ins (c.37.5) wide and 3ins (c.7.5cm) thick (slate 2ins (c.5cm) ,). (These height and width measurements include the base.) A headstone shall not be erected within 4ft (c.120cm) of the outer wall of the church.
  - 14.2 (a) A base forming an integral part of the design of a headstone is permitted. It shall be properly secured to the headstone, preferably by two non ferrous metal dowels, and these must be at least 6 inches (c.15cm) in length. All joints must be firmly fixed and the headstone should preferably be bolted to the base. The base shall not project more than 4ins (c.10cm) beyond the headstone in any direction (except where a vase is incorporated when the base may extend a maximum of 8ins (c.20cm) in front of the headstone). The base shall itself be fixed on a foundation slab (which may be reinforced concrete) which must be positioned just below the turf so that a mower may pass freely over it. The foundation slab shall extend beyond the base by between 3 and 5ins (c.7.5cm – 12.5cm) all round and shall be not less than 3ins (c.7.5cm) deep (or 2ins (c.5cm) in the case of memorials not exceeding 20ins (c.50cm) in height).
  - (b) For free standing memorials the headstone should be set in the soil, to a minimum depth of 15ins (c.37.5cm). The stone should be securely fixed.

- (c) Memorials over 20ins (c.50cm) in height incorporating a separate base should be fixed using a secure fixing such as a ground anchor system in accordance with the recommendations of the National Association of Memorial Masons or other secure means of fixing in accordance with BS8415.
  - (d) Memorials located between existing older style memorials shall be of a design and material similar to the adjoining memorials in order to maintain a harmonious style and appearance within the relevant area of the Churchyard.
- 14.3 Natural stone vases which are permitted shall be not more than 12ins (c.30cm) x 8ins (c.20cm) x 8ins (c.20cm) in size. A vase may be incorporated into the base of the headstone. Glass containers are prohibited.
- 14.4 A simple cross. Its face must be flat and it must be erected vertically from the ground. It must not exceed 4ft 6ins (c.135cm) in height nor 2ft 9ins (c.82.5cm) in width. It must be firmly fixed on a base in a similar manner to a headstone. Its materials must comply with regulation 17 below.
- 14.5 A simple horizontal ledger which must not exceed 2ft 9ins (c.82.5cm) in width nor 6ft (c.180cm) in length. The top of the ledger must be flush with the adjoining ground and must not protrude upwards above the adjoining ground.
- 14.6 It shall be the responsibility of the person seeking permission to introduce the memorial, and their stonemasons, to ensure that the memorial is fixed safely and securely and remains safe.

### **Memorials for Young Children**

15. In the case of memorials for children the size of these memorials may be reduced to below the minimum dimensions contained in the Churchyard Regulations set out above. For pastoral reasons the Chancellor is sympathetic to this although he is also concerned that memorials should be large enough to be easily seen so that they are not damaged inadvertently; they do not form trip hazards; and that they should be strong enough to survive accidental knocks. Authority is therefore delegated to an incumbent within their sole discretion to permit the introduction into their churchyard of a simple memorial for a young child with a minimum size of 1ft 6ins (c.45cm) in height by 1ft (c.30cm) in width by 3ins (c.7.5cm) thick. This discretion may be exercised in respect of memorials to young children who have died under the age of 10 years.

### **Cremated Remains**

16. 16.1 Cremated remains may be buried in a churchyard either in a dedicated area set aside for this purpose by faculty or, if sufficient space remains elsewhere in the churchyard, in a nominated plot or grave. Cremated remains must never be scattered or strewn, and the burial must be carried out in the presence of ordained clergy. The burial of cremated remains may, subject to (ii) below be commemorated by tablets or plaques not exceeding 1ft 9ins (c.52.5cm) square. A vase may be incorporated into the tablet. Such tablets or plaques must be flush with the turf, and may be laid at the time of the interment.

- 16.2 Where a part of the churchyard has been specially set aside by faculty for the burial of cremated remains, no tablet, plaque, monument or vase shall be introduced into that area except in accordance with the terms of the faculty setting aside the area save that a choice of a plaque or tablet should always be available if requested by the family of the deceased, subject to the availability of space.

## **Materials**

17. 17.1 Monuments shall be of natural stone (including Forest of Dean, Hornton Blue Crownstone, Nabrasina/Roman stone, Portland, Purbeck, Kilkenny, Hopton Wood and Caen (and other suitable oolitic limestones); Northumberland, Scottish or York sandstone; Welsh, Cornish and Westmoreland slates, and grey granite) but not black or red granite, or any granite darker in colour than Welsh slate, or marble, which are prohibited. Monuments may also be of teak or oak but unpainted and unvarnished. Stones from the above list traditionally used in local buildings or closely similar to them in colour and texture, and which are in harmony with the church and other memorials in the area of the churchyard where they are proposed to be located are to be preferred.
- 17.2 The stone, including the lettering surface, shall not be mirror polished (i.e. polished so as to reflect) or be above what is commonly called an eggshell finish. No monuments (or vases) shall be of synthetic stone or plastic.

## **Kerbs and Other Prohibited Things**

18. No monument shall include any kerb, railings, fencing, chippings of any kind, statue, sundial, birdbath, photograph, picture, portrait, laminated card, glass shades, plastic materials, containers or other glass objects or any other object or thing unless it is expressly permitted by these regulations. No stone may be in the shape of a specific object, such as a heart or book of any description whatever, or a boulder, nor shall any stone be carved or etched to give the appearance of such shapes. Every monument shall be simple in shape.

## **Inscriptions**

19. 19.1 Inscriptions should be simple, dignified and reverent. Passing sentiments are to be avoided. Encouraged are brief epitaphs with biblical or well-known hymnal words which reflect the life and work of the deceased. If the incumbent objects to the proposed wording, the applicant should be advised to apply for a faculty.
- 19.2 Lettering should be clearly incised or carved, and may be leaded or painted or gilded white, black, silver or gold but in no other colours without reference to the Registrar.

## **Pictures**

20. Pictures of any kind are not normally permitted on churchyard memorials, but may be permitted in the following circumstances:
  - 20.1 Interment in a churchyard reflects the Christian theology and hope of resurrection. The creation of “shrines” to the deceased could conflict with the view that the souls of the faithful are in the hands of God. The Chancellor may be prepared in his discretion to consider carving with a clear Christian or traditional funerary symbolism or reference or which reflect the work of the deceased.
  - 20.2 Where the deceased had served in the Armed Forces, a crest from their ship, regiment, squadron or other unit may be included, subject to the prior written approval of the Ministry of Defence being produced to the Incumbent.
  - 20.3 Pictures should not occupy more than one third of the face of the stone and must be uncoloured.
  - 20.4 Portraits of individual people and pets are expressly prohibited.

## **Advertisements and Trademarks**

21. No advertisement or trademark shall be inscribed on the monument, but the name of the mason may be inscribed on the side or on the reverse of a headstone in unpainted and unleaded letters no more than half an inch in height.

## **Coffins and Caskets**

22. Coffins should be made of wood or other biodegradable material and should not be larger than 7'0" x 2'6" unless the size of the deceased requires it. Caskets for ashes should be made of wood or other biodegradable material.

## **Graves for Those Dying on Active Service**

23. Memorial headstones provided in the standard format employed by the Commonwealth War Graves Commission or any successor body for those who have died whilst on active service may be permitted.

## **PART III – Management Regulations**

Under the Parochial Church Councils (Powers) Measure 1956 the duty to care for and maintain the churchyard is laid upon the Parochial Church Council (PCC) which has all powers necessary for that purpose. The Chancellor and the Diocesan Advisory Committee recommend that every PCC should make rules for the management of the churchyard in the proper exercise of those powers and duties. To assist them, the Chancellor has laid down the following guidelines which in the absence of specific rules being passed by a Parochial Church Council shall be deemed to apply to the churchyard:

- (1) The surface of the churchyard shall be kept, as far as possible, level and free of grass mounds. The PCC may level any mound at its discretion at any time more than twelve months after the latest interment in the grave.
- (2) 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 (preferably of unpolished aluminium) but unless they are kept tidy the PCC may remove such containers and treat the grave as part of the turf and mow it over.
- (3) Wreaths or cut flowers may be laid direct on any grave or in any vase authorised by these regulations. Where a vase incorporated into the headstone has ceased to be used, the PCC may insert a matching core.
- (4) No artificial flowers (other than “silk” flowers i.e. having a mixture of polyester/cotton) may be placed in the churchyard and if they are so placed the PCC may remove them.
- (5) The PCC may remove flowers of whatever kind and wreaths at their discretion if such flowers and wreaths have wilted or died or otherwise having regard to their state.
- (6) Otherwise than as stated above no object or other thing may be placed upon or near a grave. In the event that any such object or thing is so placed the PCC may at its discretion remove the same. If it does so it should if possible notify a member of the family of the deceased informing him/her of the place from which the object or thing so removed is available for collection. No legal responsibility or liability shall attach to the PCC or any of its members in respect of its or their custody of any such object or thing removed but the PCC may recover the reasonable cost of such removal from the family of the deceased.
- (7) Any power exercisable by the PCC under these regulations may be delegated by the Council to a person or persons deputed to care for the day to day upkeep and maintenance of the churchyard.
- (8) PCC's shall give careful consideration to the question of whether they may wish to restrict the materials used or design of memorials in specific parts or all of their churchyards. It may be appropriate to specify that only stones of a similar material and design should be used when filling in gaps in rows of older headstones. Where those headstones are all free-standing limestone or sandstone memorials, for example, it will be preferable not to allow darker granite or lawn type memorials to be used to fill in gaps.

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Any query on the interpretation of these Regulations should be referred to:  
**The Diocesan Registrar, Kingfisher House, 1 Gilders Way, NORWICH NR3 1UB**  
Tel: 01603 756501